

Justice Committee

Oral evidence: [Children and young people in custody](#), HC 306

Tuesday 16 June 2020

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Members present: Sir Robert Neill (Chair); Paula Barker; Richard Burgon; Rob Butler; James Daly; John Howell; Kenny MacAskill; Dr Kieran Mullan; Andy Slaughter.

Questions 24 - 103

Witnesses

I: Peter Clarke, Chief Inspector of Prisons, HM Inspectorate of Prisons; Angus Mulready-Jones, Lead for children and young adults, HM Inspectorate of Prisons; Keith Fraser, Chair, Youth Justice Board; and Colin Allars, Chief Executive Officer, Youth Justice Board.

II: Andy Peadar, Chair, Association of Youth Offending Team Managers; Hazel Williamson, Vice-Chair, Association of Youth Offending Team Managers; Linda Logan, Chair of the Youth Court Committee, Magistrates Association; and Pippa Goodfellow, Director, Standing Committee for Youth Justice.



Examination of witnesses

Witnesses: Peter Clarke, Angus Mulready-Jones, Keith Fraser and Colin Allars.

Chair: Good afternoon, everyone. Welcome to our resumed evidence session on youth justice. Welcome to our panels of witnesses. Thank you very much for coming back, and apologies that we had the interruption last time part way through. Hopefully, we will not get anything of that kind, or certainly of that intensity, in the course of this afternoon, so that we can get right the way through.

We covered a certain amount of ground, particularly with our first panel, when we dealt with as much as we could last time. We will rejig some of the questions so that we do not repeat what we already have on record, but we would like to move on and get through the rest of the matters.

May I finish off the remaining questions we had with our first panel and move on to panel 2?

First, because we are here—it is my fault for trying to rush on—we have to go through the formalities again and deal with declarations of Members' interests. I am a non-practising barrister and a consultant to a law firm.

James Daly: I am a practising solicitor and a partner in a firm of solicitors.

Andy Slaughter: I am a non-practising barrister.

Rob Butler: Prior to my election, I was a non-executive director of HMPPS and the magistrate member of the Sentencing Council.

John Howell: I am an associate of the Chartered Institute of Arbitrators.

Richard Burgon: I was a solicitor prior to being elected as an MP.

Q24 **Chair:** Thank you very much. I will introduce our first panel. We have Peter Clarke, chief inspector of prisons. With him are Mr Angus Mulready-Jones, Mr Keith Fraser, chair of the Youth Justice Board, and its CEO, Mr Colin Allars. We will move on to our second panel once we have dealt with these questions.

We have seen the national framework for prison regimes that was recently published by HMPPS and MOJ, and we will start with the inspectorate, because I know you have done some work around that and related matters. As far as your perception is concerned, is there enough flexibility in that framework? I understand that it stretches across all the secure estate. Is there enough flexibility to meet the particular needs we were talking about before of young people—children—in the secure youth estate? What is your take on that?

Peter Clarke: As you know, and as I think I said in the last session, credit should be given to the Prison Service for the way in which it acted in the early days of the crisis. Certainly when we carried out our short



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scrutiny visits, we were impressed by the way in which early communication with children in custody helped them to understand what was going on, to appreciate that things were being done for their safety and so on, and that was very useful. However, you cannot get away from the fact that for virtually three months children have been held in their cells for up to 23 hours a day, which has only just changed this week to a slightly better regime, and they have received no face-to-face education and no visits at all. There needs to be a degree of urgency in looking at how that can be improved.

Obviously, safety has to predominate and nothing should be done that is not safe, but the fact remains that, if you look at the national framework, the children's estate is literally a footnote to it. It points out in a footnote that the framework applies to YOIs. The fact is that the so-called exceptional delivery models, which are being put together to implement the framework in practical terms, have not so far included the children's estate, and there is going to be a separate one drawn up for the children's estate. It is all part of the bigger problem, which is that, basically, children's custody is a subset of the adult prison estate and is treated as such in many ways. There needs to be far more discrimination.

I have written to the Ministry of Justice setting out my concerns, to answer your precise question, Chair, about what I perceive to be the lack of flexibility, the lack of innovation and the lack of mitigation measures to address the obvious harm that will accrue from being held in what are, in many cases—I will not generalise because it is not appropriate—conditions that amount to solitary confinement for extended periods. In the case of children, there needs to be a separate approach from that of the adult estate, and urgency put into mitigation. We know very clearly that many governors want to improve things themselves, and there is a degree of frustration among governors at the lack of ability to move things forward.

Q25 **Chair:** The blockage is at the centre as far as you are concerned.

Peter Clarke: Yes. As an example, at Cookham Wood, there was a desire for face-to-face education, and in fact at the beginning of the crisis there was some face-to-face education being delivered, but it was stopped because of a direction from the centre that it should not carry on, so there has been no face-to-face education delivered at all.

Q26 **Chair:** That contrasts with Parc, where I think you found that, although limited, there was more face-to-face education.

Peter Clarke: That is right. There has been more. Again, it has been limited. The boys there have been out of their cells for about three to four hours a day. Yes, it is limited, but at least there has been a degree of face-to-face contact, whereas I am afraid that in none of the public sector YOIs has there been any similar provision.

Q27 **Chair:** That is very helpful indeed. Mr Fraser, I would be interested from



your point of view as to what input, what oversight, you have in relation to any of this. What is your general reaction on how it will feed into what happens to young people in the rest of their journey through the system?

Keith Fraser: My concerns are similar to those that have just been expressed by Mr Clarke. The key thing for us, as we move towards looking at recovery and as we move through the phased recovery period, is the impact on children of reduced access to education, reduced access to training, reduced access to their families, and increased isolation. The sooner we can get a more tailored and bespoke system that caters appropriately for children's needs, the better prepared the system will be to cater for the specific needs of children. At the moment, I would not say that there is sufficient diversity in relation to the differences between the adult and children's estate. As Mr Clarke has already said, there is just a mention in the report of YOIs and STCs.

Q28 **Chair:** You have a broader responsibility for oversight of the standards for children in the youth justice system as a whole, and that encompasses what is being done by the YOTs. I think I am right in saying that you have asked local authorities to submit to you contingency plans on how they are going to deliver that aspect of the youth justice service, outside the custody element. How are you going to exercise that oversight?

Keith Fraser: That is correct. First, I pay tribute to the flexibility of the youth offending teams and the staff there, and those who interact with children, and how they have flexed to meet the needs of children in the current pandemic.

As we said in the previous part of this hearing, we have changed the requirements on bureaucracy. We are not asking for the national standards to be reported on. We have asked for a position statement on that and a plan on their progress in recovery. That is being called in at the moment. It is going to be more bespoke to local authorities. We are not going to say, "This is what you must do." We are in the process of calling for individual recovery plans from the 457 youth offending teams. They are coming in, and I am really pleased with the response from the youth offending teams. We are in the process of reviewing those, and we will comment on them individually, because there will need to be a bespoke response to the plans that have been submitted by youth offending teams on their recovery.

Q29 **Chair:** Do you have a timescale for doing that?

Keith Fraser: We are looking at it. I look to my chief executive for the exact timescale.

Colin Allars: The timescale for the local recovery plans, as we call them, is for them all to be back to us by September. We are in discussion actively at the moment and hope that by September they will be with us. My regional teams are out talking regularly, in weekly or fortnightly meetings, with the heads of service across the country. We are drawing



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together experiences and trying to share experiences to ensure that one is feeding off another and so on.

With your permission, Chair, I will go back to the custodial side and the frameworks there. Everything Mr Clarke said we would echo in terms of concern about the impact on children of the current lack of regime. The board has been very clear that it will push the youth custody service very hard to ensure that it moves from where it is to something that is more acceptable, in our view, for children. We will push them hard. Obviously, it needs to be consistent with safety and so on.

We were disappointed that children's issues were not drawn out more clearly in the original framework document, but I know that HMPPS is intending to work with key partners on how they move forward on specific points. For example, they are looking to come up with a bespoke framework for how they introduce education for children ahead of others. Jo Farrar, the chief executive, has invited the Youth Justice Board to join her and others on that work. The first meeting is on Friday this week, so there is work in hand to do that, but we are pushing hard and will continue to push hard for that to happen as quickly as possible.

Q30 Chair: Mr Clarke, you said that you had written to the Ministry expressing your concern at the need for some urgency about the position of young people in custody. Have you had a response yet? I assume not from the way you phrased your answer.

Peter Clarke: No, Chair, I wrote expressing concerns about the overall national framework rather than the children's estate in particular. Yes, I have had a response from the director general of the Prison Service, and a few of my words have found their way into the latest version of the national framework, but it still leaves my concern that it feels unbalanced.

It is about a process to remove restrictions rather than about freeing up and enabling innovation and mitigation, which is what it needs to do. It talks about autonomy for governors, but when you look at the processes that governors will have to go through to implement recovery plans, they have to go through three layers of authorisation above them, including at the very top the so-called gold level, where there will have to be authority given for a detailed implementation plan. How it is going to work in terms of autonomy at the local level when there has to be detailed authority given centrally is not at all clear to me, I have to say.

Q31 Andy Slaughter: I have a question to all witnesses and one I think you will be familiar with. We turn from time to time to the debate about the age of criminal responsibility. Do any of you have a view as to whether it should be increased from 10 to 12, or even back to what it was previously, at 14? Does anybody know, so that we have some idea, what percentage, either within the criminal justice system or within some form of custody at the moment, falls within those groups, and is below 14 or in the 10 to 12 range?



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Chair: Does anybody want to come in on that? Perhaps the silence is the answer to Mr Slaughter's question. We seem to have stumped our witnesses. Mr Fraser?

Keith Fraser: As a general point, I will put in the wider context across the parts of the UK I am aware of. In Scotland, it is higher; I believe it is 12 years of age in Scotland. At the age of 10, children's neurodevelopmental process is still ongoing. Medical evidence suggests that the brain does not stop developing until about 24 or 25 years of age. I suggest there is an arbitrary cut-off at 18 in how children are treated in considering their reoffending and in consideration of sentences.

We talk about the age of criminal responsibility, but it is also around how we treat children and making sure that it is linked to where they are when the system comes into contact with them. On those points in particular, and others can probably articulate them better than me, there is a case for at least a review of the age of criminal responsibility to try to determine what is appropriate.

Q32 **Chair:** I appreciate that the inspectorate probably should not, by the nature of the job, make an observation on that, so I will not press you on that point. You want to be pressed, do you, Mr Mulready-Jones?

Angus Mulready-Jones: It was on the younger portion of the estate. I confirm that we do not take a view on the decision to detain; we take a view on the conditions and treatment of detainees once they are detained. The younger age spectrum in custody is a minority, in the order of 20 children between the ages of 10 and 14 at any one time. The youth custody population is heavily skewed towards 17-year-olds.

Q33 **Andy Slaughter:** I have another quite broad question. In the light of the Black Lives Matter movement, can we particularly look at the disparities in treatment, including within the criminal justice system? There has been disproportionality for many years, but it appears to have increased quite dramatically over the last five years in the number of young people from BAME backgrounds who are in custody or involved in the criminal justice system. This must be at the forefront of your minds and of all our minds at the moment, and perhaps it should have been earlier on. How do you think the system is responding to that, particularly in light of what you said a few moments ago to the Chair, which is that conditions for young people in custody are bleak at the moment, and are perhaps worse because of the Covid crisis than they have been for a long time?

Angus Mulready-Jones: On work done specifically around the recent Black Lives Matter movement and associated protests, our short scrutiny visits took place before that happened. However, we know because of our monitoring in custody that there has been some communication with children in letters to them encouraging them to talk about racism. My concern about dealing with anything at this minute in time is that, until we get time out of cell interventions and education working again in custody, there is very little space to address any of these issues.



On the broader issue of disproportionality, I will talk about it within custody as opposed to those who are sentenced or remanded to custody because that is slightly outside our remit. There is clearly an issue that has led to such percentages of black, Asian and minority ethnic children in the system. We need to see managers monitoring access to the regime and looking at areas where children from black, Asian or minority ethnic backgrounds are over-represented, and either explaining why that is in a coherent way or taking action to reform it. We do not regularly see that in a consistent way across all the sites. The recent spotlight on the issue has simply shown how important it is, when half the population you are holding is from those communities, that you ensure they are treated with equity and fairness while they are in custody.

Q34 **Andy Slaughter:** You are a very distinguished panel of witnesses and I do not feel I am getting much of a response from you, if I may say so. You mentioned briefly the question of remand. If we have, as we clearly do on the statistics, a disproportionate number of people from BAME backgrounds going into custody, and we know that that level of discrimination continues across the board, including in issues such as remand, and that therefore young people are being kept in custody and are subject to a regime that would not normally be tolerated, where they do not have access from families, that is something that alarms me as a relatively lay person.

I know that a lot of the matters you are going to talk about are operational ones and you do not want to get into policy. At the last session, I think Mr Clarke said I should refer my questions to the Minister. I rather feel that you should be speaking up on these matters as well.

Chair: Mr Fraser wanted to come in already, so let us take him.

Keith Fraser: Apologies for not putting my hand up sooner. I want to put a bit of wider context around this. I know we are focused on in custody with the question. First, from the Youth Justice Board perspective, the position we are in is not acceptable in relation to disproportionality. We are concerned about that position. Alongside that, the youth justice system does not consist of or exist within a bubble, so the solutions and what needs to be done do not just lie within the youth justice sector; it is before and after. In our approach, that is a priority for us. We want to do something about it, and we believe it is a significant concern.

If you are trying to look for some kind of rationale as to why there is disproportionality, that is a question I am asking as well. To be slightly technical, if you look at gravity factor 4 offences and above, white children disproportionately commit a higher number of serious offences. It is 60% and above for each gravity factor score at 4, 5 and above, all the way up to 8. The questions on understanding why start beforehand. I agree with what the inspectorate is saying about the need to explain or reform. We need to understand what is leading to the different outcomes



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when children touch the state, or the state touches children, and why there is a disproportionately different outcome.

Chair: That is helpful.

Peter Clarke: In response to the suggestion that we should be saying more on this subject, I do not want to reiterate what I said last time, but I will point out again that every single one of our inspections is underpinned by a pretty comprehensive survey, which includes gathering data about disproportionality—both in perception and, indeed, we hope, in reality—of treatment and conditions. I think I expressed last time a degree of frustration that we frequently point out to establishments that they should try to understand more about why there is clearly a very strong perception of disproportion among black and minority ethnic prisoners, and that includes children, across the whole range of custodial experience. We do that all the time, and it is frustrating that it is not followed up, in our experience, as thoroughly as it should be to analyse and understand it. That is a point Mr Lammy made as well very clearly in his review.

We are currently undertaking a thematic on the subject of disproportion and the impact of resettlement provision, and how that has a particular impact on BAME prisoners. Every year, we are commissioned by the YCS to produce a report pulling together the results of all our survey work in that area. Again, it has to be acted on. It is no good us just saying what we see, if things are not taken up.

We may come on to the separation thematic that we published earlier this year. A particular frustration is that we made a recommendation there that data around separation of children should be gathered on a national basis, so that there can be proper analysis and understanding of why it is and how it is that children are separated so much, and that data should be published. That recommendation was commended. It has been agreed by the YCS that they will gather the data but not that they will publish it. They said, "Oh, that's partly agreed then."

I do not consider that to be partly agreed. If they are not taking up a recommendation where a key part is that it should be published and that there should be transparency, I do not see that as being an agreed recommendation. It flies directly in the face of one of David Lammy's recommendations—I think it is No. 22 in his report—that there should be proper analysis and publication of data, including on disproportionality.

Chair: Thank you very much.

Q35 **Rob Butler:** I want very much to follow up that theme of questioning with Mr Allars, if I may. You were the chief executive of the YJB when the Lammy report was being finalised and published; indeed, I was a board member of the YJB at the time. We saw what David Lammy shone a very powerful light on. Everybody was horrified. We were all determined to do something about it, yet since then things have got worse, not better.



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From your perspective as chief executive overseeing the whole of the youth justice system, what do you think has gone wrong? Does the youth custody service not listen to you? Are the YOTs better? Why, when everybody had fantastic intentions, have the results been incredibly disappointing?

Colin Allars: At the time, you are absolutely right, Mr Butler, that the board took the report very seriously and was very concerned by it. The board committed to disproportionality as one of its key priorities. It had six priorities and disproportionality was one of them, and a board member led that piece of work.

We found ourselves in a position where we were unable to explain. We did not have the data that allowed us to understand what was happening. What the board has done over the intervening period is to collect data. It has sought to understand the issues and has drawn up something that is known across the system as the journey of the child; it maps out what happens to the child before they come into the system and as they go through the system, and tries to understand at each point where the state or something else interacts with the child whether there is disproportionality. It has mapped that and shared that, and is working with youth offending teams and others to impact on those areas.

Alongside that, as part of that work, we have sought to engage with other agencies that we believe can make a difference in that space. We are particularly encouraging third-sector organisations and the like, which are involved in support provision and positive provision for children, to look at whether what they provide is accessible and accessed by children from the BAME community and so on. There has been some success in securing that.

To come back to the point that Mr Fraser made, you cannot look at the youth justice system in isolation. There is a long lead-in of children potentially being disadvantaged earlier in life, not being able to access education, not having health provision as they need it, and finding themselves drawn into, or falling into, for want of a better description, the youth justice system. It needs to look much more holistically across the whole journey of the child. That is where the board has been working.

We have worked very hard with parts of the MOJ and with the parts of the system that we fund—the youth custody service and the youth offending teams—to get them to look again at their local data, and to understand their local data and look at the way they do their work. We have sought to promote best practice. We encourage training, things such as unconscious bias training and so on. There is a raft of things, but it feels like a big issue that we need to do very much more on. The board has redoubled its commitment to that, as part of its recent setting of priorities.

Q36 **Rob Butler:** Very briefly, do you see any sign of hope that it might be turned around?



Colin Allars: I absolutely see hope. The commitment from the board and the executive is absolute. This morning, to bring this genuinely to life, I had my senior leaders group meeting, and we spent over half of that meeting focused absolutely on the challenges that are arising from the events of the last two to three weeks with Black Lives Matter, and much more than that, and what our response to that should be, and how we might facilitate others in the work they need to do on the back of that. It seems to me that there is an opportunity on the back of what is happening at the moment to get some of those messages across.

To come back to the original question on David Lammy's report, for the record, there was one recommendation specifically for the Youth Justice Board, which we implemented and completed, around publishing the basis for some research we had done and promoting that. That was all around understanding disproportionality in all its forms, and the specific recommendation that came our way was completed.

Q37 **John Howell:** I have a question for Mr Fraser and Mr Allars in particular. We have seen that the number of children who are held in custody on remand has increased by 12% over the past year. What is the reason for that?

Colin Allars: At the moment, the remand population makes up about a third of the population in the secure estate, and, as a proportion, it has been growing. In absolute numbers, the numbers themselves have not changed very much. The proportion has grown because the number of convicted children has reduced. That is not in any way to avoid your question, which is pertinent and is one we certainly look to understand.

As far as we are able to draw any potential rationale for that, we think there may be a couple of things that are playing into it. One factor is likely to be the rise in serious violence and the attention attached to serious violence. In 2010-11, around 30% of those on remand were there for an offence related to violence against the person. By 2018-19, it was double that. There is clearly something about the serious violence aspect and children being remanded in custody because of that.

The other thing I find more difficult to put a figure against, but I hear anecdotally, and a lot from youth offending teams in particular, is that youth offending teams are finding it quite difficult to find suitable and appropriate accommodation in the community to provide a community-based alternative to custody during the remand period. That may be a reflection of changes in the availability of local services and money within local authorities. It might be something you want to ask the witnesses in the next session about. I hear that quite a lot, and I think it is a factor. We have been trying to understand it and see whether we can draw data together to back it up. I hope that is helpful.

Q38 **John Howell:** In summary, do you think that remand is being used accidentally or appropriately?



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Colin Allars: Decisions on remand are made by magistrates at the point the child is in front of them and based on the circumstances they face. One thing I have learned is never to interfere in the judicial process; therefore, I will not answer that question with a yes or no because I think it would be quite inappropriate.

Chair: We won't press you on that.

Colin Allars: There are factors that make it quite difficult for magistrates to do other than remand into custody. That is the point I would make on the back of what I have just said. There is work that can be done collectively around that. There is a review of remand under way by the MOJ at the moment, and that should lead us to what we do about it collectively. It is upstream perhaps to the point at which someone makes the determination that remand is right.

Q39 **John Howell:** Mr Fraser, do you have any comments?

Keith Fraser: I would not go further than Colin about the decision-making process. It is about looking at what happens afterwards as well; how it translates into a custodial sentence; and then understanding that. I believe it is only quite a small percentage that translate into a custodial sentence once the matter has gone to court. There are a number of points where there is potential for further examination.

Q40 **John Howell:** Mr Clarke, I have a question for you as well. Overall, what is the effect that remand in custody has on children?

Peter Clarke: It is probably easier to talk about the effect on the establishment than on the individual child, because, obviously, that will vary from one child to another. With such a high proportion now—a third is the generally accepted figure for remand prisoners—and given that, nowadays, the rest of the children tend to be there for extended sentences and for a longer period, and far fewer children are there for a short period, you tend to have two populations: those who have been sentenced to quite lengthy sentences, and who will in all probability move into the adult estate in due course, and those who are on remand.

There is an extent to which the longer-sentenced children are more settled and the remand prisoners, for obvious reasons, are less settled, so there is an element of potential destabilisation within the establishment. Mr Mulready-Jones is very alert to this particular issue. I do not know if there is anything, with the Chair's permission, that he would wish to add.

Q41 **Chair:** Mr Mulready-Jones, do you have anything to add?

Angus Mulready-Jones: Only that the impact of remanding an individual child to custody is huge in terms of their day-to-day life, certainly in the current situation where provision in custody is so limited. Today, the largest single population in the estate is on remand rather



than serving a sentence of some sort—a longer sentence or a detention training order.

There is a challenge for establishments in trying to run services for a very transient population. If there is a question mark over whether a portion of the population should be there at all, that takes resources that could be used to improve outcomes for the others who remain. I simply reiterate that it has clear consequences for the individual first and foremost, but it has an impact on the rest of the children in the estate as well.

Q42 James Daly: I would like to deviate from what we are asking and ask the witnesses, because I am not getting a flavour of this, to explain to us some of the rehabilitative successes of the youth justice system, so that we can hear about the good work that is being done within the system.

Angus Mulready-Jones: First and foremost, the successes of the system over the last 10 years have been to dramatically reduce the number of children who come into contact with the system at all. The success of diversion from the system, and within the system from higher-consequence tariffs, has had a huge impact on the system, and has led to a dramatic drop in those in custody at all. That is a significant factor—

Q43 James Daly: Mr Mulready-Jones, I am sorry to interrupt you, but we are talking about interventions within the system. I was a criminal defence solicitor for 16 years and I have represented many people in that situation. The point we are talking about is young people being put into a custodial environment, where it is a statement of the obvious that that is not the best place for them. We are talking in very negative terms, but what I am asking is this: can you give us examples of good work where intervention within a custodial environment is having positive outcomes for children who are actually in the custodial environment, not out of it?

Angus Mulready-Jones: Yes, I can, but it is worth mentioning that we now have only 600 or 700 children in custody compared with more than 3,000 not so long ago, which I think has had a huge impact on lots of children. It is a specific criminal justice intervention. Someone has decided to do that.

The impacts that we see, as I said in the last session, are largely based around relationships and interventions that work for some. They are often on a small scale. I highlight the practice we have seen at Parc in recent years in their education provision, which Estyn, the education inspectorate in Wales, has rated as exceptional in its sector. We have also seen good provision at Keppel, the specific unit dealing with some of the more vulnerable children in the system.

One thing about both of those units is that they are quite small in size, so it is easier for children to build relationships with staff, and not just the specialist staff that we often think of as a solution, but the custodial staff, the prison officers, who work with them day to day. There are patches of



good provision within the estate. The general problem is that it is too patchy, and where we sometimes see good practice, it is often short-lived, and institutions then go into a period when they struggle to deliver even the acceptable, let alone the over and above.

Q44 James Daly: As a test of that, can you give me an idea of reoffending rates of children who are put into a custodial environment, in terms of a negative or positive example of what is happening when young people come out of custody? Are a high proportion committing offences? What is happening to those young people? Do we know?

Angus Mulready-Jones: The figures are published and I think the reoffending rates are very high. I do not have them to hand, but I think they are in the order of 40% within the first year and 70% within two, but I would have to check that.

Q45 Chair: Does anyone from the Youth Justice Board have an idea on that? Mr Fraser?

Keith Fraser: I am not aware of the exact percentages at the moment, but there is a difference in reoffending rates. I will not get into the complexities, but the summary is that a white young person is less likely to come back into the system, so rehabilitation/resettlement is likely to be more successful. A BAME young person is more likely to come back into the system—in fact, twice as likely to come back into the system.

Q46 Chair: If either set of witnesses has figures, perhaps they could let us know.

Can you help me on one point? We have talked about assaults and expressed some concern about the use of force. Do you have any views about that? For example, is the use of pain-inducing techniques acceptable in the way that we seem to have seen it? You have expressed some concern in the reports, Mr Clarke.

Peter Clarke: The simple answer is that we do not consider the use of pain-inducing techniques to be acceptable or appropriate as a routine method of behaviour management or intervention. We were very clear that it should not be part of the syllabus to be taught for routine intervention. We believe though that, in extremis, there must be provision for a member of staff to intervene to save life or very serious injury, and if the only way to do that is through the infliction of pain, in my view, there is a clear responsibility, and indeed in many ways a duty of care to the potential victim, to do whatever is possible to prevent that harm. As I say, our clear view is that pain-inducing techniques as a matter of routine should not be used or taught.

Chair: Fair enough.

Q47 Kenny MacAskill: I want to ask Mr Clarke about his report on the separation of children at YOIs, where he found that there was a situation almost of solitary confinement. I would like to know about the effect on



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the child of that. In some of your investigations into particular estates, you noted considerable differences in the availability of time out of the cell and that it could vary. I wondered about, first, the effect of that and, secondly, the practice of what appears almost to be solitary confinement imposed on them.

Peter Clarke: I apologise, Chair. My connection dropped out for most of that question, but I know that Mr Mulready-Jones heard it, and he conducted the lengthy thematic inspection, so he should be in a position to respond to Mr MacAskill's question.

Angus Mulready-Jones: I have to say that our report on separation was one of the more disturbing reports I have been involved with. The first thing is that we found that separation is quite widespread within the estate. Around 58% of children report having been subjected to it. At the time we went in to do the fieldwork, more than one in 10 children was separated from their peers.

We found some really restricted regimes. It is quite a complicated issue. Children can be separated on designated units or on normal location. We found that about two thirds were on normal location, and we were particularly concerned about that group. Fundamentally, though, there was no clear view, and it still has not been clarified, about what the purpose of separation is, or what the rationale is for separating a child in a designated unit or on a normal location, or on some of the intermediate units that also exist in the estate. That is significant given the differences of treatment in each of those locations.

We found that key safeguards, including authorisations, did not always occur for those who were on normal location—two thirds of the separated children; and we found several children who were informally separated without any management oversight at all. In addition, healthcare staff are meant to sign off and intervene if separation is deemed unsafe. We found that, even in cases where a child had been assessed as needing a hospital bed, healthcare staff were not intervening and saying it was unsafe to separate within a YOI.

Finally, on authorisations, a high-level safeguard is that after 21 days of separation the area manager, the prison group director, is meant to authorise the continued separation of a child. That had been requested 346 times in the year before we went in to do the separation thematic piece of work, and in not one case had the prison group director said that it was not reasonable to keep the child continually separated. The reason I mention that is that for a safeguard to be effective it has to act, not all the time, and not on every one of those 346 occasions, but in one or two cases it has to say, "In this case, we need to do something different."

In addition, when a child is separated, they are meant to receive daily visits from a chaplain, from a healthcare professional and from a manager. We looked in detail at 57 cases, and we found that only 15 children had seen a healthcare professional every day, only 13 had seen



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a chaplain and only 33 had seen a manager. The reason that the lack of oversight and authorisation are important is in what happened when we looked at outcomes. Those on designated units got somewhere between half an hour and an hour out of their cell each day, but the real issue was for those on normal location who, on paper at least, got as little as 15 minutes. We found examples where even that was not being delivered. Education was particularly poor for that group. I can give you two examples. One child was separated for 23 days and only received fresh air on six days and education for a total of 70 minutes, so three minutes of education a day. Another child, who was separated for 34 days, received an average of four minutes of education per day.

We concluded that those conditions amounted to solitary confinement for many, in fact most, of the children who were separated, and for the vast majority of those separated on normal location. We made a sweeping recommendation for a new system to be implemented to improve outcomes for that group, and we were very disappointed to see in a response from the YCS that the recommendation had only been partially accepted by managers.

Q48 **Kenny MacAskill:** If that is where things stand at the moment, I find that quite shocking. What more is being done and what is the response? Is that true as things stand or has there been any further acceptance of a need for change?

Peter Clarke: Now that I am back online, perhaps I could help, Mr MacAskill.

Kenny MacAskill: Thank you.

Peter Clarke: On the partial agreement to our overarching recommendation, I made the recommendation to the Secretary of State as I considered it needed to be made directly to him because of the seriousness of the issue, and our belief that there needed to be a completely new system brought in. I was disappointed, as Mr Mulready-Jones said, about the partial acceptance.

I sought reassurance that the Secretary of State had personally seen the recommendation, so I was relieved in February to get a letter from the Secretary of State personally saying that he now accepted our overarching recommendation. I look forward to the implementation of our report, but I have to say that there are other recommendations in the report with which I am also disappointed. For instance, there is the recommendation that, if children are assessed as needing a mental health bed in a secure setting, they should be moved within 14 days. That has only been partially agreed because, clearly, there are other agencies involved in arranging that transition. To be frank, the response is a description of current activity and then saying it is all rather too hard, so it looks as if the status quo is what is being accepted. I find that disappointing.



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There are other recommendations that are only partially accepted. For instance, we said the regime around education for those separated should be equivalent to their peers who are not separated. The response was, "We'll partly agree that, but it is not really feasible to do it, so what we will do is aim for a similar regime." What the difference between similar and equivalent is I am not quite sure. That is the sort of response I find disappointing.

If I can be blunt, I think it needs someone to get a grip and recognise that the system has not worked. There is no consistency across the country, each YOI is doing something entirely different, and it needs someone to get a grip and have a proper system that can guarantee to provide decent outcomes.

Q49 **Kenny MacAskill:** Has there been any response to the request for consistency?

Peter Clarke: There is an action plan saying what they are going to do. Many of the recommendations have been accepted, but some of the key ones are only partly agreed, and that feels very equivocal. I would like to see a proper action plan with timetables in it saying what is going to be done to resolve that. I realise that we are in difficult times at the moment, and our report was published in January; nevertheless, as a statement of intent, it needs to be less equivocal.

Q50 **Kenny MacAskill:** Is there any basis or underlying trend, other than a governor in practice, to explain why one institution is so markedly different from another?

Peter Clarke: That is a very important question. I do not understand why, when we have a youth custody service that is supposed to bring coherence to the whole system, we find such inconsistency. We find not only inconsistency in performance and delivery within individual establishments, but across the estate as well.

Within individual establishments, our experience is quite clear: very often, it is around the quality of leadership at any particular time. If you look back to our report on Feltham last year, when I felt the need to invoke the urgent notification process because things had deteriorated so badly and so quickly, that was a clear result of there having been a complete gap in leadership during the previous year, 2018.

I do not understand why there cannot be more consistency across the estate. I understand performance rising and falling as a result of more effective or less effective leadership at any particular time, although one would hope that would not necessarily be the case, but that is our experience. When there is such complete lack of consistency across the estate, as we saw with our separation thematic, I cannot explain it, and that is why I say there needs to be very clear direction about what the process and procedures should be for something as important as isolating children.



Q51 **Kenny MacAskill:** Self-harm seems to be increasing and is a great concern given coronavirus. What factors are contributing and what, more importantly perhaps, needs to be done about it?

Peter Clarke: To start with our experience from Feltham, levels of self-harm between January 2017 and July 2019, when we invoked the urgent notification process, had gone up by a factor of 17. What we found very clearly, and were told time and again by the boys in Feltham, was that they were self-harming out of frustration with the regime, out of frustration with restrictions, and they felt it was the only way in which they could gain attention, because other processes were not working. The broader lesson from that, which we take away very clearly, and which we saw not only at Feltham but we have learned from elsewhere, is that restrictive regimes keep neither staff nor detainees safe.

Q52 **Kenny MacAskill:** You and your colleagues touched on this earlier when we discussed the use of non-physical force and, indeed, sadly, physical force. Do you feel that staff are adequately trained, given the growing percentage of the population with increasingly complex needs, to cope with that estate?

Angus Mulready-Jones: There are two points on that, and one is about training. We have seen some movement on training recently, with the implementation of a foundation degree to upskill the youth custody workforce, which is welcome. I make no attempt to turn that positive into a negative, but there are some weaknesses across the estate.

The first is that it is a profession, equivalent to social work, policing and teaching. The entry-level salaries on offer are equivalent to those other professions, and we need to be looking at entry-level requirements in youth custody as well as training the workforce. The second is around first-line management. New staff need a manager who sees them regularly and conducts the sort of thing I have always found fairly normal in my career in terms of supervision, oversight and support, but is sadly often lacking in custodial institutions.

Thirdly, we need to understand and address the significant staff turnover issue. There are many capable new staff who are new in post across the system, in STCs and in YOIs, but lack of experience is creating significant problems in consistently implementing rules, and in confidence in dealing with challenged and challenging children and the understanding and ability to meet their needs. There has been some work done, but there needs to be much more done to increase the capability and, crucially, the stability of the workforce.

Chair: Ms Barker, do you want to come in on these topics?

Q53 **Paula Barker:** I want to go back to the separation issue. To be honest, I am horrified to hear of the figures and the inconsistencies across the sector. To me, it is clear that children are being failed, particularly on the education side and in mental health support. Has any analysis been done



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with children who have been subject to separation across the estate as opposed to those who have not, and what the offending rates are like, and the prospects of gaining jobs and employment outside, and long-term mental health conditions?

Angus Mulready-Jones: Unfortunately, one of our main findings was that there was complete lack of understanding about who was separated and for how long, and where they were separated. That makes such a study, which would be immensely helpful, very difficult to conduct. As I said, one of our recommendations was to collate and publish that data so that external scrutiny could be shone on the issue.

Paula Barker: I share that frustration. The data should be collected, but the fact that it is not available readily, and not being written down, gives further cause for concern. In the social work sector, if a social worker visits a child and does not type or write up the notes, in the eyes of the law the visit did not happen. I think it is absolutely horrific, and I reiterate the point that these children are being fundamentally failed. To go back to Mr Clarke's point, somebody needs to get a grip because this is completely unacceptable. Thank you, Chair.

Chair: Thank you very much.

Q54 **Rob Butler:** I would like to talk about secure schools, but could I first pick up with Mr Fraser, and perhaps Mr Allars, the point the chief inspector was making about the discrepancy in the way different YOIs treat the young people in them, particularly on separation, of course, but more widely? This seems to come back to the perennial question of whether governors should have autonomy and empowerment themselves, or whether everything should be set down by the centre. It is an incredibly difficult question, but I wondered what your views are, particularly because the direction of travel of the YJB in terms of the youth offending teams has been to be a bit more relaxed in its prescription.

Keith Fraser: It is a question that I have raised with the executive director. You quite rightly raise the differences, and I do not understand whether the differences are a result of policy or the result of a direction of travel. It is a question I would like to get the answer to as well, so it is a question that needs asking.

Our position on the youth offending teams, as you quite rightly state, is different. I still believe that given appropriate oversight, support and help, youth offending teams are travelling in the right direction, appropriate to their local circumstances. As regards national standards, my belief, as it was when I was a senior police officer, is that there needs to be some overall framework but some flex to allow for localism.

Q55 **Rob Butler:** Let me move on to the secure school situation. It has been about four years since the Charlie Taylor report that recommended them and the Government decided to take up that recommendation. We do not yet have a secure school, and it will probably be at least another four



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years before we have a first cohort through a secure school and can analyse any reoffending or the impact of them, so it will be eight years start to finish. Does that seem speedy enough to you, Mr Fraser and Mr Allars?

Keith Fraser: On your question around speediness, things could always move more quickly. It is a question of understanding why things have not progressed more quickly. In relation to the direction of travel towards secure schools and getting them completed, my feeling is that there is support from Ministers. I get a strong sense of that from the conversations I have had with them and with senior leaders within the secure estate, with the executive director and others.

I feel that there is commitment for it to happen and we want to support that commitment. My chief operating officer is part of the implementation board—I do not know if I got the terminology quite right. It is the board's oversight of the implementation. I also recently asked a board member to bolster that support to show that we really want to see that it happens.

Q56 **Rob Butler:** Mr Mulready-Jones, do you want to comment?

Angus Mulready-Jones: We welcomed the Taylor report as an opportunity to fundamentally reform the children's estate, and, in particular, to replace YOIs and secure training centres with a network of smaller child-focused establishments. Personally, I still wish the programme well.

To answer your particular point, it has been far too slow to open what looks like one establishment, using existing legislation, in an existing facility. On current timeframes, it looks like it is going to take five years to open one secure school. Despite the fact that the Government's response to Charlie Taylor's report suggested that two would be piloted, I am not sure where the second one will be piloted. During this time, many children have been housed in establishments where treatment and outcomes are simply not good enough.

We have to see it as something that needs to be urgently delivered. There is a feeling that it is okay to continue with what we have, but I think that underweighs the risk of continuing with young offender institutes and secure training centres that are not good enough. It is unacceptable that, if you planned a full timeframe based on that one school, it would take 50 or 60 years to replace the existing provision. It needs to be much swifter than that and there needs to be a coherent implementation plan, which is funded, to replace those facilities.

Q57 **Rob Butler:** In the meantime, do you have a suggestion about what we should do with the remainder of the estate? One of my concerns about the secure school is that in the short term it is only going to address a small number of children and young people; there are still going to be an awful lot, perhaps 500 or 600 others, in the rest of the estate, and that will be their only experience of youth custody. Do we not need to shift the



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emphasis and make sure that they are getting something much more appropriate?

Angus Mulready-Jones: Yes, in short. Some of the impact of the effort to get secure schools across the line has been, perhaps, that some of the other work has not happened at a pace that anyone would like.

During that time, we have published several reports with recommendations on how to manage behaviour better, on the impact of children being housed a long distance from home and on resettlement, as well as our separation thematic and the establishment report, and they highlight time and again the need for reform. There is a need to focus on the real basics of custody and care, things like making sure that each child can meet a named professional each week. It is really simple stuff, a building block to reform those establishments, and through those basics to start delivering some of the more difficult stuff in terms of education and more therapeutic input.

Q58 **Rob Butler:** Mr Allars, do you agree with that analysis? My final question may be a little bit cheeky, but I am going to ask it none the less. Do you think the youth custody system would be better if it was still under the control of the Youth Justice Board rather than having transferred to HMPPS?

Colin Allars: I need to think about the cheeky one, if you will excuse me. My previous chair, Charlie Taylor, would absolutely have said that the answer to your first question is no, it is not moving quickly enough in terms of the secure school. He pushed very hard and he took the ball to the Department and made it clear to the Department.

In mitigation of the Department, although that is not my job, it was something new, starting from scratch and they have had to work their way through some real difficulties. They appear to be making good progress on those, albeit against a timeframe that we would say is too long, because we need the secure school. We need a facility that will deliver the intentions of the secure school in a new approach to custody—essentially, something that is education and rehabilitation focused and secure, rather than something that is secure but does the other things, so it is flipping the model on its head. Absolutely, that would be the case.

Would the secure estate sit better with the Youth Justice Board? There are two ways to look at that. In the past, when the secure estate sat with the YJB, there was the potential for the organisation to be both poacher and gamekeeper. It was marking its own work, and you can see why people felt it was right to take it out and put it into another place. Absolutely, I think that is right.

As you know, because you were part of the board at the time, there was some disquiet and some thinking around that, and the board strongly argued that if it was to be moved into HMPPS, or NOMS as it was called, it needed to be discrete and have its own identity and power within that.



That has been implemented in the organisation. That said, my director colleague who sits there has a really tough task; she is running a small organisation looking after 700 or 800 children, when the rest of the organisation is focused on 80,000 people in custody, so straightaway there is a risk. Organisationally, it works because there is a direct line to the head of HMPPS and there is clearly a focus on children. The YJB has managed in the intervening period to shine a light to try to ensure that the power base is right. It is a real challenge.

There is a question mark around whether, if the whole focus is on rehabilitation, education and support for children, it might sit better alongside education providers, and find a way of bringing those two disciplines together. That is no more than a thought, but it seems to me that there are potentially close alliances that could work very well. The secure school is a step towards that. If I can leave it hanging in that way, I think there are questions around whether there is a better model that it is worth thinking about.

Chair: Thank you very much, members of our first panel, for your time and for your evidence. We are very grateful to all of you. If there are any follow-up points or any further particular figures you wish to submit to us, we are always happy to receive them.

Examination of witnesses

Witnesses: Andy Peaden, Hazel Williamson, Linda Logan and Pippa Goodfellow.

Q59 **Chair:** Thank you for coming back, those of you who were with us last time. Perhaps you could introduce yourselves and your organisation.

Linda Logan: I am Linda Logan, the current chair of the Youth Courts Committee for the Magistrates Association.

Hazel Williamson: I am Hazel Williamson, the current vice-chair of the Association of Youth Offending Team Managers.

Andy Peadon: I am Andy Peadon, head of service at Leeds Youth Justice Service and chair of the Association of YOT Managers.

Pippa Goodfellow: I am Pippa Goodfellow, the director of the Standing Committee for Youth Justice. We are an alliance of just over 60 non-profit organisations that pool our expertise and resources to try to positively influence youth justice policy.

Q60 **Chair:** Thank you very much for coming to give evidence to us. Can I ask for a quick overview? What from each of your perspectives has been the impact of Covid-19 on the youth justice system as a whole? I will come to specific points thereafter. How would you characterise it?

Linda Logan: It is like a game of snakes and ladders for us all. It has been incredibly challenging. It is an unprecedented public health crisis, with judicial services, court services and all stakeholders working



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incredibly hard to provide a safe service. There is a whole load of current position issues and then there is the recovery position. I do not know if you want a quick canter through that.

Q61 Chair: Why don't we talk quickly about the impact on the youth court as you see it?

Linda Logan: There are a lot of youths who have not come to court. One of the things concerning us most is the cohort of young people who will turn 18 and may not get a chance to have a youth court disposal because many things in the youth court have just been remanded off and off.

Q62 Chair: Have those who have come before the youth court been able to participate at all meaningfully?

Linda Logan: There has been difficulty in some areas across the UK. In London, there have been quite a few youth courts running, but out of London there have been hardly any youth courts running, and where youth courts are not running, you might have to use video link services. All of us have struggled to use our video links, let alone if you have significant difficulties. Across England and Wales, the picture is incredibly patchy.

There is also a cohort of young people who are in the system waiting to be sentenced. They have either pleaded or been found guilty at some point, and they have not received their sentence as yet. To add to that, as the lockdown has released a little, we are noticing that offending rates are starting to go up already, and we have not cleared the existing backlog.

Q63 Chair: In terms of the backlog and recovery, what do you see as the challenges? What steps are you aware of that are being taken from the magistrates' point of view?

Linda Logan: We have some proactive work going on among the courts in identifying young people who are about to turn 18 and trying to get them into court ahead of time. A youth justice working group has been set up, chaired by Mr Justice William Davis. That group is charged to meet every two weeks. It will look at all those issues and it has representation from virtually all the key stakeholders.

I can speak for London and I know that London has identified a cohort of 17/nearly 18-year-olds we will be able to get into the system before they are 18. The reason I say it is like a game of snakes and ladders is that every which way you go, when you look at increasing something, you have a difficulty with things such as how many people you can have in a court building and social distancing, with lawyers, advocates, parents and key workers. It is hugely difficult. It really is. Every time you think you have solved a problem, you find another one.

Q64 Chair: I understand that. Pippa, Ms Goodfellow, what about the impact on children and young people in the secure estate? What has the impact



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been there and how does that fit with the national framework? Do you have any views on that?

Pippa Goodfellow: One of the issues related to children both in the community and in the secure estate is that they have not been considered, communicated with or held in mind as a distinct group with distinct needs, with a children's rights framework that should be putting in particular protections for them. We have seen that play out for all children in the fact there has not been any concerted effort to communicate the emergency measures to them. Once the data comes out around who has got into trouble as a result of the emergency legislation and what the longer-term impacts are, we will be able to understand that a bit more.

There have been particular issues for children in the community, and Linda has just mentioned a number of them, including some of the backlogs. Many of those are likely to turn into longer-term implications. For children in custody, one thing that has been quite evident is how little we know. Until the inspectorate looked into custody, there was very little information.

We had practitioners from youth offending teams, people from voluntary sector organisations and families contacting us to ask us what was going on. We are primarily a lobbying organisation, but they were asking us what was going on, what the rules were, and how the children were doing. There has definitely been an issue of communication around that. Even with the Ministry of Justice stakeholder update, which sends out figures on what is going on in terms of cases of Covid in detainees and staff in the secure estate, I tried for about six weeks to get those numbers disaggregated for children, who were being called prisoners, which we think is an unacceptable term for children, and that still has not been forthcoming.

The feedback we have had has been from our member organisations, including organisations that are advocating for those children, such as the Howard League and Just For Kids Law, which have direct lines in. Unfortunately, the messages that are coming back echo lots of what has come out in the inspections. For many of the children, it has amounted to solitary confinement, with very little education, or, where it is provided, it is in worksheets being passed through their door.

To bring the voice of some young people into the room, I have a couple of examples from the Howard League. Prior to coronavirus, a young man who was on ROTL was going out to college every day to facilitate his resettlement. He is now in no education whatsoever and describes his situation as "just waiting" and he does not know how long that is going to go on. Another issue is that some children are sleeping all day because they are so hungry; they are not able to supplement the food that they would normally get from the canteen because of restrictions.



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It sounds like an inhumane environment for lots of vulnerable children. Relating to one of the points that was discussed earlier, I reiterate the fact that a third of those children have not yet had their day in court, because they are on remand, and the majority of those children will not go on to get a custodial sentence. That is scandalous, and we need some concerted and co-ordinated action to get those children a higher quality of day-to-day existence and the provision they deserve, and to get some of them back into the community.

Q65 Chair: Mr Peadon, Andy, how have youth offending teams responded to the pandemic, and how are you going to transition back to something more normal? What is the experience and what is the planning going forward?

Andy Peadon: Pippa has already alluded to the fact that these are very uncertain times, and some of the decisions were made without a 100% grasp of policy. The guidance to the police about what was acceptable in terms of being out and about was not part of those decisions. Most services went to a remote model.

The good side of that is that we have seen a lot of good engagement of young people and we have been quite pleased at the response from young people. The negative side is that we have seen at first hand the impact of digital exclusion. There are a lot of young people who do not have phones or laptops or the internet, and a remote model is quite difficult to operate on that basis. We have seen YOTs getting round it by phoning aunties and nans and doing lots of "not home" visits, because they do not fit with social distancing requirements, but being quite innovative in using the good weather we have had over this period to interact with young people in open spaces as far as possible.

The biggest concern around the ongoing impact on young people is in education. The young people we deal with do not do very well at school. That difference between the young people we deal with and the normal school population is only going to get worse in this period.

As we move forward, we are trying to adapt our models to fit within the 2-metre distancing requirement. It is proving quite difficult. A lot of the group work programmes that we are mandated to run by the courts will be quite difficult to do on a group work basis. We are not yet able to get into some of our buildings. Some conversations work quite well in parks and open spaces and on walks; others do not. We are trying to be a bit more innovative.

Q66 Chair: Would 1 metre make a difference from your point of view?

Andy Peadon: Yes, absolutely; in terms of the numbers of staff we have and the ability to utilise some of the rooms. Some of the rooms have been taken out of the equation totally. Regarding the ongoing issues, the key model is about relationships. It has worked to date in that we have been building on the relationships that exist with young people in the



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system already. We have started to see new cases coming through, but starting those relationships on a remote basis is much harder to do and gives us a lot of cause for concern.

Q67 **Chair:** I understand that. Hazel, do you have any views?

Hazel Williamson: The only thing that we have not touched on, which our members are reporting, is children who are being exploited by adult serious organised crime gangs. That has been brought to life during Covid, where community visibility is not there as much for those children and young people. We have already heard that our cohort is having difficulty accessing education.

The fact that we are all using more remote means and social media increases the vulnerability for our children, in particular child criminal exploitation. I am interested as we come out of this to look at the impact on our children and to hear from them, because we know as YOTs across the country that during this time child exploitation is very much still happening and it is affecting our cohort, although it is less visible.

Q68 **Chair:** Are you aware of anything that is being done to try to mitigate and get on top of that, because it is a real risk that you raise?

Hazel Williamson: It is, and we are very aware of it within our association. I was in a virtual conference meeting a few weeks ago with a number of YOTs that are working with Bedfordshire University looking at the whole concept of how children are criminally exploited. We need to do more to understand children's voices and what they have experienced during this time and how it has been different for them. They will have the answers and we need to listen to them a little more. I am aware that there are pockets of research looking at the impact of Covid in particular on child criminal exploitation.

Chair: Thank you very much.

Q69 **Paula Barker:** I would like to have the view of all the witnesses on whether they believe the youth justice system is equipped to meet the increasingly complex needs of the youth justice population.

Andy Peardon: You had a long conversation in the last group around the demands of the custodial population. The custodial set-up does not suit the needs of young people; big institutions do not meet the needs of young people, and you heard that very clearly. One thing that did not come out in the last conversation is that we have a model already in the secure estate, and that is secure children's homes, where you see a much more bespoke set of arrangements and conditions where young people can do a lot better when they are required to be contained in a custodial setting.

The number of young people going into custody has dropped dramatically over the years. We want that to go further. We think that short sentences do not achieve much. We have heard already about the reoffending rate



of 70% among young people who come out of custodial settings. The one thing the youth justice system has done really well in recent years is the impact in the community. We have talked a lot about how young people do an awful lot better when they are diverted out of the system. YOTs are a core part of that and some of that work is still being done by services. It is just not being logged formally in the system because we have been able to divert them into disposals that do not at the moment crop up in the data. That is about to change over the next year, so you will get a much better picture.

YOTs have done an awful lot about the impact of trauma and on becoming trauma-informed organisations. That is a complexity for the young people we deal with. We know that many of them have experienced so much trauma, and understanding that is part of the solution to being able to deal with them in a much more informed and much more appropriate way as we go forward.

Q70 Paula Barker: I totally agree with the last point about understanding the issues around trauma.

Pippa Goodfellow: We have known for many years, and there have been numerous reports that have come out and lots of data, about the real complexity and high level of need of children who are involved in the youth justice system. Over 90% of them have experienced abuse, be that physical or sexual abuse, or neglect. A high proportion of them are looked after, or in some way have interventions from the local authority. If you look at the youth justice population and children who are engaged with social care, the welfare needs absolutely cry out for the children who are involved in the system.

If a child has a significant amount of trauma from early in their childhood, or from their adolescence, and if they have issues around their mental health or learning and communication difficulties, the YOTs in the community have a role to play in picking up those issues and working with partners. However, the partners who are responsible for those issues need the resourcing and the capacity to pick them up.

If a child has lots of insecure placements and they are a looked-after child, or if they are having difficulty in terms of special educational needs, accommodation, mental health issues or whatever it might be, it needs to be picked up. There is a big question over whether the criminal justice system, fundamentally, is about responsabilising people for their actions that infringe the law. If those underlying issues are what is driving a lot of behaviour in children who are still at a very young stage of their development, surely the priority should be picking them up and addressing them, rather than criminal justice involvement per se.

What we know is that involvement with the formal criminal justice system in itself has a criminogenic effect and makes children more likely to go on to reoffend. The best thing we can do is try to get to the bottom of what



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the drivers of those behaviours are, deal with those behaviours, and, as far as possible, do that outside the criminal justice system.

Q71 Paula Barker: With that in mind, Ms Goodfellow, I am interested in your views because what you are saying is extremely salient. What is your view on the current minimum age of criminal responsibility? We have heard from other witnesses in the first panel, but I would be interested to know what your views are.

Pippa Goodfellow: I am very keen to talk about that. We were really disappointed that it was one of the areas specifically excluded from Charlie Taylor's review. It was outside the scope of his review, but it would have been a real opportunity to look fundamentally at it.

Raising the age of criminal responsibility would be one of the key tools that we could use to do exactly what I have just described in terms of keeping young children who are highly vulnerable out of the system. If a 10-year-old is displaying behaviours where they are breaking the law, there is likely to be something going on in that child's life that needs to be looked at without them going through a formal court process, for example.

We need to get into line with other jurisdictions in similar countries. It would be difficult to find one child psychologist who would argue that the age of criminal responsibility should be as low as it is. The United Nations Committee for the Rights of the Child recommends that it should be at least 14, and we should probably be looking at it being higher than that. That is not to say that, if the age of criminal responsibility is raised, a child gets away scot-free and nothing happens. It is about taking a different approach and starting to unpick what is underlying those behaviours, and not setting the child off on a trajectory that makes them more likely to continue on a path of criminality.

Paula Barker: That is really helpful.

Q72 Chair: Does anybody take a different view on criminal responsibility? Hazel, do you have a different view?

Hazel Williamson: I do not have a different view. As an association, one of our core principles is that we advocate raising the age of responsibility. Pippa has alluded to other ways of working with these children. Many of our members run successful crime prevention programmes that divert children out of the criminal justice system and work with them on their welfare needs, so we would advocate that as well.

Q73 Chair: There is a problem though. Some might say that some of these children have committed very serious offences and have done some very nasty things. How do you reflect that? How do you maintain public confidence around that?

Pippa Goodfellow: If a young child is behaving in a way that brings somebody else to serious harm, surely there is also a safeguarding issue



for the child displaying those behaviours. We have welfare legislation that looks at some of the issues specific to that, but we need to look to different examples from different jurisdictions as to how they deal with those issues.

One of the things that always comes up in the conversations around this is the James Bulger murder, which obviously sparked the changes to the age of criminal responsibility and doli incapax. Around the same time, there was a very similar case in Norway of a child who murdered another child, and they dealt with it completely differently. That child was back at school about two weeks later, and the whole of the community rallied round and it did not get out in the newspapers.

I am not suggesting that we would be able to do it in exactly the same way, but I was looking at some of the statistics, and there are only 22 10 to 14-year-olds in custody today, so the number of very young children committing very serious offences is extremely low. We need to look at the fact that the vast majority of young children who get embroiled in the criminal justice system commit much lower-level offences. While we may need to look at a distinct approach for the more serious offences that relate to serious harm, the vast majority of the discussion needs to be around the lower-level offences, which are criminal damage, public order offences and so on.

Q74 Dr Mullan: I recognise the points about causation and the focus on the individual who is responsible, but of course we have to keep in mind the communities in which young people who are behaving in this way live. Sometimes custody, whether it is through a criminal sentence or any other way of taking custody of somebody, is the only break that some neighbourhoods might get from young people who are disrupting and sometimes causing real harm to people's lives. Do you not think there is a role for custody in protecting individuals, not just looking at it from the point of view of the perpetrator?

Hazel Williamson: You are absolutely right, and YOTs up and down the country would say that their priority is not just children and families but victims and community safety as well. We see them on a par and very balanced with each other. We work with all victims of youth crime. It is our responsibility to do that.

There are other ways we can look at it. We use a lot of family group conferencing and restorative practices. That is key because we know that a lot of our children and young people struggle with identifying emotions and what they mean and how to respond to them. Working with them together collectively, there are different ways that we can approach it. We have prevention schemes across the country that still work with victims and communities to get resolution because—you are right—communities need to feel safe, as well as the individual. I would not disagree with that.

Chair: That is fair enough. That is helpful.



Q75 **Andy Slaughter:** May I follow up on the issue of age of criminal responsibility? It seems to be one of those issues where people have set ideological positions one way or the other, and there is never any change then. About 5% of children in custody are in the 10 to 14 age group. It is a small number, but they are, by definition, significantly more vulnerable or underdeveloped people. Have any of you had much experience of working with that cohort? Do you have anything to say based on that practical experience?

Hazel Williamson: To go back to the conversation earlier, YOTs across the country have embedded youth crime prevention programmes, working with children as young as eight years of age. A number of YOT managers who are part of our association have responsibility for early help and early intervention and prevention, and are very closely linked to the troubled families agenda. There are a number of experiences across our association that we could draw on to enhance the prevention offer. There is a wealth of experience on prevention and working with young children and their families.

Q76 **Andy Slaughter:** On that basis, what do you feel about moving the age? We have gone from 14 to 10 in England and they have gone from eight to 12 in Scotland, and there are other examples around the world. Would you say the age is too low at the moment? What should it go to?

Hazel Williamson: My experience reflects what Pippa was saying. We need to look at neurological brain development, and where children are and the impact of trauma, because we know that the majority of children who come into contact with the criminal justice system have had significant trauma, which impacts longer term on brain development. There is lots of evidence around that. I believe it should be raised, and we have an opportunity to review the age of criminal responsibility, because, in my view and experience, it is too low currently.

Q77 **Andy Slaughter:** We heard from an earlier witness that the brain goes on developing until 24, but, even as a bleeding heart liberal, I am not advocating that.

May I move on to another topic that is very pertinent at the moment, and certainly should have been, which is race disproportionality? It clearly is not being addressed in the criminal justice system and the youth justice system at the moment. Why do you think that is and what approach would you like to see? It has got worse at a time when it should have been getting better, and it is intensified by the conditions that currently apply.

Andy Peardon: Patently, it is a massive issue at the moment. One of the things Lammy talked about three years ago was understanding the data much better. I think we understand the data a little better, but, unfortunately, we do not understand it as well as we need to. The concept of explain or reform stands across the whole system.



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It is a very complex set of circumstances. We know that the custody rates for BAME young people have come down over the last 10 years significantly, but the proportion—

Q78 **Andy Slaughter:** But less than for white children, so actually it has got worse.

Andy Peadon: Massively less than for white young people.

Q79 **Andy Slaughter:** Proportionately, it has got worse.

Andy Peadon: Yes, proportionately it has got worse. Absolutely. Understanding what is happening in local communities is a key part of that and it is something that the system does not do as well as it might in forging links with local communities. We have talked already about child criminal exploitation, and that is a key factor in this issue in some local communities. Young people are drawn into gangs, into criminal activity, by older, more experienced adults, and then find it very difficult and hard to get out.

Regarding the number of young people within the system, we know that we probably do not get as many early intervention referrals for BAME young people at the entry point. We also know that proportionately more serious offences are committed by BAME young people. The combination of the two means that they are not best served in the system as it operates at the moment. The concept of lack of trust in the system is a core part of it as well. That is probably one of the explanations for the number of remands. BAME young people are highly disproportionately represented in the remand figures; I think it is round about 50%. That is the way those cases start off for young people and their initial response to police and to courts.

Q80 **Andy Slaughter:** Prima facie, we are looking at an institution, which you are players in, or at least commentators on, that is structurally racist and getting worse. What for your individual disciplines are you doing to counter that? Mr Peadon, what are the youth offending teams doing to counter it at the moment?

Andy Peadon: Everybody has a responsibility to understand their own local data. I can tell you much better about the Leeds position than about the rest of the system. In Leeds, we have an increase in mixed race young people. We have a disproportionate number of BAME young people who commit offences from robbery to violence against the person and drugs, and they are the three serious issues that form a core part of the custodial population.

One of the things I was saying before was about referrals at the bottom end of things. The way the data is collected at the moment does not allow you to understand that side of things. In Leeds, we have done a lot of work around trying to identify why young people have not come to our attention; they suddenly arrive in court, and we know nothing about them. We have done retrospective reviews to try to understand that, and



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there are lots of issues around the ability of young people to succeed in education. We try to put on bespoke programmes. We try to ensure that our staff group is representative of the local community.

Across the country, YOTs have a range of different programmes, some with better links than others to local communities. If we are talking about the route forward, that is how we have to strengthen matters. We have to be able to get that link to significant individuals in local communities and the ability for them to be part of the solutions for their young people as we move forward.

Q81 Andy Slaughter: Ms Logan, as regards sentencing and youth on remand, again, there appears to be a disproportionate willingness by the youth courts to send BAME young people inside in that way. We heard the figure that 57% of young people on remand are from BAME backgrounds, and a significant proportion of them will not receive custodial sentences. Could you answer that as a general point, and have you looked at it in the last three months?

Clearly, the courts are putting young people disproportionately from BAME backgrounds into very difficult and challenging situations in custody, when they have not been convicted of offences, and where they are unlikely to receive a custodial sentence at the end of the process.

Linda Logan: It is a very difficult question to answer. The starting point for youth courts is that custody is always the last resort. We have to make our decisions based on the information that we have before us. I am very aware of the statistics as they relate to youth courts and of the fact that youth magistrates have the disposal of up to two years' detention and training, unlike the rest of the adult court. We see an awful lot of young people. I support Andy's view that we need more data to fully understand the problem, but, for example, as diversion has increased, so has disproportionality.

To go back to your specific question in respect of the remand of young people who then do not go on to get custody, in the area where I sit we did some local work fairly recently, before the pandemic, and one of the issues that we discovered—I think it is probably appropriate across England and Wales—was that, if there was a placement for a young person out of area, the youth offending team very probably would have been able to put together a substantial bail package that would have allayed their fears and the court's fears, but there is a real difficulty about placements that are not in your own area. There is a massive gap.

Another issue we identified is that for many young people, when they finally come to court, the Crown Prosecution Service has often downgraded the original charge and, therefore, the new charge is not a charge that would attract a custodial sentence. This is not a cop-out, but, at the end of the day, magistrates and judges can only deal with the information in front of them. If, for example, the youth offending service has a robust intensive supervision and surveillance programme, it is an



alternative to custody. Andy will know better than me, but the Magistrates Association youth membership are aware that there are parts of England and Wales that cannot provide an intensive supervision and support programme; therefore, if that is the only alternative to custody, sentencers' hands are often tied.

Q82 **Andy Slaughter:** On my point on Covid crisis remand, has any guidance gone out? Has there even been any discussion within the Magistrates Association about the use of remand at the moment?

Linda Logan: The information we have from our members is that in matters coming through the youth courts, given that there are three types of courts running—courts that are open, courts that are mothballed and courts linked to police stations—the young people we are seeing are very complex and they are committing very serious crimes.

We attend the Youth Justice Board stakeholders three-weekly meetings, and Andy sits on that group as well. They provide all of us with the custody data. It had gone right down. It rose and it is sort of going back down again, and we are trying to drill down under those figures. The two hotspots in those custody figures are London and the midlands, which may not be surprising to anyone.

Q83 **Rob Butler:** May I continue the theme of the questioning with Linda Logan? My recollection when I was a magistrate was that there was very little training. It is one of the budgets that has been fairly drastically cut in recent years, especially face-to-face training. Do you think there might be scope for more compulsory courses for all youth magistrates in disproportionality, because it is not something that is really tackled in initial training? Flowing from that, do you have any view about the recruitment of youth magistrates and if we could potentially make that more diverse, and perhaps help tackle some of the problems of disproportionality?

Linda Logan: I will quickly tell you what the Magistrates Association has been doing. It had a workshop last summer with all stakeholders, to start the conversation, and the primary aim of that was to listen and to learn. From that, we have started raising awareness for youth magistrates. The unconscious bias training is now essential. The Judicial College has done an awful lot around all sorts of training events that are available for people. The Magistrates Association has worked on some presentations that are going out to all branch members around disproportionality. It is a theme that runs through the MA, not just in the youth court but in the other work that is our priority.

We are very alive to the recruitment of magistrates from BAME communities. We have done quite a lot of work. We have a magistrates in the community programme. It is quite a difficult programme at times. The school programme works incredibly well, because the schools always love to see us, and we have a little bit of an "in" there to talk to young people, trying to recruit a more diverse population. In London, I can



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speaking for my own bench. Nationally, BAME magistrates are 12%. My bench in north London is 28%, but I have to say that, if it is to be reflective of a north London community, we still do not represent the community as we should.

We are doing some work around hard-to-reach groups. Before we were shut down, we had been working with the East London Mosque and the Finsbury Park Mosque, which have been very interested, and, more particularly, the East London Mosque was quite interested in direct recruitment into family courts. We are very alive to the issues. We have various special interest groups that are trying to reach out to unrepresented groups, and we would like to progress that as time goes forward.

Q84 Rob Butler: You said that the Magistrates Association had had events last summer and that was the start of the conversation. Some people might be a bit shocked that the start of the conversation was in 2019, when the Lammy report came out two years prior to that. Do you think the Magistrates Association should have been a bit quicker off the mark, and, flowing from that, that it should be putting pressure on to say that courses in addressing disproportionality should be compulsory to enable a magistrate to pass his or her appraisal?

Linda Logan: We do not make the rules around the appraisals, as you know.

Q85 Rob Butler: But do you think you could be bringing pressure to bear by saying, "As the representative body of the magistracy, we recognise action needs to be taken. Please get on with it"?

Linda Logan: Yes, I do, but I think it would be wrong to assume that we had done nothing before the roundtable; we responded fully to the Lammy review and we were doing our other work. The roundtable event was kicking off what we really were going to do and was about how to take that forward, so it would not be fair to assume that we had not done anything prior to that.

Rob Butler: Thank you very much for that clarification.

Q86 Richard Burgon: Linda, the number of children held in custody on remand increased by 12% in the last year. In your opinion, what is contributing to the increase?

Linda Logan: As people have already said, the cohort of young people we see now has significant and complex difficulties. Many of the children are looked-after children and there are difficulties around that.

It is a very difficult question to answer because it has such a wide societal construct around it. As I have already mentioned, if there is not a robust intensive supervision and surveillance programme, and that is the only direct alternative to custody in the youth sentencing framework, we have no other option. It has got a little bit better, but there are a couple



of other things in the system that are a bit weird. If it is your first offence and you plead guilty, you could get a referral order or custody, and there is no sentence in between those two points. That needs addressing in my personal opinion. You have a cohort of people who can slip through because of that.

Q87 Richard Burgon: That is useful; thank you. I want to ask a question in relation to the use of custodial remand and whether it is used appropriately. The majority—66% in fact—of outcomes for children remanded to youth detention accommodation at some point during the court proceedings did not subsequently result in a custodial sentence. Given that, is custodial remand used appropriately?

Linda Logan: Again, we are very alive to those statistics. To reiterate what I said before, we make decisions based on the information that is in front of us and available at that time. That information comes, in the main, from the youth offending team.

I am very aware of the placement issue. Youth offending teams might very well be able to put in a robust package to support a young person from reoffending and to protect the public, but if they need a placement out of London, for example, or out of Yorkshire, because of the way the placement system works with looked-after children, it is not easy to get those placements agreed.

Also, as I have said, everything that has been discussed today needs a greater drill down into the data. For a cohort of young people, the CPS has downgraded the charge by the time they get to court, so they have gone from grievous bodily harm to common assault. Common assault is not going to attract a custodial sentence, but grievous bodily harm will.

Andy Peardon: I have a couple of points. Picking up on the remand question, there is a complexity around sentencing after remands, in that often the fact that a community sentence is received can be partly governed by the fact that a period on remand has been served. It is useful to understand that in terms of the overall sentencing outcomes at the end of things.

The point I want to make is around the remand numbers. It is worth exploring the national referral mechanism in a bit more detail and the potential impact that it might have had on remand cases. The national referral mechanism was brought in under the Modern Slavery Act. It was not particularly designed for children, but around 70% of the referrals to the national referral mechanism are on children, and our experience is that that can be valuable in some instances. In other instances, it appears to be a delay into the system, because there is a 45-day period of reflection, and, if you have already been remanded and that period of reflection kicks in, you might be spending longer on remand while the system works out what to do with you.



To reiterate the issue on ISSP, ISSP is our most resource-intensive programme. It is 25 hours a week for young people. We see it as a valuable package to do good work with young people, but some smaller services find it increasingly difficult to deliver on expectations after the sort of reductions in resource they have experienced over the past few years.

Q88 Richard Burgon: Drilling down on the issue of custodial remand, and looking at the statistics between Crown court sentencing and magistrates court sentencing, 45% of those sentenced at the Crown court and 81% of those sentenced at the magistrates court who were remanded to youth detention at some point during court proceedings did not go on to receive a custodial sentence. There is a big difference: 45% in the Crown court and 81% in the magistrates court. Given that, what factors do you think drive the high levels in remand to custody by magistrates?

Linda Logan: It is a very difficult question to answer. Again, as I said, we are alive to it. In certain areas, where there are a lot of youth magistrates, you can ensure that there is always a youth magistrate on a bench on a Saturday, for example, who can inform their colleagues about how things might be dealt with in a youth court.

That said, outside London where many youth courts have shut, many youth magistrates do not have much experience any more. That might be one area that needs looking at, apart from reopening some youth courts. It is a strange juxtaposition; there has been a fall in youth crime that has enabled Her Majesty's Courts Service to close youth courts, yet there is a higher degree of seriousness and more troubled children with complex needs. I do not have an answer for you, if I am honest. It is just difficult.

Q89 Richard Burgon: Given that there is no answer, it would seem sensible for there to be a review of the use of remand to custody. Are you aware of anything being done to review the use of remand to custody?

Linda Logan: Pippa is involved, and she will be able to fill you in with greater detail on some of the proposals, which are that no young people should be remanded. Again, you have the two tensions: the tension of the seriousness of offences plus what is available for them that is going to—

Q90 Chair: The question was a simple one: is there a review that you know of?

Linda Logan: There is not a review, no, not that I am aware of.

Chair: We need to keep the answers fairly crisp because time is beginning to press.

Pippa Goodfellow: The Ministry of Justice is doing a review. The youth justice policy unit is looking specifically into child remand and we are engaging with it.



Chair: That is helpful to know.

Andy Peardon: I have a point about the costs of remand, which have moved through to the local authorities. Part of the rationale behind that was for local authorities and youth offending teams to set up schemes to reduce remand. I am not sure that has happened, so any review should try to capture what is being done with that budget and whether that is part of the reason for the increased number of remands.

Q91 **Richard Burgon:** For my final question, I turn to the position relating to remand and custody of children from a BAME background. Some 57% of children who were remanded to custody are from a BAME background. It is an incredibly high figure, and I want to know the panel's opinion on what should be done to address that.

I think we all need to reflect on the fact that we are now among the worst countries in the world in terms of disproportionately locking up black and minority ethnic children, and it has got significantly worse over the last decade. If people on the panel are able to answer, I would be very interested to hear why they believe this injustice is being allowed to continue. Do people on the panel share my concern that in reality the Government have not taken racial injustice seriously over the last decade? Why has the situation got so much worse?

Chair: You do not have to follow the value judgment in any of the questions, but there are some factual issues that arise. Can you help us?

Hazel Williamson: Of course, Richard, I have to agree with you. My reflection, as somebody who has been working in criminal justice for 20 years, would be that this is much bigger than just the direct criminal justice agencies that sit within the system. There is a wider systemic issue that we absolutely cannot escape from.

We know that the children and young people we work with have poorer outcomes in education and school, and there is further complexity for a BAME child who is experiencing racism and a generally poorer service because of the societal issues. We have not, I would agree, as a whole society done enough to change the situation, or not quickly enough, and people who are in power can change that. We have not moved at all, so I absolutely echo what you are saying, Richard.

Richard Burgon: Thank you very much, Hazel.

Linda Logan: The 35 recommendations of the Lammy review were accepted by the Government of the time and by most stakeholders, and it would be worth seeing why those recommendations have not all been implemented. It's three years old now.

Q92 **James Daly:** I am going to ask a question that you are not going to be able to do justice to because of time, so I apologise beforehand.

Pippa said something very interesting. I have spent many years arguing



in front of youth courts. I have been in front of the courts for that long, I think I have gone through every possible variety of community order and rehabilitative sentence. I would continue every day if I was still in the profession to argue for those rehabilitative sentences, but my experience is that they do not have a high success rate. I was very interested in the points you were making regarding how you feel we could successfully deal with young offenders in a normal custodial environment and what rehabilitative factors we should follow.

Pippa Goodfellow: One of the points that was raised earlier, linked to that, was around reoffending rates. The reoffending rate for children who have been in custody has consistently been around 70% within 12 months of release from custody. Custody is the least effective disposal, in the sense that it has the highest rate of reoffending, in terms of the impact both on the child who has been in custody and on the community they are being released into. They are being released into the community with the likelihood of reoffending, so we should keep them in the community as far as possible.

There have been some excellent developments in the way adolescent safeguarding is looked at, with contextual safeguarding. Within a local partnership, statutory partners work with voluntary sector partners looking at issues within peer groups that are related to issues in the community where adolescents are either coming to pose a risk or are likely to be very vulnerable to risks. We have discussed some of them already; there are risks from other adolescents and from being exploited by adults. There have been some interesting developments, which youth offending teams are very much plugged into, around how we look at that on a peer and community level. I am not sure whether I have directly answered your question.

Q93 **James Daly:** There have been some quite depressing statistics and facts pointed out throughout this debate, but I am seeking—they may not be there—some examples of rehabilitative success, things that can be pointed to. It may be education or skills related or job related, all types of things, but I am interested in specific examples of things you can point to that you think should be an integral part of the rehabilitative system involving our young people.

Pippa Goodfellow: Within our membership in the voluntary sector there is some fantastic work that is very much rooted in the communities they serve. To give you a concrete example, which also links to the point about addressing the disproportionate numbers and proportions of BAME children in the system, one of our members is called Juvenis. They work in Lambeth and are based in police stations in Lambeth. They are a voluntary sector organisation with particular expertise in working with BAME communities in that area.

They work in partnership with the police in the police station to provide an opportunity to give tailored support, whether therapeutic support or help with building skills and getting job opportunities, as an alternative



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and a diversionary route to keep young people from going down the criminal justice route. That is showing real promise of being really successful.

There is DIVERT in other parts of London as well. The voluntary sector has an important role to play, particularly in BAME communities, where they have greater levels of trust and there are community leaders involved in doing that work, to work alongside other partners to build relationships and provide tailored support. There are some good examples at different stages of the criminal justice system where that can happen, very much depending on what the needs of the individual child are.

Andy Peadon: I think you touched on it in your question: we need to be able to give young people some future. School-age young people need to be in school, because those who are not do not do very well, and those who are above school age need to be in jobs.

A partnership between YOTs and the voluntary sector, the Skill Mill, has had a fantastic success rate, with reoffending rates of around 12%, dealing with the most difficult young people in the system, a lot of whom have been in custody. It is quite resource and labour intensive, but if you can provide hope and prospects for the future, you have the ingredients for success.

James Daly: That's brilliant. Andy, thank you very much for that and I think it is a very good point for me to end my questions.

Chair: That is very helpful.

Q94 **Paula Barker:** The Children's Commissioner report in 2018 stated that there is growing consensus that separation is unsuitable for children, and that was supported widely by the medical profession, the BMA, and so on. What is your view of separation in custody, and what effect do you believe it has on a child?

Hazel Williamson: I do not know how blunt I should be, but perhaps I should try to be my usual self. We started the conversation this afternoon by talking about prison, and then we talked about children. I very much believe we have a system where children are slotted into an adult prison system, and therein lies the issue. It is part of the systemic issue around children's youth custody.

One of our concerns as an association is that we do not think there is a comprehensive strategy for youth custody. Clearly, nobody would advocate the segregation and separation of children. If we look particularly at the practice in secure children's homes, the way they work with children to help them to change their behaviour is completely different from the experience that a child would have in an STC or a YOI. It is about the system that children are in. While we continue to have prison rules designed for adults that are applied to estates where children



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are kept, that is what we will have, and, absolutely, it will have a real impact on a child's emotional and mental health.

We know that from children who have currently been in their cells for much longer during Covid, and from our staff who have contacts with children and young people. Because they are segregated and because they are not having the face-to-face contact with us that they ordinarily would have, it increases their anxiety. They do not know what is going on in the world, and they do not have as much contact with their families and the important people in their lives.

I am worried about the longer-term impact on children and young people and what the impact will be when we start to move out of this, and children spend more time out of their cells. Fundamentally, I do not think there is a place for children to be segregated, but, unfortunately, the youth custody estate as it is does not necessarily facilitate that not happening. That is why as an association we advocate more secure children's homes based in their local area. That would go a long way in trying to resolve some of the issues with the youth custody estate.

Chair: Does anybody disagree? I think there is consensus; a lot of people seem to have been saying that.

Q95 **Dr Mullan:** I want to move on to talk about the involvement of parents in the youth justice system, and to get feedback from the panellists on how effective or widely used things such as voluntary parenting contracts or parenting orders are, and whether there are other tools that could be used. We need to keep in mind, of course, as some of the panellists have mentioned, that not all children you come across in the youth justice system are in the custody of their parents, but this is for those who are.

Linda Logan: Youth magistrates and district judges should always consider whether a parenting order should be made. If you took a straw poll, you would get 50% of people saying parenting orders are a great idea and 50% saying no, they are not, because if the parent breaches the order the parent could end up with a very substantial fine. We are quite reliant on our colleagues from the youth offending teams to indicate whether they feel that a parenting order should be put in place or whether people should do some voluntary work.

Again, a lot of it comes back to local funding. Some areas may have very robust parenting support and other areas may not have any at all. The courts have that option, and when you have someone at 14 out and about at 2 o'clock every morning riding around on a moped, many of us feel that a parenting order in that instance would be a very suitable thing.

Q96 **Chair:** Are there any other points?

Andy Peadon: As an association, we probably would not be significantly in favour of parenting orders. We have concerns that mums are detrimentally affected by them where they exist, because mums are the ones who tend to turn up to court.



However, the issue of parenting is massively important in the work that we do, and parents need to be part of the solution. Most parents want the best for their young people and are not advocating for their kids to be out at all hours creating havoc. They struggle to know what to do to control them. There are programmes in most youth offending teams and support groups that exist. Work is being done on a formal and an informal basis with parents. There are family group conferences that try to expand the wider family so that support comes from different parts of the wider family. That is of crucial importance, but parenting orders per se are a bit of a blunt tool as a way you would seek to achieve change.

Q97 **Dr Mullan:** Does Hazel have a broader perspective?

Chair: Are there any other points or observations?

Hazel Williamson: There is a wealth of experience in working with parents across our members. I previously talked about our members often being responsible for the troubled families agenda or early help. Making use of the ability to work with families as a whole is a real focus for our members at the moment and, in particular, where they still exist—they do still exist—the whole children’s centre agenda. It is about how we work with families as a whole so that the child is not seen in isolation.

I concur with Andy that parenting orders on their own are a blunt tool. You find much better engagement with parents and families, and the wider family network, through family group conferencing and other such voluntary means.

Q98 **Chair:** Can you make those conditions to orders at the moment? I suppose that is the thing, isn’t it? There may be a better thing, but if the court is left with some means of doing a disposal, is there some way in which you could compel that without going down the route of a parenting order?

Hazel Williamson: In every pre-sentence report that we complete for the courts we always consider parenting. It is absolutely considered and we always consider a way that we will work with the parents, whether that is on a formal or informal basis. There are ways and means.

We find that parents generally want to help their children and young people. Often, they are struggling with how to do that and they invariably want to engage on a voluntary basis.

Q99 **Chair:** What about Linda’s point where the kid is out on a moped at 14? Do you think the parents are really trying to engage there?

Hazel Williamson: In my experience, yes.

Q100 **Chair:** What is their problem? Is it that there may be some difficulties?

Hazel Williamson: For us, it goes back to the original conversation about how we try to understand why that child is leaving the house. What



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are the push and pull factors for those children and young people? That is the bit that we need to try to understand for our children. That is the part we would help children and young people to work on.

Certainly, family group conferencing is a powerful tool to try to undertake some of that work. We can have conversations with children and families together in quite a controlled way, when previously that has not always been the way the conversation has gone between parent and child. There are very few parents I have come across who do not want to work with us when their child is not complying with boundaries.

Q101 Chair: That is helpful. Wrapping up, because we are nearly at the end of the time, do secure schools offer a better model? You talked about secure children's homes. Are secure schools a better route than the current approach we have to custody?

Andy Peardon: We are absolutely in favour of smaller units, and secure schools offer that, to some extent. Obviously, they are bigger than secure children's homes. I guess there is the issue that, when the court decides on custody, it has three options at the moment, and that will be four, and that does not sit very well in terms of a justice approach.

We need smaller units that offer the potential for bespoke programmes; something tailored around the needs of children that is not squashing children into an adult model, and something that is focused on resettlement for children who are going to be coming out during the course of their involvement with services. Some children serve very long sentences and they need a different programme, but when the young person is coming out, the focus should absolutely be on their reintegration and resettlement in communities right from the start. That should be a shared responsibility between the secure estate and YOTs in the community.

Q102 Chair: Linda, perhaps when you answer, you could pick this up. From a sentencer's point of view, will four models post 2021 be too many?

Linda Logan: I was going to interject with the point that no one has really discussed school exclusion. Everyone has discussed the importance of education for young people, but a vast number of the young people we see in the criminal justice system have not been in school for years. That is one thing that the Committee might want to look at another time: why those children are being excluded and the effects that exclusion has.

From a sentencer's point of view, it is very difficult for us at the moment. We make a decision. We do not decide where that young person goes. That is out of our hands. We would love alternative options. I think we all recognise that custody does not work. If we got the chance to send everyone to a particular facility, it would not work, would it?

Q103 Chair: Are there any other observations around those thoughts?



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Pippa Goodfellow: It is too early to say at the moment. It is still very much a concept rather than a reality. We know from the past that there were great hopes for secure training centres. Very much that was said about secure training centres at the time when they were a concept rather than a reality was hopeful. The only difference was about who was going to be providing them.

We very much hope that the plans for secure schools come to fruition, with the experience and the outcomes they are intended to have. As somebody on the previous panel said, one of the most welcome things about the announcement on secure schools was the commitment to closing YOIs and STCs. There is a bigger question about what the strategy is and what the timescales are in terms of how we get there.

Chair: That will be an important step towards the Taylor reforms being implemented. It has been a long session, with a lot to cover, but thank you very much for your patience and for giving us your time. We are grateful to you all for your evidence and thank you for your assistance in our inquiry. If there are any follow-up points that you feel you did not have time to make, do not hesitate to write, and the Committee team can feed that into us. I thank colleagues as well for sticking with a lengthy session.