

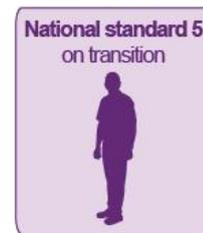
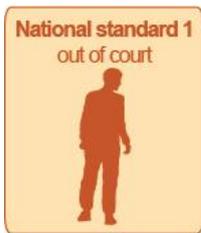
# Proposals for Standards for Children in the Youth Justice System 2019

This document should be read in conjunction with the draft *Standards for Children in the Youth Justice System* and accompanying consultation paper, which explains the background to the consultation, proposals for the new Standards and next steps.

You are invited to respond to the review using this template. Responses must be received by the YJB by **26 November 2018**.

Responses should be sent by email to [CBU@yjb.gov.uk](mailto:CBU@yjb.gov.uk)

<b>Your name</b> Mark Day	
<b>If responding on behalf of an organisation, name of the organisation for which you are responding</b> Transition to Adulthood (T2A) Alliance <a href="https://www.t2a.org.uk/">https://www.t2a.org.uk/</a>	



**1. The proposed National Standards for Children in the Youth Justice System have been designed to give local authorities the flexibility to provide quality services to children to best meet their needs. To what extent do they achieve this?**

Not at all	Partially	Mostly	Fully	Don't know
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Additional comments:**

We are not convinced that flexibility should be the principle aim of the revised national standards. For instance, in relation to transition arrangements, as we highlight below, the criminal justice joint inspectorate has identified “inconsistencies in practice and a lack of knowledge of the effectiveness of local arrangements across England and Wales” as principle obstacles to an effective process. A focus on increasing flexibility, without sufficient attention to ensuring minimum standards of provision are both measurable and enforceable, risks exacerbating the existing deficiencies in the system, and undermining the important role of the YJB in setting and enforcing minimum standards of provision nationally.

**2. Do you consider that the National Standards for Children in the Youth Justice System 2019 address the minimum youth justice functions?**

**These are out of court, at court, in communities, in secure settings, and on transition and resettlement**

Not at all	Partially	Mostly	Fully	Don't know
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Additional comments:**

See answers to questions 3 and 6 for a response on transition and settlement

**3. The Standards are intended to move away from processes management to an outcomes focus, to what extent has this been achieved?**

Not at all	Partially	Mostly	Fully	Don't know
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Additional comments:**

We share the concerns raised by the Prison Reform Trust in its response to the consultation, that the proposed new standards are often vague and do not clearly define a minimum standard of delivery, in marked contrast to what went before. For instance, in relation to national standard 5, it is not clear what the expectations are of a “tailored plan for children”, or what would constitute a minimum standard for “engaging with statutory services, parents and carers”. Despite the claim that the new framework represents a shift towards outcome focussed standards, most of the standards could be more accurately described as outputs rather than outcomes. As a result, there is a danger that the new standards fall between two stools – neither clearly defining an effective process for managing transitions nor what a desirable outcome should be for the young people in transition.

**4. The Standards are intended to achieve a better understanding of accountability between YOT Management Boards and YOTS, to what extent has this been realised?**

Not at all	Partially	Mostly	Fully	Don't know
------------	-----------	--------	-------	------------

<input type="checkbox"/>				
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

**Additional comments:**

**5. Do you consider that children with protected characteristics under the Equalities Act 2010 will be impacted by the YJB's proposal to change National Standards?**

**Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief, sex and sexual orientation.**

Not at all	Partially	Mostly	Fully	Don't know
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Additional comments:**

Given the concerns raised in the Lammy review regarding race and disproportionality in the youth justice system, we would like to see much greater attention given in the national standards to meeting the recommendations of the review. We welcomed the response of the government to recommendation 4 of the Lammy review that “The MoJ considers “explain or change” as an overarching principle for cultural change”. However, the current section of the draft national standards on disproportionality (page 6) makes no reference to the “explain or change” principle; only to agencies’ legal duties under the Equality Act. We recommend revising the national standards so that the principle of “explain or change” is explicitly recognised.

In relation to our concerns stated below regarding national standards for transition arrangements, it is particularly important that transition plans take account of the needs and circumstances of individuals with protected characteristics under equalities legislation, including women and people from BAME backgrounds. For instance, the small number of girls in youth custody are either held in secure children’s homes or secure training centres, with none held in young offenders institutions. In addition, there are fewer female custodial establishments than male, meaning that women are often held much further away from their families and local communities. For young women, this can make the transition from youth into adult detention particularly abrupt, and so special attention needs to be given in transition planning to any potential vulnerabilities and the views of the young person and their families. Young people from BAME backgrounds may also face challenges in transitioning from youth to adult establishments. Careful attention needs to be given in transition planning to ensuring that provision is culturally sensitive, for instance, by taking account of links with family and local communities and any particular faith needs.

6. The Standards specify the minimum expectations for managing justice services for children and young people across five functions. Please explain any obvious gaps or omissions.

In 2016, more than 50% of 18 year olds in youth custody were transferred to the adult estate, and the highest proportion of people aged 18 were transferred from YOT to adult probation supervision (see <https://www.justiceinspectorates.gov.uk/hmiprobation/inspections/transitions-followup/> . Therefore, to maintain consistency and underpin positive outcomes for children and young people, it is particularly important that commonly agreed standards for managing the transfer process are in place.

The new National Standard 5: on transition and resettlement requires “YOTs and where applicable secure establishments should provide a tailored plan for children in the youth justice system, who make a transition, engaging with statutory services and parents and carers” for

- children who move residence from a secure establishment for children into adult provision
- children who move services into adult probation services
- children who move from child to adult health services

For children in transition to adult services, this standard replaces the following sections in the National Standard for Youth Services (2013):

*Transition to the adult estate YOT practitioner responsibilities*

*9.58 Manage the transition of young people from the YOT to the Probation Service in accordance with the local protocol governing this process (which will be based on the Youth to Adult Transitions Framework for community transfers).*

*Secure estate staff responsibilities*

*9.59 Manage the transition of young people between the youth and adult secure estates in accordance with the Transition from the Under 18 Estate to the Young Adult Estate framework for custodial transfers.*

We welcome the inclusion of a separate national standard on transitions and resettlement. However, unlike the previous national standard, we are concerned that the revised standard makes no mention of the need for practitioners to manage transitions in accordance with the Youth to Adult Transitions Framework for community transfers, or the Transition from the Under 18 Estate to the Young Adult Estate framework for custodial transfers.

The shift towards “outcome focussed standards” should not entail the loss or downgrading of important protocols and guidance for how positive outcomes can be achieved. While both frameworks require revision in light of recent and planned reforms to probation, and changes in the governance and oversight of youth custodial services, they nonetheless provide important and detailed

guidance to practitioners on how the transition process between youth and adult services should be managed.

The omission of the transition frameworks from the revised national standard is particularly concerning given the lack of consistent and effective transition arrangements repeatedly highlighted by HM Criminal Justice Joint Inspectorate. Following the inspectorate's first report on transition arrangements in 2012

(<https://www.justiceinspectors.gov.uk/hmiprobation/inspections/transitions-an-inspection-of-the-transitions-arrangements-from-youth-to-adult-services-in-the-criminal-justice-system-october-2012/>), we welcomed the development by the YJB and the National Offender Management Service (now HM Prison and Probation Service (HMPPS)) of a joint Youth to Adult Transitions Framework to manage the transfer process. However, we were concerned to read in the HMIP's follow up 2016 report

(<https://www.justiceinspectors.gov.uk/hmiprobation/inspections/transitions-followup/>) that the framework was not sufficiently well known or fully implemented at the time of the inspection. In relation to the national leadership provided by the YJB and NOMS, the inspectorate noted:

*... inconsistencies in practice and a lack of knowledge of the effectiveness of local arrangements across England and Wales. Moreover, despite the intention of the National Offender Management Service (NOMS) that monitoring would be via the 21 Senior Contract Managers and via the NPS Deputy Directors for the 7 NPS divisions, there was no evidence of ongoing and effective national monitoring, or review, of the effectiveness of local arrangements for the transfer of young people from youth based to adult based services, and retention of young adults in youth based services.*

The inspectorate also highlighted concerns regarding the impact of the Transforming Rehabilitation reforms on transition arrangements between youth and adult justice services:

*With the exception of the operational level Probation Instruction PI 05/2014, which is clear regarding transfers in from YOTs, we saw insufficient evidence of the Youth Justice Board (YJB) or NOMS working to ensure that, following the changes instigated by Transforming Rehabilitation, there would be effective cooperation between the NPS, the new CRCs and the YOTs. Therefore, effective local arrangements for the transfer of young people depended on the work of local organisations. The YJB and NOMS have failed to fully consider the impact of Transforming Rehabilitation on links between youth and adult services. The national and local organisations need to address these issues.*

While the inspectorate identified a number of examples of good practice at the local level, it found that the majority of cases had not been identified as possible transfer cases. Overall, the inspectorate found a lack of consistency in managing the transfer process and that, in many cases, there had been little or no preparation, a failure to use existing information and a lack of planning.

The inspectorate highlighted the importance of effective and consistent arrangements for managing the transfer process for achieving positive outcomes. It “recommended that Youth Offending Team Management Boards, Probation Trusts and custodial establishments, in conjunction with education, training and employment, health and other providers of interventions, should ensure that:

- the effectiveness of local arrangements for the transfer of young people from youth based to adult based services, and retention of young adults in youth-based services, is monitored and kept under review
- sentence plans in Youth Offending Teams and the young person’s secure estate take account of future transfer to adult services where appropriate, and plans in Probation Trusts and the adult custodial estate take account of information from youth based services, to ensure that outstanding interventions are implemented
- decisions to transfer young people to adult services or to retain young adults in youth based services are recorded in the case record and take into account the views of young people and what work needs to be undertaken to meet the aims of the sentence, to address likelihood of reoffending and risk of harm to others, and to manage vulnerability
- young people are thoroughly prepared for transfer to adult services
- notifications of transfer, and all essential advance information, are sent to Probation Trusts and adult establishments in sufficient time to ensure continuity of delivery of interventions
- all intervention providers (including health and education, training and employment providers) are informed of transfers to Probation Trusts and adult establishments in advance and involved appropriately in case transfer meetings to ensure continuity of delivery
- parents/carers are involved, where appropriate, in discussions about transfer and in case transfer meetings where it is likely to aid the young person’s progress and engagement
- staff in youth based and adult based services receive sufficient information and training about the work of each other’s services to enable them to prepare young people for transfer to adult services and to work effectively with transferred cases.”

In view of these concerns and recommendations, the inspectorate has recently consulted on a revised set of expectations for children which increases the expectations on establishments to effectively manage the transfer process. The draft expectation (79) requires that:

- All children transferring are given sufficient notice of their transfer, including information about the establishment to which they are being transferred.
- Children transferring to the adult estate have an individual transition plan, which considers their needs and aspirations, including mitigating disruption to education or training, and establishes links between children and staff at the establishment they are to be transferred to. Children and their families are involved in transition planning.

The revised national standards should have an important part to play in improving the effectiveness and consistency of arrangements for managing the transfer process between youth and adult services. However, the current

lack of reference to agreed operational standards for managing transitions, as well as the vagueness of the proposed national standards and their failure to clearly define a desirable outcome for young people in transition, risks exacerbating the existing problems of inconsistency and lack of coordination and planning identified by the inspectorate. It also raises questions as to what role the YJB ought to be playing in driving improvement, particularly at a time when the inspectorate is demanding greater scrutiny and oversight of the transitions process. Therefore, we recommend that the national standards are revised in line with the inspectorate's expectations and recommendations, to more clearly define desirable outcomes for young people as well as the expectations of an effective transitions process. The existing transitions frameworks should be revised and explicitly referenced in the new national standard 5. At the very least, the revised frameworks should be included in the 'guidance' section for this standard, so that the expectations for an effective transitions framework are clearly stated and accessible to practitioners. The guidance section should also include reference to the Ministry of Justice's Young Adult Model of Operational Delivery, and relevant sections of the Lammy review (<https://www.gov.uk/government/organisations/lammy-review> ), the Farmer review (<https://www.gov.uk/government/news/landmark-review-places-family-ties-at-the-heart-of-prison-reform> ), and the Laming review on the overrepresentation of children in care in the criminal justice system (<http://www.prisonreformtrust.org.uk/Portals/0/Documents/In%20care%20out%20of%20trouble%20summary.pdf> ).

## **7. Any other comments**