

The government's response to Charlie Taylor's Review of the Youth Justice System–January 2017

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. The Prison Reform Trust provides the secretariat to the All Party Parliamentary Penal Affairs Group and has an advice and information service for people in prison.

The Prison Reform Trust's main objectives are:

- reducing unnecessary imprisonment and promoting community solutions to crime
- improving treatment and conditions for prisoners and their families.

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Introduction

The former Lord Chancellor and Secretary of State for Justice, the Right Honourable Michael Gove MP, asked Charlie Taylor, a former head teacher and child behaviour expert, to lead a review of the youth justice system in September 2015. Working as a senior civil servant in the Ministry of Justice, Taylor conducted his review between September 2015 and May 2016, at which stage he reported to the Secretary of State. Following a period of deliberation the Ministry of Justice published its response to Taylor's Review on Monday 12th December 2016. It published the Taylor Review at the same time. An earlier interim report from Taylor had been by the Ministry on the 9th February 2016.

Taylor's final report is 179 paragraphs long and includes 36 recommendations. The government's response is 127 paragraphs long and includes 19 commitments from the government. The government has not adopted most of Taylor's recommendations but does state that:

“we will be implementing his key recommendations by putting education at the heart of youth custody and improving the provision of health care to tackle the factors that increase the risk of offending.”

In responding to the Taylor Review the current Secretary of State, the Right Honourable Liz Truss MP, informed the press on the 11th December that the government would:

- Launch two ‘secure schools—alongside new measures to monitor progress in English and maths, health and behaviour;
- Spend an additional £15 million to boost frontline staff working in youth custody and improve safety;
- Establish a new post of Head of Operations to reduce violence and drive up standards, and create roles of dedicated officers responsible for overseeing young offenders’ progress; and
- Bid to have every young person in custody on an apprenticeship pathway that will continue even after they have left custody.

This briefing sets out the Prison Reform Trust’s response to the government. We have restricted our comments here to two themes:

- Reducing the numbers of children in custody.
- Improving and reforming the imprisonment of children.

The Prison Reform Trust is a member of the Standing Committee of Youth Justice (SCYJ) and we support the comments made by the Standing Committee on wider issues. We share the Standing Committee’s disappointment that some of the opportunities for wider proposed by Taylor have not been adopted by the government. In particular we endorse the comments made by the Standing Committee in relation to the treatment of criminal records acquired during childhood. This is an aspect of public policy that is in long need of reform.

One final general observation: the Prison Reform Trust is also a member of the Transition to Adulthood alliance (T2A), which makes a strong case for a better justice system for young adults. There is at present something of a ‘justice cliff edge’ between the response to children (those under 18) and young adults (those aged between 18 and 25) who offend. The developing science in this area demonstrates convincingly that growing up is not complete at 18. We believe that further reforms of the youth justice system need commensurate changes to the young adult criminal justice system.

Reducing the number of children in custody

The Prison Reform Trust has long advocated that custody should only be used as a last resort for children. For several years we ran a programme, ‘Out of trouble’, funded by the Diana Princess of Wales fund, that played its part in the crowning achievement of the youth justice system since 2008 of reducing the number of children in custody by 67% since 2007. We believe numbers could still be reduced further, our contention being supported by the continuing variation in numbers and proportions of children sent to custody from different, often neighbouring, areas.

We are also concerned about rising disproportionality in use of custody, with sharp rises being shown in the percentage of children from many black and minority ethnic communities, as well as high numbers of children in custody experiencing learning disabilities and mental health problems. It is

understandable that the government wishes to delay its response to this issue until the current review led by the Rt. Hon. David Lammy is concluded, but the need to take urgent action to reduce this disproportionality is growing and we will be looking for reassurances that both the review and the government's response are published during the spring of 2017.

Between 2015 and 2016 we hosted the independent review of the over representation of children in care, or with experience of care, both in custody and in the wider youth justice system that was conducted by Lord Laming. He and we have made detailed recommendations on how the life chances of children in care can be transformed by protecting them from unnecessary involvement in the criminal justice system.

The government's response to the Taylor Review provided a further opportunity to reduce the number of children in prison to a minimum consistent with the 'last resort' principle. With this in mind we are delighted that the government has discarded Taylor's proposal to remove the requirement for local authorities to establish a youth offending team (YOT). The success of YOTs has been one of the cornerstones of progress in the youth justice system and while Taylor's proposal would not have harmed such progress in some areas our fear was that in other areas it would see, quickly, a deterioration in the specialist work needed in this field, and a return to waste and chaos the characterised some areas in the 1990s.

For the same reasons we applaud the government's decision to continue to ring-fence grants for the provision of youth justice services within local authority funding. We believe Taylor's proposal to remove this funding was misguided. We would observe, however, that the level of central government funding for YOTs has reduced by roughly 50% in the past eight years. Although the statutory workload of YOTs has reduced dramatically in this time this reduction has only been possible by more and better-targeted work across the piece with children who have been diverted from the formal youth justice system. Further reductions will imperil this work and run the real risk of leading to a rise in numbers of children in the formal system, and ultimately in custody.

We applaud the government's commitment to gather more information and share best practice across the system to inform further preventative work, and also to explore with the NHS and Department for Education how assessment and early access to treatment can be provided at the earliest possible stage. There is ample evidence that children in custody have been failed earlier by education and health services and anything that can be done to improve access to such services will reduce the number of children who otherwise end up in custody. We also support the other commitments made by the government to improve identified aspect of the youth justice system, including taking a fresh look at sentencing reform.

At the same time ignoring some of Taylor's other recommendations amounts to missed opportunities to reduce the number of children in custody. In particular we would urge the government to think again about:

- Devolving custody budgets (Taylor recommendation 7)—the youth custody budget pathfinder scheme successfully demonstrated between 2010 and 2012 that devolution of budgets to clusters of local authorities will lead to reductions in their use of custody.
- Requiring all local authorities and named partners to operate diversion schemes (Taylor recommendation 8)—the diversion of children away from the formal youth justice system and with it the reduction of ‘first time entrants’ can be shown to have driven the reduction in numbers of children in custody, yet there remains considerable local variation in the operation of such schemes.
- Improvements in the handling of minor offending by looked after children (Taylor recommendations 17 and 18)—these proposals are consistent with those recommended by Lord Laming and there is very wide spread belief that they would reduce the unnecessary appearance of children in care before the courts.
- The introduction of a new system of Children’s Panels (Taylor recommendation 25)—Taylor’ proposals would introduce a more measured and expert system of delivering justice to children who offend, a system that can be afforded because of the total reduction in numbers, and we are confident this would reduce the number of children who are imprisoned before a proper examination of alternatives to custody has taken place. Our understanding from officials in the Ministry of Justice is that further consultation on this issue are planned, and we would welcome the opportunity to join these.

Improving and reforming the imprisonment of children

There have been marked deteriorations in the conditions in which children are held in custody in the recent past, highlighted dramatically in the BBC Panorama revelations about Medway Secure Training Centre in January 2016 but also documented in repeated reports from HM Chief Inspector of Prisons and the other inspectorates over the last two years. We do not believe it is an exaggeration to describe the system as being in crisis, despite the excellent and committed work undertaken by the vast majority of staff working in the National Offender Management Service and other custody providers. One part of the problem is that the current model of large Young Offender Institutions (YOIs) and Secure Training Centres (STCs) is not fit for the purpose of holding and treating the children who are increasingly concentrated within their units.

With this in mind there is much to welcome in the government’s announcements. The longer term commitment to replace YOIs and STCs by smaller secure schools situated in the regions that they serve is very welcome. We opposed the earlier (2013–14) proposal to introduce a network of secure colleges, not least because of the size proposed for such colleges (c. 300–340 children at one time). The secure school proposal will need to be significantly different to the proposal for secure colleges. The proposal will

also need to demonstrate that it has identified the problems of the existing custodial estate for children and contains features that will avoid these. With all of this in mind we recognise that developing the secure schools model will take time, and we understand why the government wishes to commence this change with just two secure schools, one in the north and one in the south. The Prison Reform Trust hopes that the government will arrange that the expertise held in the voluntary and community sector relevant to the operation of such schools will be tapped fully in its development of these schools.

Agreeing that such radical change cannot take place over night, we welcome the government's commitment of an additional investment of £15 million in the secure estate for children, which we understand is to be principally spent in YOIs. The government lists a large number of changes against this resource, including:

- Development of a new pre-apprenticeship training pathway;
- Boosting the numbers of 'frontline' staff in custody by 20%;
- Introducing a new role of Youth Justice Officer;
- Ensuring all children have a dedicated personal officer, at a ration of 1 officer to 4 children; and
- Developing specialist support units with higher staffing levels to provide enhanced psychological support and guidance.

All of these changes are welcomed, although the bill associated with them appears in the first instance to be rather higher than £15 million. Since government briefings have also given a figure for new investment of £20 million it would be reassuring to see the detailed spending plans sooner rather than later.

We welcome the repeated references to improving training of staff and note that the government is "in discussion with partners to design the right training offer". Given the importance of this training programme we would encourage the government to open up this discussion to a wider audience than appears to be the case as the moment, and in particular to publish the outcome so there can be proper and open scrutiny of the delivery of this enhanced training.

The commitment to increase the diversity of the workforce is overdue and welcome, especially given the disproportionate numbers of children from black and minority ethnic communities in custody to which we have already referred.

These and other reforms (for example the creation of youth custody plans, and the adoption of White Paper like proposals for the adult estate to give governors and staff more control) represent an extensive programme of reform and the government's proposal to appoint a single director of youth custodial operations to lead these changes is surely sensible. We are unconvinced, however, that this is an operational role, not least in the current position in which there are eleven different organisations running custodial

units (and the government has said it will add to this diversity by giving more power to individual governors of YOIs). Our point here is about more the choice of the title of the post. This post must have clear commissioner-like powers to have real influence and as such needs to sit at arms length from any existing or future provider. The logical place for such a role would be within the Youth Justice Board for England and Wales (YJB), working closely to the Secretary of State. We welcome, incidentally, the government's apparent decision to reject Taylor's recommendation that the YJB be scrapped.

The government's other proposals to strengthen the scrutiny and inspection arrangements for custody will also go a considerable way to restoring this confidence. They will also add to the power and authority of the new director to exercise control over all sections of the custodial estate for children.

Alongside these changes we would have welcomed more attention to resettlement. All too often progress made while a child is in custody is lost as soon as they pass through the gate. It is important that the focus on closing the gap between custody and community, heralded in Transforming Youth Custody only three years ago is not lost. The lack of coordination between custodial and community services is one of the most obvious weaknesses of the youth justice system so we are puzzled that the government appears to have abandoned its support for strategic resettlement consortia. The previous policy was better but short sighted—providing only short term (two year) funding to these bodies and very limited support for 'proof of concept' was not adequate. We would ask the government to review this matter urgently as these consortia will cease to exist in April 2017 otherwise, and with their closure will go the best chance of building a proper link between custody and community.

Finally, the government commits itself to placing education and health at the heart of youth custody, but it is important that it does not lose sight of what Taylor actually wrote on this subject, so we shall quote from his report:

“Education, health and offender desistance programmes need to be at the heart of work to rehabilitate children”

Taylor identified, we believe correctly, that there needs to be a three-part focus of work during custody. It is important that we do not lose sight of the third element. Far too often the Chief Inspector reports children as saying they received little or no help to address their offending behaviour, or its causes, while in custody. This feedback should be of real concern to government and the YJB. Resettlement consortia specifically tasked with ensuring proper join up between offender desistance programmes in custody and the community could make a real difference.