



Ministry
of Justice

Transforming Youth Custody

Government response to the consultation

January 2014



Transforming Youth Custody

Government response to the consultation

Presented to Parliament

by the Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty

January 2014

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You can download this publication from www.gov.uk/moj

ISBN: 9780101879224

Printed in the UK by The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office
ID 2616980 01/14

Printed on paper containing 75% recycled fibre content minimum.

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Ministerial foreword

It is right that young people who commit crime should face appropriate punishment, including custody where they have committed serious or persistent offences and there is a need to protect the public. However, at present 71% of young offenders released from custody reoffend within 12 months. If the public is to continue to be protected after a young person is released, then custody must do more to tackle the causes of offending and set young offenders on the path to leading productive, law-abiding lives.

This Government believes that providing high quality education to young offenders in custody is central to tackling this problem. Latest figures suggest 86% of young men in Young Offender Institutions (YOIs) have been excluded from school at some point, and over half of 15–17 year olds in YOIs have the literacy and numeracy level expected of a 7–11 year old. Research also indicates that 18% of sentenced young people in custody have a statement of special educational needs.

We have a responsibility to give young people the best start in life, including access to high quality education that gives them the opportunity to work hard and fulfil their potential. This does not change if a young person breaks the law. We must give them help and support to get back on the right track, equipping them with the skills, training and self-discipline they need to stop offending and contribute positively to society in adult life.

Today we are setting out the radical steps that this Government is taking to transform youth custody and to place education at the heart of detention. We will legislate to create Secure Colleges, a new generation of secure educational establishments where learning, vocational training and life skills will be the central pillar of a regime focused on educating and rehabilitating young offenders. We are also announcing plans to launch the first purpose-built Secure College in the East Midlands in 2017, and will invite educationalists and others to compete to run this pathfinder establishment.

If successful, this pathfinder will represent the first step towards our vision of a network of Secure Colleges across England and Wales which would replace existing expensive and inconsistent provision, raise educational attainment, reduce cost and act as a catalyst to reduce reoffending.

Transformation on this scale takes time, so we are also taking decisive steps to improve provision within the current youth custodial estate while we develop Secure Colleges. Today we are launching a competition for new education provision within public sector YOIs which will seek to more than double the number of hours of contracted education young people receive each week, and in future education leaders will play a key role in the leadership of YOIs (to ensure that education becomes the focus of the custodial regime).

In addition, we are taking steps to ensure that when a young offender leaves custody more effective plans are in place to support their resettlement in the community and entry into education, training or employment. This is vital if progress achieved in custody is to be built upon on release, and young offenders are to pursue an alternative to a life of crime.

This is an ambitious programme of transformation, but one we are committed to delivering at pace. A step change in youth custody is required if we are to improve outcomes for young people and wider society, and reduce the burden on the taxpayer. A pathfinder Secure College will show the way to achieving this.

CHRIS GRAYLING

Lord Chancellor and
Secretary of State for Justice

NICK CLEGG

Deputy Prime Minister

Secure Colleges – a new model of youth custody

Secure educational establishments

1. The *Transforming Youth Custody* consultation set out the Government's vision for Secure Colleges that will put education at the heart of detention. Secure Colleges will provide a secure learning environment purposefully designed around the delivery of education, rather than being custodial establishments with education fitted in afterwards.
2. A Secure College will for the first time offer a fully integrated multi-agency approach to tackling the offending of young people. With education at the heart of the regime and effectively integrated with health, substance misuse and wider services, the Secure College will improve the educational engagement and attainment of young offenders, while also addressing offending behaviour in a holistic and co-ordinated way which can be sustained by community services on release. This will be achieved by a single lead provider overseeing a Secure College and all the services it delivers, rather than the separate commissioning of custodial and education services as happens now in YOIs.
3. Secure Colleges represent a step change in the approach to youth custodial provision. They will have strong educational leadership, with a headteacher or principal at the core of the establishment's leadership team, a proposal advanced by a number of respondents to the consultation.
4. Secure Colleges will accommodate young people aged 12–17 years, meaning that resources and expertise can be shared in one establishment rather than dispersed across a number of youth custodial sectors, as at present. This will enable a Secure College to achieve an operating cost significantly below the £100,000 current average cost of a place in youth custody. Appropriate safeguards will be put in place to ensure that young people are kept safe at all times, and the physical environment will have many of the characteristics of an educational establishment.
5. It is envisaged that a Secure College model could accommodate all young people currently placed in YOIs and Secure Training Centres (STCs), as well as some currently placed in Secure Children's Homes (SCHs). This will enable us to withdraw from some of the most expensive youth custodial provision, generating substantial savings. We anticipate retaining some specialist custodial provision for the very youngest and most vulnerable young people remanded or sentenced to custody by the courts, but our vision is for Secure Colleges to cater for the vast majority of young people in custody.

Tailored education provision

6. At the heart of a Secure College will be a broad and intensive curriculum to challenge and engage the full range of ages and abilities of the young people accommodated in the establishment, including those with special educational needs. Education will be conceived of in its broadest sense, a view supported by all respondents to the consultation. Young offenders' days will be spent participating in constructive and

stimulating activity which develops learning and skills, independence and personal responsibility.

7. We envisage Secure Colleges delivering a strong focus on the core literacy and numeracy skills that all young people need to get on in life, but with creative approaches to teaching which motivate and inspire this often hard-to-reach group. Secure Colleges will also prioritise vocational training, interventions to tackle offending behaviour, and the development of interpersonal and practical life skills. This will ensure that young people leave with the motivation, self-discipline and independence to commit to further studies, training or employment, and to steer clear of crime.
8. Every young person arriving at a Secure College will undergo a comprehensive assessment to enable the development of an Individual Learning Plan. This plan, which will be developed with the young person and form part of their broader sentence plan, will set out the learning goals to be achieved during the entire life of the sentence, both in custody and under supervision in the community. It will also outline the support to be delivered by the Secure College, the Youth Offending Team (YOT) and other partners, and will act as a passport for the young person in their contact with schools, colleges or employers prior to and upon release. Rewards and privileges will be closely linked to progress against a young person's Individual Learning Plan.
9. This thorough assessment will allow for the identification of special educational needs and careful planning for how they will be met in a Secure College. In line with the Government's proposals in the Children and Families Bill, a young person entering a Secure College with an Education, Health and Care (EHC) Plan will, as far as it is practicable, be provided with the support outlined in their plan while they are detained. Equally, where assessment in custody reveals a previously undiagnosed special educational need, the Secure College will liaise with the young person's home local authority to ensure an EHC Plan assessment can be undertaken.

Meeting the wider needs of young people in Secure Colleges

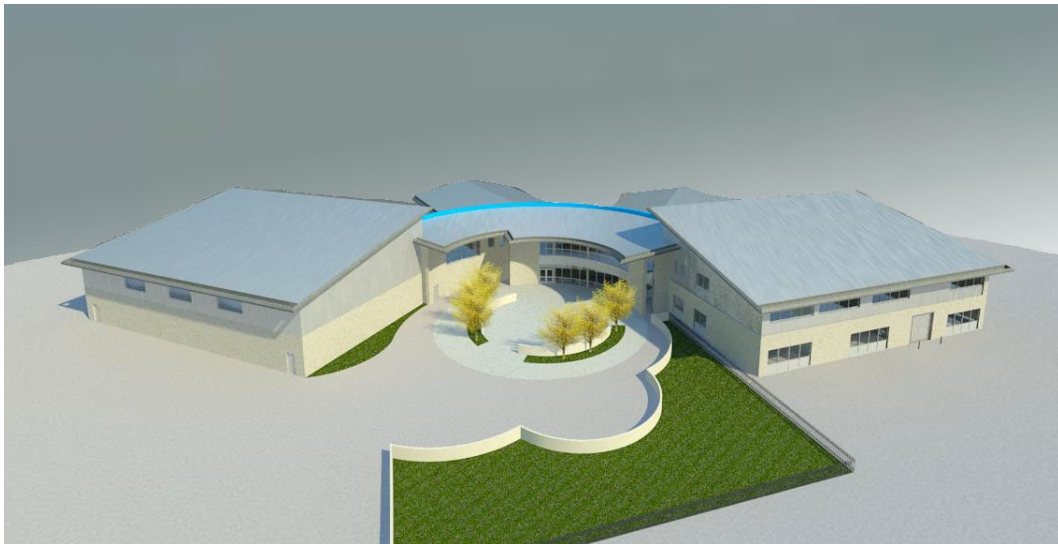
10. Young people in custody often come from very difficult backgrounds, including histories of local authority care, absent parents, disrupted education and living arrangements, and in some cases self-harm. In addition they also frequently present mental and physical health problems and emotional and behavioural difficulties. These wider needs can often drive offending behaviour and act as a barrier to educational progress.
11. Secure Colleges provide an opportunity to build on our strong relationship with NHS England in the commissioning of effective healthcare in custody, but also to design and deliver holistic, integrated services which support improved educational engagement and attainment, tackle the causes of offending (such as substance misuse problems) and prepare young people for successful resettlement in the community.

Legislating for Secure Colleges

12. We intend to bring forward legislation to create Secure Colleges as a new form of youth detention accommodation. In recognition of the Welsh Government's responsibility for the delivery of education in Wales and wider children services, we are working closely with them to discuss how our vision for Secure Colleges can most effectively be realised in Wales.

A pathfinder Secure College

13. This legislation will pave the way for the development of a first pathfinder Secure College. We propose to develop a purpose-built Secure College in the East Midlands. This 320-place establishment will enable us to prove the concept of the Secure College and evaluate its effectiveness before we seek to roll it out more widely.
14. The pathfinder Secure College will be developed on land owned by the Ministry of Justice and which is adjacent to HM YOI Glen Parva that provides for young adult offenders aged 18–20. The department has planning permission to develop youth secure accommodation on the site, and will be engaging further with Blaby District Council. It is envisaged that construction of the Secure College will commence in early 2015, with the establishment opening in spring 2017.



The image shows an impression of the proposed education facility at the pathfinder Secure College in the East Midlands.

15. The design of the Secure College in the East Midlands draws on innovation and learning from developments in school building. A modern and fully-equipped education facility containing classrooms, workshops and flexible learning space will form the focus of a campus around which living units will be situated to meet the differing needs of the young people held at the establishment. Older and more resilient young people will be accommodated in larger living units, while those who are younger and more vulnerable will be accommodated separately in smaller blocks. Living units will also contain some learning facilities to support extracurricular and enrichment activity, and their design and positioning will ensure that the different populations within a Secure College can be managed and educated safely at all times.
16. A Secure College in the East Midlands will serve demand for custody from the Midlands and East of England, but will also be able to take young people from elsewhere when appropriate. Once opened we envisage that this pathfinder Secure College will enable us to withdraw from existing custodial capacity which serves these regions. We estimate that this consolidation of the estate and the lower operating cost of a Secure College will realise significant ongoing savings from the pathfinder alone.

Towards a network of Secure Colleges

17. Pending the pathfinder Secure College proving successful, the Government's long-term ambition is complete transformation of the youth custodial estate through the introduction of a network of Secure Colleges across England and Wales. These will deliver high quality education and training to young offenders, contribute to reduced reoffending and provide better value for money for the taxpayer.
18. The youth custodial population has fallen by 56% since 2003/04, with approximately 1,350 young people currently detained across England and Wales. Configuring an estate to meet this demand while maximising value for money and maintaining young people's links to their family and community is challenging.
19. Our vision is for a small number of Secure Colleges which serve the major regions of England and Wales. As part of wider work on prison capacity in London, we are currently conducting a feasibility study of the development of a Secure College on the site of the under-18 YOI at Feltham in London. This work will be concluded by summer 2014.
20. Over time a network of Secure Colleges would allow us to move away from most existing youth custodial provision. Such a transition would be managed to ensure that stability in the youth custodial estate is maintained, and to enable refinement of the Secure College model as it is rolled out across England and Wales.
21. In developing Secure Colleges we want to attract a diverse and innovative range of new education providers into the youth custodial sector. We were pleased to receive responses to the consultation and proposals for Secure Colleges from a wide range of organisations – including academies, education providers and employers, as well as established custody and care home providers – demonstrating the strength and appetite of the market to deliver a new form of youth custodial provision based around quality education and training provision. We look forward to continuing this discussion with providers as we move to introduce the first Secure College.

Wales

22. Our consultation activity specifically sought the views of practitioners and young people from Wales, and we received an encouraging response. The devolved responsibilities of the Welsh Government in relation to education, health and wider children services will require careful consideration in the development of any Secure College in Wales, but these directly support the aims of the Secure College model and will provide an even stronger incentive to ensure that services in custody are integrated effectively with services in the community. We are also aware of the particular cultural and language needs of Welsh young offenders. We will continue to work closely with the Welsh Government on the implementation of the Secure College vision in Wales.

Improving existing youth custodial provision

23. We are taking decisive steps to introduce Secure Colleges, but transformation of the entire youth custodial estate cannot be achieved overnight. In the meantime we are committed to doing all we can to improve outcomes across the current youth custodial estate.

Improving Young Offender Institutions

24. Ninety five per cent of young people in custody are boys, the vast majority of which are aged 15–17 years and currently detained in under-18 YOIs. Yet consultation responses reaffirmed that it is in YOIs that education provision is poorest, with young people receiving an average of only 12 hours education each week. We are taking significant steps now to enhance education across the YOI estate.

25. Current education contracts in public sector YOIs expire in 2014. Today we are launching a competition for new education contracts which will seek to transform the current service and more than double the number of hours of contracted education delivered to young people in YOIs. We will challenge education providers to work together with the National Offender Management Service (NOMS) and YJB to find innovative ways to maximise teaching hours and broaden the curriculum in YOIs.

26. Enhanced education is not simply about increasing the number of hours young people spend in classrooms and workshops. Respondents to the consultation highlighted the lack of integration in YOIs between education delivery and wider custodial services. This manifests itself in young people having to miss lessons in order to attend meetings with caseworkers, YOT staff or health appointments. The culture of YOIs needs to change from being places of detention to places of learning.

27. We will take significant steps to change this culture. The first is that from November 2014 when new education contracts are in place, each YOI will have the headteacher or principal overseeing education delivery as an integral part of its senior leadership team. The second is that the YJB, which leads the commissioning of custodial provision from NOMS, will in future manage the delivery of education provision in public sector YOIs on behalf of the Ministry of Justice. Both these reforms will ensure that education is fully integrated with the wider delivery of services in YOIs, and that there are robust mechanisms in place for holding all parties to account for enhancing education provision in custody.

28. For those young people with special educational needs, we will expect education providers in YOIs to deliver appropriately tailored provision. These providers will continue to have procedures in place for identifying and supporting specific learning difficulties and will have an appropriately trained workforce that will identify and support young offenders' individual learning needs. Furthermore, we will ensure that new arrangements due to be made with these providers support local authorities as they seek to fulfil their best endeavours duty being introduced by the Children and Families Bill to ensure that provision in EHC Plans continues to be delivered while a child or young person is in custody. In addition, the Bill will create a duty on all custodial establishments to co-operate with local authorities in fulfilling their responsibilities to support those with special educational needs.

29. Beyond contracting enhanced education provision, we are taking further steps to change the culture of YOIs. To support transformation NOMS will develop a distinct management function for the oversight of under-18 YOIs, rather than the current arrangements whereby individual YOIs are overseen by regional directors of the prison estate. This will ensure a more specialist focus on the delivery of services to under-18s.
30. We are also taking important steps to ensure that custodial staff working with young people have the right skills for the job. We are reviewing the core skills and competencies of senior custodial staff in YOIs and will be working with Skills for Justice with a view to developing a professional qualifications framework. All future recruitment campaigns for custodial YOI staff will require applicants to demonstrate their clear desire and commitment to working with young people as part of a rigorous assessment process. Current staff will be receiving further training, developed in conjunction with a wide range of organisations including Barnardos, National Children's Bureau and the Department of Health, to enhance their understanding of child protection and safeguarding, adolescent development, emotional and mental wellbeing, and speech, language and communication issues. This training is mapped to a number of relevant National Occupational Standards in working with young people, including those for youth justice.
31. Finally, to ensure that YOIs promote a culture of hard work, attainment and discipline, we are reviewing the system of incentives and earned privileges. Young people should not automatically gain privileges, but should receive these in recognition of positive engagement and attainment. In this way young people will learn that positive behaviour is rewarded and that there are clear consequences for poor conduct.

Secure Training Centres and Secure Children's Homes

32. At present the younger and more vulnerable children in custody are accommodated in STCs and SCHs. These represent the most expensive custodial provision in the youth estate, with some costing more than £200,000 a place per annum.
33. It is our intention that all 12–17 year olds accommodated in STCs and some of those accommodated in SCHs will in future be accommodated in Secure Colleges where the intensive and enhanced provision will ensure that the more complex needs of this group continue to be met. The larger sizes of Secure Colleges will allow a broader curriculum and range of services to be provided at a lower cost, without any compromise in the safeguarding of young people. While we develop Secure Colleges we will continue to provide places in STCs to ensure that the needs of all young people in custody are met, but we intend to withdraw from costly STC provision once replacement Secure College capacity is available.
34. We accept that there is always likely to be a small number of the very youngest, most vulnerable and most challenging young people who will be unsuited to the mainstream provision in a Secure College and will require specialist custodial services. To cater for this population we are continuing to provide sufficient places in SCHs, while seeking to secure improvements in service and reductions in cost.

Getting resettlement right

35. Youth custody can often represent a period of stability in otherwise chaotic young lives, providing an opportunity to begin tackling the causes of offending and fostering a lasting engagement with education and training. However, good work in custody can be quickly undone if a young offender returns to bad old habits on release, so proper planning and support for the resettlement and supervision in the community of young people is vital if the cycle of offending is to be broken.
36. As such, we are taking forward a significant programme of work to ensure that young people receive the help they need to turn away from a life of crime. This will include improvements to the support provided to young offenders both during their time in custody and on their release back into the community.
37. Given the role of the Welsh Government in relation to many services critical to the resettlement of young people in Wales, including health, education, housing and children's services, we will work closely with them to ensure that changes in youth custody are fully co-ordinated with the approaches in place to support young offenders in Wales.

Planning for resettlement from day one

38. Almost all consultation responses emphasised the importance of getting resettlement right if we are to bring down the rate of reoffending among young people leaving custody. This requires YOTs, local authorities, custody providers and wider partners to be working together closely before, during and after a young person's time in custody. But many respondents noted that too often these partners are failing to put adequate plans in place.
39. For all young offenders we believe that the planning for effective resettlement must begin on the day they arrive in custody. To facilitate this there must be a prompt and open exchange of information between services in the community and in custody. Too often full advantage cannot be taken of a young person's time in custody, and effective plans for resettlement cannot be developed, because crucial information on their prior health or educational needs is not made available to the custodial establishment upon arrival. We will tackle this by overhauling current sentence planning and casework processes in custody, ensuring that these are focused on ensuring work to prepare for a young person's release starts on day one of their sentence and not as their time in custody is coming to an end.

Preparing a young person to continue in education, training or employment

40. In advance of a young person's release from custody, it is vital that a place in education, training or employment is secured and begins on their first day back in the community. This will ensure progress in custody is built upon and that there is both structure and a real alternative to crime in the lives of young offenders after they are released. We will ensure that it is an objective of a Secure College – and of education providers in YOIs, STCs and SCHs – to instil in young people a commitment and desire for continued engagement in learning. We will also work closely with YOTs to form the partnerships with education providers, local authorities and employers in the

community to facilitate appropriate post-release placements and support. This latter role is especially important in relation to young people with an EHC Plan.

41. We also believe that industry can play a key role in helping secure opportunities for young people to enter employment. We will be working with local and national employers to establish regional employer forums in high custody areas. In doing this we will be learning from effective work in the adult prison estate in order to help young offenders get ready for work.
42. If young offenders are to stay on the straight and narrow after release, custody must instil in them a sense of responsibility and self-discipline, but must also equip them with the skills they need to live independently. To help achieve this, we propose to make more effective use of release on temporary licence (ROTL) to support resettlement. This is a scheme by which a young person in custody, if they are risk assessed as suitable, can be given permission to leave the establishment for an agreed period of time to undertake constructive activities without compromising security or public protection. We will work with custodial establishments to ensure that these activities are focused on effectively preparing young people for a return to the community, for instance by allowing them to attend school or college, visit a potential housing placement, attend a job interview, serve an apprenticeship or visit their family.

Holding statutory partners to account

43. Many respondents to the consultation told us that the key to effective resettlement is to ensure that appropriate accommodation is secured sufficiently far in advance of release. Without this certainty, it is frequently very difficult to organise a place in education, training or employment, and to plan for access to health and other local services. But too often suitable accommodation is not found before young people are released.
44. Identifying appropriate, stable housing for under-18s is the responsibility of the home local authority, and it is important that home local authorities continue to be responsible for young people while they are in custody in order they can ensure effective resettlement. We are therefore undertaking work with the relevant partners to better understand and overcome the obstacles preventing young people having a safe, appropriate place to stay on their release into the community. This will include thinking innovatively about how best to engage with families while young people are in custody to ensure that where possible young people are able to return to a positive home environment upon release.
45. Co-ordinating all the different elements of successful resettlement is the role of the YOT. Many YOTs are doing an excellent job working with local partners to tackle reoffending. However, there is a need to put robust mechanisms in place to hold local partners to account for fulfilling their statutory obligations in relation to young people leaving custody.
46. There are examples of good practice across England and Wales and we will look to build on these to help ensure greater collaboration at a local level. In a number of areas, including Greater Manchester, the South West of England and Hampshire, the YJB has sought to support YOTs and local authorities by funding the creation of resettlement consortia, creating a strategic forum to bring together local authorities, custody providers and wider community agencies to improve resettlement outcomes. We are now looking to expand and refine this approach and will be establishing four

new strategic resettlement consortia in high custody areas, learning lessons from the original pilots.

47. We are also exploring ways to support and improve YOTs' performance in relation to resettlement and wider practice, including how YOTs can focus their resources on approaches which have been demonstrated to deliver results.

Role of magistrates

48. Additionally, we are considering what role magistrates could play in supporting resettlement that is compatible with their position as judicial office holders, including whether magistrates could perform an oversight role in reviewing what happens to young people when they leave custody.
49. We recognise that resettlement is a complex area involving a range of custodial and community services, but getting it right is vital to reducing reoffending by young people. As such we are keen to consult further with practitioners and stakeholders on these and other proposals to improve resettlement, and we will be running workshops across England and Wales to draw on the expertise and experience of local partners.



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ISBN 978-0-10-187922-4



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