




Response to Commission on Justice in Wales - call for evidence 04.06.18

Caerphilly Council including Blaenau Gwent & Caerphilly (BG&C) Youth Offending Service

Question	Response	Evidence
<p>1.What is working well in the justice system in Wales? What is not working well? Are there examples of innovation and good practice, both in and beyond Wales, which should be adopted and shared?</p>	<p>There are a number of approaches to the delivery of youth justice services that work particularly well in Wales. For the Blaenau Gwent & Caerphilly (BG&C) Youth Offending Service (YOS) there is a strong focus on prevention and diversion. Initiatives to support this approach include:</p> <ul style="list-style-type: none"> • Youth Inclusion & Support Panel • The Restorative Approaches Protocol for Looked After Children The Restorative Justice Disposal • The Promise Project – Anti Social Behaviour • Family Support • Youth Respect Programme • Stop It Don't Drop It - Littering – non payment of fines • Shared, Safer Spaces - Public Space Protection Orders – non payment of fines • Aim2 – Harmful Sexual Behaviour • Bureau and triage (partnership diversion) • Resettlement & Reintegration Panels • Enhanced Case Management • Restorative Justice/Approaches • Speech & Language Therapist. • Full time CAMHS provision. <p>There is also a defined Welsh Government and Youth Justice Board (YJB) strategy - Children First.</p>	<div data-bbox="1496 422 1559 483" data-label="Image"> </div> <p data-bbox="1429 488 1630 539">Blaenau Gwent and Caerphilly Youth Offe</p> <p data-bbox="1429 662 2018 799">Our Bureau Protocol is currently being worked on and the draft has not been agreed with the police or CPS yet and therefore we are unable to attach as evidence at this stage.</p>

	<p>The YOS has a knowledgeable experienced workforce and a good working relationship with partners, YJB Cymru and the Welsh Government. The YOS also values its engagement of community members as volunteers.</p> <p>Suitable accommodation for children and young people could be improved, there is national recognition regarding the current lack of placement availability.</p> <p>YJB KPIs only focus on a reduced statutory cohort and need to acknowledge the work that goes on with the growing cohort of children and young people who are prevented and diverted away from the system which results in the reduction of first time entrants</p>	
2.What are the economic, social, geographical, technological, constitutional and other barriers to improvement and how could these be overcome?	<p>There is a reliance on grant funding (numerous) and this grant funding can be confirmed late. The YOS has experience of the impact this has on planning, staff motivation and retention of staff.</p> <p>Research shows the numbers of young people that the YOS work with experience multiple Adverse Childhood Experiences.</p> <p>The Youth Justice Board not measuring prevention/early intervention/diversion services provided by the YOS is a mistake and it does not sit well with SS&WB (Wales) Act. It also therefore does not reflect the work of the YOS.</p>	
3.What problems face the people who work within the justice system in Wales (including policing, prosecution, courts, prisons and probation) and the people who are affected by it?	<p>The reduction in courts results in families having to travel to central courts increasing time and cost. This is a reduction in access to local justice for all involved. Online pleas can be difficult for children and young people and have possible impact on the legal profession as well as the children and young people as demand reduces.</p>	

	<p>There is a need to get YOT prevention and diversion work recognised, valued and recorded in a systematic and transparent manner.</p> <p>Secondment arrangements for partnership staff are changing.</p>	
4.Does the justice system in Wales currently provide access to all who require its services, including advice? How would you improve access to justice in Wales?	Processes and procedures are in place to allow access to the YOS.	  <p>Blaenau Gwent and Caerphilly Youth Offe</p> <p>Joint Gwent Protocol To Reduce the Prosec</p>  <p>Restorative Justice Policy 2016-18.doc</p>
5.What impact has devolution had on the justice system in Wales? What impact do you believe devolution will have in the future?	One of the main aims of the SSWB (Wales) Act was to bring service delivery together with an emphasis on prevention. There have been Wales led initiatives through devolution – eg Youth Engagement & Progression Framework (YEPF). Devolution can provide focus and ownership. Because of devolution Welsh YOTs report more information than English YOTs as there are an additional 4 KPIs.	
6.Could local authority services in relation to justice and the local provision of legal advice be better organised and co-ordinated with policing, prosecution, courts, prisons and probation?	Yes. Voluntary attendance interviews by young people are increasing – not always at police station. YOS need to promote the provision of legal advice for children and young people regardless of where an interview takes place.	
7.Are there changes that should be made to the capabilities and effectiveness of the ways in which the police, probation and prisons approach their tasks? What should be done to increase community safety, wellbeing and	<p>Yes – the age of criminal responsibility could be higher with a welfare and family based approach.</p> <p>The development of a tolerance policy and play policy for teenagers.</p> <p>Provide areas (lit up and warm) where young people can gather and feel safe that are now structured by set activities – adult</p>	

social cohesion and reduce crime? What can be learnt from other countries where rates of crime and imprisonment are lower?	controlled).	
8. What impact is the divergence between Welsh and English law having upon sentencing? What impact do you foresee in the future? Should Wales implement a different approach to sentencing than England? If yes, what lessons can be learnt from other jurisdictions?	<p>The Social Services and Well-being (Wales) Act 2014 and Well-being of Future Generations (Wales) Act 2015 are considered the most significant divergence between English and Welsh law relevant to YOS. In Wales these focus on prevention, early intervention, and listening and hearing the voice of the child. This legislation could influence the way YOS and partners respond to young people who have offended/at risk of offending, as well as increasing the opportunities for diversion from court.</p> <p>The YOS adopts a children's rights based approach and see the 'Child First'. Similarly the person centred approach and 'doing with' children, young people and families to build resilience, provides the legislative backdrop to frame this way of working.</p> <p>The Welsh Language Act could have the potential in some areas to delay proceedings where a child/young person elects to have services delivered through the medium of Welsh, but translation facilities are not readily available.</p> <p>The YOS does not believe that Wales should adopt a different approach to sentencing than England, but do consider that there should be enough flexibility to adapt to Welsh needs if appropriate and ensure the child centred approach is observed and supported.</p>	
9. What are the capabilities in the justice system in Wales for responding to Brexit?	No comment.	

10. What steps do you think need to be taken to facilitate positive change in the justice system in Wales?	<p>Continued emphasis on children and young people who have offended being 'children' as opposed to offenders.</p> <p>The current work being undertaken to develop the 'blue print for reform of Youth Justice Services in Wales' should provide a mechanism for positive change.</p> <p>Addressing the disparity in funding received by defence solicitors representing children and young people compared to adults (as referenced in the Charlie Taylor report) is considered essential to ensure children and young people are provided with the same service as their adult counterparts.</p> <p>The introduction of Bureau model in Wales to deal with out of court disposals shows that criminal behaviour in children and young people can be meaningfully and appropriately addressed in ways other than prosecution (recent thematic on Out of Court Disposals (OOCd)2018). This has impacted positively on reducing first time entrants and re-offending rates. In light of the afore mentioned legislation underpinning our work in Wales, we would wish to see more done to enhance the non-offending identity of children and young people - our future generation, and avoid where possible the damage to future lives and opportunities for children and young people through the acquiring and labelling nature of criminal records.</p> <p>The recent thematic on OOCd did highlight that national guidance is needed in relation to ensuring a consistent approach in relation to diversion from court, to ensure that all children and young people have similar opportunities, which in turn would ensure that the measuring and comparing of First Time Entrants (FTEs) across the country is meaningful.</p>	

	<p>The recent introduction of a ‘flexible funding’ approach by Welsh Government to many grant funds, is considered a serious risk at the current time, with there being a significant risk that funds will be diverted from prevention - eg the Promoting positive engagement in young people grant which largely supports the prevention and diversion work carried out by the YOS which have the specialist knowledge and skills set to undertake this work - this could be lost.</p>	
11. How could the strength and sustainability of the legal sector in Wales be promoted? How could its contribution to the prosperity of Wales be optimised?	No comment.	
12. To what extent do current university curriculum and vocational and professional development courses reflect the law in Wales and the need to deal with the digital revolution and how should they be further developed?	No comment.	
13. What is the current provision for the Welsh language within the justice system and legal education in Wales? How should Welsh language provision within the justice system and legal education in Wales be improved?	<p>By law, the YOS along with other service providers need to make an ‘active offer’ to children, young people and their families in relation to whether they want their service in Welsh.</p> <p>There needs to be a proportionate number of bi-lingual service providers to meet service demands.</p>	
14. Is access to Welsh law properly available?	Access to Welsh law and guidance is freely available on the Welsh Government website.	

