

Speech: Lord McNally speaks at the Westminster Legal Policy Forum

On March Seventeenth, six weeks on Friday, I stand down as Chairman of the Youth Justice Board for England and Wales.

My political life has been a long and winding road which stretches back some fifty years. But I can honestly say that the last three years have been among the most rewarding and fulfilling of my life.

It has not been an easy time to be the Chair of an arms-length body.

There has been the constant pressure from our parent department, the Ministry of Justice (MoJ), for draconian cuts in our budget, as the MoJ itself has come under the Treasury cosh.

The known hostility of the Cabinet Office to arms-length bodies remains unabated – a hostility sometimes shared by our parent department.

And of course that part of my job description, which calls on me to speak truth to power as an adviser to ministers, always runs the risk of playing Becket to a Secretary of State's Henry the Second if that advice does not fit with a minister's priorities or prejudices.

Today you have asked me about improving health outcomes across the youth justice estate and the opportunities presented by the Taylor Review. So let me start with some encouraging statistics: They (the [Youth Justice statistics: 2015 to 2016](#)) show less than 900 young people under 18 in the secure estate (under-18 young offender institution (YOI), secure training centres (STC), secure children's homes (SCH)) – under thirty of them girls. These are remarkable achievements which mean that the number of children held in custody has dropped by two thirds in a little over ten years, with an equally significant drop in the number of first time entrants to the criminal justice system.

I am the first to acknowledge that this success has been the work of many hands, including:

- the police
- the magistracy
- social and children's services
- the probation service
- charities
- voluntary and other non-governmental organisations.

But the YJB has been the pathfinder in promoting holistic, cross-disciplinary approaches to the challenges posed by young offenders.

The challenge is to build on that success so that we continue to make progress with a more concentrated cohort of complex, difficult and some-

times dangerous children.

Let me give you some further statistics to put this challenge in context.

Based on admissions to custody from April 2014 to March 2016 it has been established that:

- 61% of these children were not engaged in education
- 45% had substance misuse concerns
- 33% were assessed as a high risk to others
- 33% presented mental health concerns
- 32% presented learning disabilities
- 30% presented physical health concerns

All of these characteristics could and should be effectively addressed within the community and well before a child enters the youth justice system. Instead children in the custodial estate often present two or three of these characteristics at a time. Some 68% are placed in National Offender Management Service (NOMS) run YOIs and, whilst they manage some of the most challenging children, it is the part of the estate which is least child focussed and provides the least progressive regime.

The Taylor Report certainly offers a radical alternative to where we are now. In many ways Charlie gives us a glimpse of the sun-lit uplands we could reach ten years from now. The vision of a secure estate made up of a patchwork of small, local-catchment secure schools, where this residue of difficult, complex and sometimes dangerous young offenders had their needs met by staff skilled and trained to deliver their educational and health and emotional needs, would be as revolutionary in its way as was the creation of the YJB nearly twenty years ago.

So I give an enthusiastic welcome to Charlie Taylor's vision. I also welcome the Government's promise to move ahead immediately with two pilot secure schools – one in the North and one in the South of England.

However it is what we do now which will determine whether we ever reach Charlie's sunlit uplands. No-where is that more true than in the field of health. We are already seeing the impact of liaison and diversion on first time of entry statistics. 53% of the country is now covered by such services. There is ample evidence to show that lack of early intervention with some of the health and health related problems I mentioned earlier are major factors in children entering in and remaining in the criminal justice system.

Nowhere is this more true than in the field of mental health.

I recently attended a meeting of an All Party Group in Parliament where young people gave accounts of their experience both in care and in the secure estate. One young woman gave an account of a chaotic life in both. At the age of twenty two she had been diagnosed with a psychiatric disorder for which she was now receiving treatment. She said that the diagnosis and treatment had been transformational.

Not only did she look forward with confidence – she was also able to make

sense of a childhood which had been disruptive and dysfunctional.

I do not think that is an isolated experience. The truth is that mental health care for young offenders under the age of eighteen (the group who are the direct responsibility of the Youth Justice Board) and those in that age group on the cusp of re-offending is under resourced and poorly directed.

That does not mean that good things are not happening and the YJB is actively engaged with NHS England about the particular needs of the cohort in the secure estate.

But we are only in the foothills of developing an approach to mental health in all parts of the criminal justice system which is civilised and humane. The provision of resources and effective treatment would also be cost effective in addressing some of the root causes of reoffending and make a significant contribution to rehabilitation.

To give some idea of the nature of the task let me draw on a study produced jointly by the Welsh Government and YJB Cymru in 2012. It made an analysis of young people displaying prolific offending behaviour. The investigation found that:

- 48% had witnessed family violence
- 62% had difficulty coming to terms with past events and traumas
- 79% were involved with social services
- 81% were without qualifications
- 95% had substance misuse issues

Those kind of findings come up time and again in research. It means that when a young person first comes before a youth magistrate we may be ten years too late in terms of meaningful intervention.

It is eight years since my House of Lords colleague, Lord Keith Bradley published his report on mental health in the criminal justice system. His judgement at that time was summed up by the words "Too little, too late". Five years later, in a follow up report his view was that although progress had been made, there was still much to do and we must all try harder to address the fact that too many young people end up in the criminal justice system simply because they don't get the support they need early enough.

We must all be encouraged by the fact that the Prime Minister has put her authority and weight behind the drive to improve mental health care.

For my part I make no bones about the fact that I want to see a portion of the funds devoted to mental health improvements clearly focussed on the needs of children in or on the cusp of the criminal justice system.

I also want to see action now to provide support and training for frontline staff working in our secure estate.

Those who work with young people need high quality training to understand the complexities they are dealing with. They should be trained to recognise mental health needs, learning difficulties, speech, language and

communication needs.

They should also be able to recognise the signs when a child, presented as an offender, is also the victim of exploitation and abuse.

The former Chief Executive of the YJB, Lin Hinnigan, got it right when she said "We know when we are getting it right when someone working in our secure estate is asked what they do and they do not reply "I am a prison officer"; but say: "I work with children".

But of course mental health is only part of the youth agenda in response to the needs of the children in our secure estate. Drug and alcohol abuse, poor diet, lack of exercise have a direct impact on the capacity to deal with the pressures of modern life.

That is why I very much welcome the intention of the Youth Justice Minister, Dr Phillip Lee MP, to promote sport in the secure estate and in the community as a step towards rehabilitation.

I think it is now recognised that the thirty hour education contracts for the secure estate, although well intentioned, did not allow sufficient flexibility. For example sport was treated as "enrichment" an "optional extra" rather than key to a balanced offering.

The YJB has been working with a wide range of sporting organisations and will provide Dr. Lee with a list of our most encouraging contacts.

We are working closely with Sports England and two delivery partners to secure funding for a pilot project for sport in Kent specifically for children in or on the cusp of the criminal justice system.

The YJB is also a founding member of the National Alliance for Sport for the desistance of Crime. The NASDC's vision and purpose is to use sport to help people of all ages from committing crime. I have also been working closely with the joint Chairs of the All Party Group on Sport, Baroness Tanni Grey-Thompson and Justin Tomlinson MP, as well as Sports Minister Tracey Crouch, so that there is Parliamentary support for any initiatives taken by Phillip Lee.

I believe these sports initiatives could play an important part in both diversion and rehabilitation as part of a broad based health strategy in the secure estate.

I also believe that Charlie Taylor's idea for greater regional autonomy in delivering youth justice would bear fruit in terms of initiatives and ideas. Certainly some of the most interesting innovations in youth justice are to be found in the devolved administrations in Scotland, Wales and Northern Ireland.

I am convinced that, although the central thrust of Charlie Taylor's report was for an education-led revolution in our treatment of young offenders, such a revolution can only succeed if it is matched by a parallel advance in health care.

The system also has to cope with new pressures such as the extent of child sexual exploitation, the impact of social media, the impact of gang cultures, the impact of extremist radicalisation, the over-representation of looked after children and black, Asian and minority ethnic children – all factors which were not there ten years ago or not so clearly understood.

Charlie Taylor has provoked much thought by his report. Now is the time for action, not least in giving the priority it deserves in addressing the challenges of delivering a child focussed youth justice system.