

Youth Justice Board for England and Wales (YJB) Action Plan Responding to Coroner’s Rule 43 Letter Following Gareth Price Inquest

A “My first concern regards the secure facilities placement booking form. It was quite clear from the evidence heard that what the YJB read in to the completion of this document was entirely different from the views of the social worker completing it.”

The YJB understands that the Coroner was concerned that it was not clear to the youth offending team (YOT) involved in the placement process that the type of placement, a remand to custody or a court-ordered secure remand, was critically dependent upon the YOT’s assessment of Gareth and advice provided to the court.

	YJB actions	Target date
1.	The YJB has updated the Placement Alert Form and supplemented the YJB Placement Guidance with a range of additional placement documentation. In addition the revised forms provide guidance to YOTs on the types of available placements, give an opportunity for the YOT to suggest a placement and enable more specific details to be provided about a young person’s risk factors. These developments are supported by our Wiring Up Youth Justice programme, which ensures prompt and reliable transmission of key placement documentation to the establishment where a young person is held.	Achieved
2.	The YJB has now issued a guidance note to all YOTs reminding them of the critical difference between ‘court-ordered secure remand’ and ‘remand to custody’ and the central role of the YOT in this process. In addition, the YJB website content on this subject has been revised	Achieved
3.	The YJB has reviewed and updated the whole suite of placement guidance, ensuring that information on the remand process and the role of the YOT are clearly explained, and that the revised guidance is consistent with wider YJB developments.	Achieved
4.	The YJB has reviewed and amended case guidance and National Standards as part of the major project, ‘Youth Justice: The Scaled Approach’. The Scaled Approach and YRO were implemented from 30 November 2009 and revised National Standards and Case Management Guidance made available for YOT managers and practitioners from this date. The Case Management Guidance provides comprehensive guidance to YOT practitioners and managers about the role of YOTs in court in relation to the whole range of bail and remand issues.	Achieved

B “My concern relates to the post-court report section dealing with ‘vulnerability’ ... The various witnesses in court gave widely differing descriptions of ‘vulnerability’. Some described vulnerability in terms of depressive type symptoms and likely self-harm, others described it in terms of adverse treatment by other prisons and some described it in terms of factors that made it more likely that they may have a difficult time in prison or self-harm. In addition to these various descriptions there is also the legal description of vulnerability in respect of 15- year-old boys set out in the Criminal Justice Act dealing with remand to various secure establishments. It appears that there are a range of uses of this term which are not consistently understood by those involved with its application or defined in the documentation.”

The YJB understands that the Coroner’s concern was in relation to the inconsistent use of the term vulnerability in different parts of the youth justice system. It is clear that the term has a value but that we must ensure that consistent definitions are adopted across all areas and that we must always require a description of the type of vulnerability identified – it is not

enough to simply describe a young person as vulnerable.		
	YJB actions	Target date
5.	Whilst there is much more to do in this area, some progress has been made by YJB in defining vulnerability. This includes i) guidance to YOTs 'Managing Risk in the Community' (2005) and ii) the design of the existing bail Asset documentation which recognises the legal concepts of physical and emotional maturity which allow 15 and 16 year old boys to be placed outside prison service accommodation. We have also agreed changes to the text of Asset which refines our definition of vulnerability.	Achieved
6.	<p>YJB now intends to build on the progress already made by conducting a review of how the term 'vulnerability' is used within all YJB guidance and documentation, including placement documentation, T-forms, post-court reports and Asset and ensure that the term is consistently embedded in youth justice processes and systems</p> <p>It has not been feasible to achieve this by the original date of April 2009. However, there has been a decision to use the term vulnerability in revised National Standards and Case Management Guidance only in so far as it relates to YJB requirements, for example the completion of a vulnerability action plan. In all other cases we are describing vulnerability in long hand to avoid potential confusion as 'risk of harm to a child or young person either from the young person themselves or from a third party.</p> <p>The YJB is now proceeding with the development of a revised assessment framework.. Testing and consultation is expected to take place during the early part of 2011. The revised model will include clarity in relation to the term 'vulnerability' and include all youth justice systems/processes including placement documentation.</p>	Target date for decisions on revised assessment framework: March 2009

C "Having read the general documentation dealing with the functioning of remand services and the role of YOTs neither I nor the family's Barrister understood how the system operated. Whilst the YJB documentation may be intelligible to those who are already familiar with the workings of the system, the documentation is arcane and unintelligible to those who wish to understand the operation of the system. In view of the confusion of at least one of the social workers before me in Court it would seem that clear and easily understood explanations of the social workers' role would be helpful."

The YJB understands that the Coroner's concern is that National Standards and guidance documents do not present a clear or consistent picture in relation to YJB expectations for remand practice and that furthermore the information on the YJB website in this area is also unclear.

	YJB actions	Target date
7.	A guidance note was issued to all YOTs and secure establishments (May 2007) clarifying which agencies need to attend remand planning meetings.	Achieved
8.	Given the exceptionally important nature of this issue we intend to re-issue to YOTs and secure estate the guidance note which was distributed in May 2007 clarifying which agencies need to attend remand planning meetings.	Achieved
9.	YJB Case Management Guidance and revised National Standards (see above) were made available to YOTs in November 2009 and provide a comprehensive update on YOTs' responsibilities in relation to bail and remand.	Achieved
10.	YJB Monitors are required to monitor establishments' compliance with remand requirements as part of the overall monitoring process. In 2008 the YJB Monitors conducted a focused review on this topic to check that remand planning was taking place within each establishment as specified in National Standards and clarified by the recent guidance note.	Achieved
11.	Section 7 of the Prison Service Instruction 2009/28 sets out the	Achieved

	<p>expectations around the management of young people on remand. The YJB worked with NOMS to produce this document, which was a revision of Prison Service Order 4950. This guidance is consistent with the YJB's National Standards for Youth Justice 2009 and the YJB website has been refreshed to provide clear remand management information consistent with this.</p> <p>Local authorities have a general duty under the Children Act 1989 to meet the needs of young people in YOIs. Social workers based in YOIs enable local authorities to fulfil that statutory responsibility and the responsibility for defining that role must fall to the local authorities and the Association of Directors of Children's Services</p>	
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18 November 2010