

Communities and Culture Committee

Scrutiny Inquiry – Youth Justice in Wales

Response from: The Welsh Language Board



29 May 2009

Stefan Sanchez
Clerk
Communities and Culture Committee
National Assembly for Wales
Cardiff Bay
CARDIFF
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Dear Mr Sanchez,

Communities and Culture Committee's Inquiry into Youth Justice in Wales.

1. Thank you for the opportunity to contribute to the above inquiry by presenting evidence on the experience of Welsh children held in the secure estate. We welcome the inquiry and the advice given below is based on our terms of reference under Section 3 of the Welsh Language Act 1993.

Welsh Language Act 1993

Part 1

Section 3. – (2)...the Board will –

- (a) advise the Secretary of State on matters concerning the Welsh language;
 - (b) advise persons exercising functions of a public nature on the ways in which effect may be given to the principle that, in the conduct of public business and the administration of justice in Wales, the English and Welsh languages should be treated on a basis of equality;
 - (c) advise those and other persons providing services to the public on the use of the Welsh language in their dealings with the public in Wales.
2. We make the following recommendations. The grounds for making these recommendations and the background to them are outlined in the remainder of this document.

To set a policy that will ensure that Welsh children and young people within the secure estate can choose their preferred language, and operate in accordance with that policy

- By developing and reviewing the services provided to Welsh young offenders within the secure estate, the Youth Justice Board should operate in accordance with its Welsh language scheme and provide regular reports on the progress of Welsh language provision.
- All services provided to Welsh young offenders, planned and provided in accordance with the All Wales Youth Offending Strategy, should offer opportunities to promote the attainment and development of both Welsh speakers and non-Welsh speakers. This will be dependent on ensuring that Welsh and English services are provided equally, thereby avoiding excluding some persons because of lack of opportunities to use the Welsh language.
- In order to achieve the aims of 'One Wales' in terms to youth justice, and in order to avoid placing any person under a disadvantage on the basis of language, both Welsh and English language services should be provided to young offenders and both languages should be of equal standard and should be equally accessible, within and outside the secure estate.
- In any interagency collaboration to develop the provision of services available to Welsh young offenders, appropriate consideration should be given to the linguistic needs of the offenders.

Current Welsh language provision within the secure estate.

- The Youth Justice Board should constantly monitor the adequacy of the Welsh language skills of staff at secure settings where Welsh young offenders are held in order to provide services through the medium of Welsh.
- Within any secure settings in England and Wales where Welsh young offenders are held, plans should be made to develop a workforce which has the appropriate Welsh language skills to provide offenders with opportunities to use their preferred language. Unless this is done, it will not be possible for children and young people to use the Welsh language, and this could lead to exclusion on the basis of language.
- We recommend that those institutions which are responsible for the planning and provision of education and training within a secure setting where Welsh young offenders are held should develop a programme to improve the Welsh language provision available, and that they do so soon as possible.

- We recommend that the progress made in providing career advice and guidance, as recommended by the Youth Justice Board, should be reviewed, and plans for improvement should be made if necessary.
- An adequate supply of Welsh language material should be available, such as books, newspapers, DVDs, television programmes etc in the secure settings where Welsh young offenders are held. They should be as equally accessible as English language material, and individuals should not be expected to request them.

Planning to improve Welsh language provision within the secure estate.

- A clear policy and appropriate criteria should be established to ensure that the language preference of young offenders is an obvious consideration when deciding in which secure setting they should be held, when it is necessary to do so
- We recommend that all agencies responsible for providing services to Welsh young offenders should implement effective procedures to establish and record individuals' language preference. This would mean establishing consistent processes for recording language preference and ensuring that staff are aware of the need to do so.

Reviewing Welsh language provision for Welsh children within the secure estate

- Conditions and standards should be set for the provision of Welsh language services as part of the secure establishments' contracts. The Welsh language should be mainstreamed into the Youth Justice Board's arrangements for monitoring these institutions and into the subsequent improvement processes, to ensure that Welsh speaking young offenders receive the same standard of services, and the same opportunities for achievement and development as non-Welsh speaking offenders.

Youth Justice in Wales

- We recommend that the Youth Justice Board sets a clear policy on the standard of Welsh language services provided by the Youth Offending Teams in Wales, according to its function regarding “...*national standards it may see fit to set for the youth justice system*”.¹

¹ YJB Welsh Language Scheme (2007) – section 1.1

- Any institution that offers financial support to the Youth Offending Teams in Wales should include appropriate conditions within their contracts with them to provide equivalent Welsh and English language services. Compliance with these conditions should be monitored as part of the usual monitoring arrangements contained in these contracts.
 - We recommend that an inquiry should be considered into the provision of Welsh language services for Welsh young offenders who are not held in the secure estate, because of the lack of information on the standard of the current provision. The Welsh language should be mainstreamed into the Youth Justice Board's arrangements for monitoring the Youth Offending Teams, to ensure that consistent information is available on the standard of Welsh language provision.
 - An inspection of the standard of Welsh language services provided by the Youth Offending Teams in Wales should be considered, through the existing joint inspection programme.
3. The provision of justice services in Wales according to the language preference of those receiving the services is a matter of administering fair and effective justice. It should be considered impossible to provide a high standard of services or fair justice to Welsh young offenders unless these are provided in the offender's preferred language. Failure to give Welsh young offenders the opportunity to express themselves and communicate with others in their preferred language can hinder any attempts to rehabilitate those young offenders and prevent them from reoffending. As stated in the All Wales Youth Offending Strategy, drawn up jointly by the Welsh Assembly Government and the Youth Justice Board (YJB)

“The provision of bi-lingual services, information and advice at all stages of a young person’s involvement with the criminal justice system is critical.”

4. We believe that this inquiry provides an opportunity to review the Welsh language provision available to Welsh young offenders within the secure estate, and to consider and agree on any action needed to improve the provision where necessary. There is also a need to review the wider Welsh language provision available to Welsh young offenders, outside the secure estate.

The Policy Context

5. The principle that “*in the conduct of public business and the administration of justice in Wales the Welsh and English languages should be treated on a basis of equality*” was established in the Welsh Language Act 1993². The YJB was named under Section 6(1)(o) of the Act in August 2001 as an organisation which is required to prepare a Welsh Language Scheme. As a result, the Board prepared a language scheme which was approved on 1 March 2007.
6. The YJB’s Welsh Language Scheme includes a commitment to adhere to this principle when providing services in Wales and to members of the public in Wales. The scheme underlines

“the importance, at the planning stage, of considering the need to offer or provide services in Welsh.”³

When developing and reviewing the services offered to Welsh young offenders within the secure estate, the YJB should act in line with its Welsh language scheme and provide regular progress reports on Welsh language provision.

7. The All Wales Youth Offending Strategy, drawn up jointly by the Welsh Assembly Government and the Youth Justice Board for England and Wales, recognises the importance of allowing young offenders to choose their preferred language. It states

*“Action must be taken forward to identify children and young people at risk of offending and to provide appropriate programmes to re-engage and divert these children and young people away from offending behaviour. This calls for... Developing **appropriate**⁴ provision for each young person in the criminal justice system to ensure they can access their universal basic entitlement to support and services⁵.*

An obvious part of developing appropriate provision is to ensure that young people within the justice system are offered services in their preferred language. The Strategy goes on to explain the importance of respecting the

² Welsh Language Act 1993

³ YJC Welsh Language Scheme (2007) – section 2.2

⁴ Author’s emphasis.

⁵ All Wales Youth Offending Strategy – National Assembly for Wales and Youth Justice Board for England and Wales (2004) – page 2

*“...entitlement for **all** young people to a range of services in the language of their choice, designed to promote their attainment and development as individuals⁶”.*

All services provided to Welsh young offenders, planned and provided in accordance with the All Wales Youth Offending Strategy, should offer opportunities to promote the attainment and development of both Welsh speakers and non-Welsh speakers. This will be dependent on ensuring that Welsh and English services are provided equally, thereby avoiding excluding some persons because of lack of opportunities to use the Welsh language.

8. ‘One Wales’, the Welsh Assembly Government’s progressive programme for the government of Wales, states

“We want to see a fair system of youth and criminal justice, in which the people of Wales have every confidence.”

To achieve this, and to avoid placing anyone under a disadvantage on the basis of language, both Welsh and English language services should be provided to young offenders and both services should be of equal standard and should be equally accessible, within and outside the secure estate.

We suggest that one method of ensuring that Welsh speakers have confidence in the system would be to publish information regularly on the standard of Welsh language provision, following review.

9. The National Offender Management Service explains in its Welsh language scheme that it works closely with the YJB to develop the criminal justice system. It also states

“By implementing the principle of ensuring equality for both the English and Welsh language throughout all our work, we will...provide bilingual services and provision wherever appropriate and ensure that all our work takes linguistic and cultural matters into consideration”⁷.

In any interagency collaboration to develop the provision of services available to Welsh young offenders, appropriate consideration should be given to the linguistic needs of the offenders

⁶ All Wales Youth Offending Strategy – National Assembly for Wales and Youth Justice Board for England and Wales (2004) – Page 3

⁷ YJC Welsh Language Scheme (2007)

Current Welsh language provision within the secure estate.

10. In appendix 1, the sources of information on the standard of the current Welsh language provision within the youth justice system is shown. On the whole, it is reported that the opportunities for children and young people to use the Welsh language within the secure estate are very inconsistent.

Staffing

11. There is little information available in the public domain on the linguistic ability of staff at those secure setting in which Welsh young offenders are held.

The YJB should constantly monitor the adequacy of the Welsh language skills of staff at secure settings where Welsh young offenders are held in order to provide services through the medium of Welsh.

12. Of those secure settings surveyed by the YJB in 2007, not one of them insisted that the ability to communicate effectively through the medium of Welsh should be an essential criterion for posts. Only one stated within its job adverts that the ability to speak Welsh was an advantage⁸.

Within any secure settings in England and Wales where Welsh young offenders are held, plans should be made to develop a workforce which has the appropriate Welsh language skills to provide offenders with opportunities to use their preferred language. Unless this is done, it will not be possible for children and young people to use the Welsh language, and this could lead to exclusion on the basis of language.

Education

13. Research conducted by the YJB in 2007 assessed the ability of secure settings where Welsh children and young people are held to offer Welsh lessons and education and training through the medium of Welsh. It was found that 85.7% of these secure settings could not offer Welsh lessons and 96.4% of them could not offer education and training through the medium of Welsh⁹.

⁸ YJB report 'Welsh language provision in the secure settings', M Rooney (2007) – section 62

⁹ YJB report 'Welsh language provision in the secure settings', M Rooney (2007) – section 67

14. The House of Commons' Welsh Affairs Committee explained how a lack of opportunities to receive education and training through the medium of Welsh could disadvantage children and young people.

"...holding these children and young people in custodial facilities at such long distances from their homes and families is not conducive to effective education, training and rehabilitation. This is particularly true for Welsh-speaking juvenile offenders who serve their sentences in England and who are doubly disadvantaged by being denied the opportunity to learn in their first language".¹⁰

We recommend that those institutions which are responsible for the planning and provision of education and training within a secure setting where Welsh young offenders are held should develop a programme to improve the Welsh language provision available, and that they do so soon as possible.

Advice and guidance on careers

15. The YJB's report on 'The provision of Welsh language services in the secure settings' identifies the lack of appropriate careers advisory services for Welsh young offenders held in secure settings in England. It explains that the lack of such a service could lead to problems when attempting to rehabilitate Welsh speaking young offenders following their release. This is a problem which affects Welsh speaking and non-Welsh speaking young offenders of course. The report states

"The YJB , the Youth Offending Teams and the Welsh Assembly Government should consider the careers advice and guidance provided to Welsh young offenders held in custody to ensure that every young person receives services of equal status, thereby increasing the possibility that the process of rehabilitating them will be successful."¹¹

We recommend that the progress made in providing career advice and guidance, as recommended by the Youth Justice Board, should be reviewed, and plans for improvement should be made if necessary.

Materials

¹⁰ House of Commons Welsh Affairs Committee report 'Welsh Prisoners in the Prisons Estate' (2007) – section 161

¹¹ YJB report 'Welsh language provision in the secure settings', M Rooney (2007) – section 61

A serious lack of access to materials such as Welsh books, newspapers, DVDs, posters and television programmes etc at the secure settings where Welsh young offenders are held was referred to in the YJB's report. Of those offenders questioned, only 25% had received Welsh reading books and they had not received any other Welsh material.¹² A small percentage of the secure settings themselves alleged that Welsh materials was available. Where Welsh material was available, the young people were often unaware of them, or nobody had requested them.

An adequate supply of Welsh language material should be available, such as books, newspapers, DVDs, television programmes etc in the secure settings where Welsh young offenders are held. They should be as equally accessible as English language material, and individuals should not be expected to request them.

Planning to improve Welsh language provision within the secure estate

Availability of places in Wales within the secure estate

16. Publishing the findings of its inquiry into Welsh prisoners within the Secure Estate, the Welsh Affairs Committee stated

*“The lack of Welsh language facilities in prisons where Welsh prisoners are held is a very real problem for many, particularly those from North and West Wales. A number of witnesses expressed concern at the lack of Welsh language facilities experienced by Welsh speaking prisoners serving their sentences in England, and by **juveniles in particular**”¹³. We heard evidence that Welsh speakers were being prevented from speaking Welsh on the grounds that it represented a “security issue”, which is plainly nonsensical and unacceptable.”¹⁴*

The report goes on to state

“There are serious concerns around the welfare of Welsh-speaking juvenile offenders in English institutions. Carol Moore of the North Wales Probation Service told us: “The dislocation experienced by young offenders sentenced

¹² YJB report ‘Welsh language provision in the secure settings’, M Rooney (2007) – Appendix 1

¹³ Author’s emphasis

¹⁴ House of Commons Welsh Affairs Committee report, ‘Welsh Prisoners in the Prisons Estate’ (2007) – section 124

into custody can be significantly increased if they are first language Welsh speakers.”¹⁵

Research undertaken by the Youth Justice Board shows that 60.7%¹⁶ of Welsh juveniles held in secure settings are placed in establishments in England. One of the aims of the All Wales Young Offenders Strategy is to prevent young offenders from reoffending by providing young offenders with opportunities for achievement and development. Sending young people from Wales to secure settings some distance from their homes and outside Wales reduces the probability of them being able to use the Welsh language. Therefore, as well as the feeling of dislocation resulting from being far from home, individuals can feel that they are excluded from opportunities for achievement and development in their preferred language. It is possible that these failings could hinder any attempt to prevent Welsh juveniles from reoffending.

A clear policy and appropriate criteria should be established to ensure that the language preference of young offenders is an obvious consideration when deciding in which secure setting they should be held, when it is necessary to do so.

Establishing and recording offenders’ preferred language, and planning services according to their preference.

17. The report of the Welsh Affairs Committee states

“.....the Youth Justice Board was unable to tell us how many Welsh-speaking juveniles are held in the secure estate”¹⁷

Since producing this report, the YJB has conducted detailed research into the arrangements for establishing and recording the preferred language of individuals held in the secure estate. The findings of this research indicates that youth justice service providers lack any effective processes for consistently recording language preference and for sharing that information. Establishing, recording and using information about individuals’ language preference is a prerequisite for providing a high standard of services that meet the needs of Welsh individuals. It is equally important to ask individuals about their language preference in a welcoming and impartial manner, to

¹⁵ House of Commons Welsh Affairs Committee report, ‘Welsh Prisoners in the Prisons Estate’ (2007) – section 126

¹⁶ YJB report ‘Welsh language provision in the secure settings’, M Rooney (2007) – section 28

¹⁷ House of Commons Welsh Affairs Committee report, ‘Welsh Prisoners in the Prisons Estate’ (2007) – section 127

ensure that individuals who feel vulnerable or threatened because of their situation, feel confident to state their language of choice.

We recommend that all agencies responsible for providing services to Welsh young offenders should implement effective procedures to establish and record individuals' language preference. This would mean establishing consistent processes for recording language preference and ensuring that staff are aware of the need to do so.

Reviewing Welsh language provision in the secure estate.

18. The YJB currently monitors the performance of the secure settings through the Framework for the Effective Monitoring of Organisations. The performance of every secure establishment is monitored by one of the YJB's performance monitors, who works with the establishment to ensure that it meets the standards and complies with its contract. The monitors can also offer support to improve performance. Public documents relating to monitoring do not contain any clear consideration of the need to inspect Welsh language provision at these establishments.

Conditions and standards should be set for the provision of Welsh language services as part of the secure establishments' contracts. The Welsh language should be mainstreamed into the Youth Justice Board's arrangements for monitoring these institutions and into the subsequent improvement processes, to ensure that Welsh speaking young offenders receive the same standard of services, and the same opportunities for achievement and development as non-Welsh speaking offenders.

Youth Justice in Wales

19. The discussion above deals mainly with the Welsh language provision available to Welsh young offenders within the secure estate, as that is the focus of this inquiry. Several reports have been produced during recent years referring to the failures within the services provided to Welsh young offenders who are not held within the secure estate. For example, Cwmni Iaith's report into 'The provision of language preference in the North Wales Criminal Justice Sector' prepared on behalf of the North Wales Criminal Justice Board, highlights significant inconsistencies in the Welsh language provision offered by North Wales Youth Offending Teams. For example, it states that the level of awareness of language matters is not high within the teams, and suggests that the ability of the teams to provide Welsh language services varies greatly.

20. There is no requirement for the majority of the Youth Offending Teams in Wales to plan Welsh language provision by preparing Welsh language schemes, under the Welsh Language Act 1993. Welsh Youth Offending Teams are required, under partnership clauses in the language schemes of organisations such as local authorities and the police, who are partners within the teams, to act in accordance with those language schemes. Even so, Cwmni Iaith's report shows a lack of awareness among managers of North Wales Youth Offending Teams of the language policy it should follow.

We recommend that the YJB sets a clear policy on the standard of Welsh language services provided by Youth Offending Teams in Wales, according to its function regarding “...national standards it may see fit to see for the youth justice system”.¹⁸

Any institution that offers financial support to the Youth Offending Teams in Wales should include appropriate conditions within their contracts with them to provide equivalent Welsh and English language services. Compliance with these conditions should be monitored as part of the usual monitoring arrangements contained in these contracts.

We recommend that an inquiry should be considered into the provision of Welsh language services for Welsh young offenders who are not held in the secure estate, because of the lack of information on the standard of the current provision. The Welsh language should be mainstreamed into the Youth Justice Board's arrangements for monitoring the Youth Offending Teams, to ensure that consistent information is available on the standard of Welsh language provision.

21. Arrangements exist to inspect the work done by Youth Offending Teams in Wales jointly and this inspection programme is led by HM Inspectorate of Probation, and involves 7 other bodies; Estyn, the Healthcare Commission; Health Care Inspectorate Wales; Ofsted and Care and Social Services Inspectorate for Wales. This programme has inspected the standard of work of the 18 Youth Offending Teams in Wales over a period of 5 years from the mid 2003.

An inspection of the standard of Welsh language services provided by the Youth Offending Teams in Wales should be considered, through the existing joint inspection programme.

Conclusion

¹⁸ YJB Welsh Language Scheme (2007) – section 1.1

22. The All Wales Youth Offending Strategy of the Welsh Assembly Government and the Youth Justice Board for England and Wales states

“The provision of bi-lingual services, information and advice at all stages of a young person’s involvement with the criminal justice system is critical.”¹⁹

The evidence presented above was drawn from several sources suggesting that the opportunities for Welsh young offenders to use the Welsh language within the secure estate are, at present, very inconsistent. Indeed, there is evidence of a basic failure in terms of Welsh language provision in some parts of the system. We have attempted above to show how these failures can hinder attempts to achievement the aims of the All Wales Youth Offending Strategy, including the main aim of reducing reoffending. We have made recommendations on how to achieve a youth justice system that is fair to everyone in Wales, whatever their preferred language, to give all Welsh young offenders a fair chance of achievement and development, which is essential if they are to be prevented from reoffending.

Thank you for giving this evidence your attention. A representative from the Board will be available to give oral evidence to the Committee if required.

Yours sincerely,

Emma Smith
Central Government and Justice Unit

¹⁹ All Wales Youth Offending Strategy – National Assembly for Wales and Youth Justice Board for England and Wales (2004) – Page 5

Appendix 1

Further evidence

Further evidence on the use of the Welsh language within the youth justice system can be found within the following documents:-

- House of Commons, Welsh Affairs Committee, Welsh Prisoners in the Prison Estate, Third Report of Session 2006–07
<http://www.publications.parliament.uk/pa/cm200607/cmselect/cmwelaf/74/74.pdf>
- Youth Justice Board, report on 'The provision of Welsh language services in the secure settings', M Rooney (2007)
- Cwmni Iaith, report, The provision of language choice in the North Wales Criminal Justice System (2008)
http://www.iaith.eu/uploads/adroddiad_bwrdd_cyfiawndercymraeg.pdf
- Her Majesty's Chief Inspector of Education and Training in Wales, Annual Report 2007-2008
[http://www.estyn.gov.uk/publications/Estyn%20Annual%20Report%202007_2008\(w\).pdf](http://www.estyn.gov.uk/publications/Estyn%20Annual%20Report%202007_2008(w).pdf)
- Joint inspection reports on Youth Offending Teams in Wales
http://inspectores.homeoffice.gov.uk/hmiprobation/inspect_reports/yot-inspections.html/