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## Ymateb i Ymgynghoriad / Consultation Response

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<b>Pwnc / Subject:</b>	Consultation on standards and ratings for inspecting youth offending services

### Background information about Estyn

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, Estyn is independent of the Welsh Government.

Estyn's principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000 and the Education Act 2005. In exercising its functions, Estyn must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Estyn's remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and teacher education and training.

Estyn may give advice to the Assembly on any matter connected to education and training in Wales. To achieve excellence for learners, Estyn has set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

## Response

### Introduction

We agree with the proposals to introduce a new resettlement standard and to replace the current standard 'joint working' with a new standard on out of court disposals policy and provision.

## Consultation questions

3.11. We are proposing to introduce a new resettlement standard (as set out at standard 2.5 in [Annexe A, page 24](#)) that will enable us to rate individual YOTs on their arrangements for effective resettlement provision by looking at their resettlement policies and processes, how these are delivered, the impact they are making and how effectively they are reviewed and evaluated. Organisational elements of resettlement work are already included in the scope of our existing domain one standards and we will strengthen our guidance on this, but the introduction of a separate resettlement standard will enable us to draw out the specific resettlement elements of organisational delivery, make an in-depth analysis of each YOT's overall approach to resettlement, and comprehensively consider the distinct local context within which resettlement services are delivered.

### **Question – Do you support the introduction of a specific new standard on resettlement policy and provision to run alongside individual case assessment data?**

Estyn supports this proposal, which enhances the focus of inspection on the important area of resettlement for young people. In particular, 2.5.2 (Does resettlement provision promote a high quality, constructive and personalised resettlement service for all children?) holds a YOT more clearly accountable for ensuring that its policies have impact. It also enables a focus on how well YOT management boards and staff are equipped to ensure that policies are carried out effectively. This will enhance the clarity of judgement that HMI Probation may award in this area and will enable, where necessary, an inspection team to provide clear advice and recommendations precisely tailored to inspection findings.

3.13. Although some YOTs will deal with a significant number of custody cases each year, many will have only a few and some will have no cases whatsoever. We believe we should only inspect and rate a YOT against this standard when they have sufficient cases to enable effective triangulation of local policy against actual practice.

### **Question – Do you agree that a resettlement standard must be underpinned by effective case-based evidence?**

We are in full agreement with this proposal. Without this qualification, there is a danger that inspection teams may feel obliged to provide a judgement, when there is insufficient evidence to support their decision. An inspection of five cases should provide reliable evidence on which to base a judgement.

3.16. Currently, our case sample specification asks for cases that have been dealt with in the three months prior to the inspection, and in the resettlement thematic we looked at cases based on their proximity to release. We propose extending the time-period for in-scope custody cases to one year prior to inspection to emphasise the necessity for resettlement needs to be considered from day one of a period in custody.

**Question – Are the arrangements set out for deciding which YOTs are in-scope for the new resettlement standard, and what the case sample specification should be, appropriate?**

We agree with the proposed approach to extend the period for capturing evidence. This approach offers an inspection team the opportunity to consider the appropriateness of YOT support to ensure sustainable outcomes for young people.

3.17. In developing the proposed standard we have aimed to achieve a balance between structural factors and personal support in line with the research and inspection evidence base, recognising that both have a role in effective resettlement and are not mutually exclusive.

**Question – Do the key questions and prompts suggested for the new resettlement standard as set out in [Annexe A on page 24](#), cover all of the relevant factors that drive good quality delivery in this area? Have we sufficiently aligned this standard with the evidence base? If not, we would welcome any references to relevant sources.**

We agree that the standards cover a range of factors, and encourage a focus on the effectiveness of the relationships between policy, management and operational staff to ensure a good service for young people.

3.20. We have considered the feedback carefully and we do not propose to make any changes to our OOCB casework standards relating to assessment (3.1), planning (3.2) or implementation and delivery (3.3). We do though propose to replace our current standard 3.4 on 'joint working' with a new standard on OOCB policy and provision (as set out at standard 3.4 in [Annexe A, page 28](#)). This will enable us to rate individual YOTs specifically on their arrangements for effective OOCB provision and their underpinning policies and processes as well as on the quality of their supervision of individual OOCB cases themselves, enabling a more in-depth analysis of the link between policy and practice than is possible under the current framework.

**Question – Do you support the introduction of a specific new standard on OOCB policy and provision to run alongside individual case assessment data?**

We support the introduction of a standard focusing on OOCB, which will improve the focus on this aspect of work and ensure that strengths or shortcomings in this area stand out.

**Question – Do the key questions and prompts suggested for the new OOCB standard as set out in [Annexe A, page 28](#), cover all of the relevant factors that drive good quality delivery in this area? Have we sufficiently aligned this standard with the evidence base? If not, we would welcome any references to relevant sources.**

We feel that the key questions/prompts cover broadly the main relevant factors. However the issue of partnership with education providers could be made clearer in the prompts, particularly since we have seen examples of YOT workers not knowing whether their clients were attending education, which could increase the client's risk and opportunities for reoffending. This factor is implicit in 3.3.2b (Is the involvement of other agencies in keeping the child safe sufficiently well utilised and coordinated), but as the partnership with education providers is crucial for ensuring that young people are safeguarded, there are opportunities to emphasise the priority of this relationship.

**Question – Does the proposed new standard better allow for the local context within which the OOC scheme operates to be taken into account?**

The proposed standard allows good opportunity to reflect local contexts.

3.31. For example, one way to move towards a more desistance-focused inspection model for OOC work would be to make the starting point for our discussion of ratings for each OOC standard the banding achieved against the key question on desistance. The scores for key questions on safety and wellbeing and risk of harm would then be used to inform discussion at our ratings panel where the final standard level rating would be confirmed. As with our current approach, the standard level rating could be moved up or down based on relevant wider evidence. YOTs would be unlikely to achieve the highest rating at standard level unless performance is judged to be sufficient across the entire key question range. Equally though, a low score on safety and wellbeing or risk of harm would not automatically drive a low overall rating for the standard.

**Question – Should we consider making the starting point for our standard level inspection ratings for OOC work the scores relating to desistance? Would such an approach be relevant and applicable in the current policy and practice landscape?**

We agree that this starting point would increase the priority that YOTs may give to desistance within their planning.

**Question – Is there a risk that taking such an approach would mean insufficient priority is given to work aimed at ensuring the safety and wellbeing of the child or managing the risk of harm they may present to others? If so, how could we ensure these issues remain sufficiently prominent in our inspection framework if we made a change like this?**

We accept that there is a danger that a YOT's perception of HMI Probation giving an increased priority to desistance may impact adversely on their delivery practice or planning priorities, including safety and wellbeing. It would therefore need to be made clear to services that these underpinning issues are still analysed and evaluated with a view of impacting on grades awarded. Clearly a service with a strong approach to desistance, but where clients were not safe, would have this reflected in overall judgement grades.

3.33. In the combined sample of domain two and three cases we draw for each YOT, 60 per cent are court disposal cases and 40 per cent are out of court cases. As there is no published data on the number of out of court disposals being dealt with by individual YOTs we have based this ratio on what inspections prior to the introduction of our current approach in 2018 told us was a typical ratio of out of court to court disposal cases. We recognise that the proportion of out of court cases being dealt with by YOTs has continued to increase since then and now often represents a much greater proportion of the overall caseload. We

are, therefore, considering how we can better reflect actual caseloads for out of court work in our case samples and are keen to hear your views. We will consider all proposals carefully, but the decision on which approach we adopt will need to be taken in line with what is practicable on individual inspections and our available resources.

**Question – How can we ensure the ratio of court disposals versus out of court disposals in our case sample best reflects actual caseloads?**

From the point of view of a partner inspectorate, much of Estyn's contribution depends on how HMI Probation directs our inspectors to focus following the week one visit by HMI Probation staff. If it were therefore possible for HMI Probation inspectors to defer the decision of their sampling until week 1 activities, and tailor their sampling to the distribution of court disposal work/OOCD undertaken by the individual YOS, this would give the opportunity to ensure that sampling reflected a local context.