

60% - Giving them a voice

Speech, language and communication needs in the youth justice system

April 2023



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Speech, language and communication needs in the youth justice system

April 2023



About the Committee

The Committee was established on 23 June 2021. Its remit can be found at:
www.senedd.wales/SeneddEquality

Current Committee membership:



**Committee Chair:
Jenny Rathbone MS**
Welsh Labour



Jane Dodds MS
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Chair's foreword

One of the cornerstones of fairness is equitable access to justice. It is alarming that at least 60 per cent of the young people involved with the youth justice system have a speech, language or communication difficulty, compared with an estimated 10 per cent for children and young people as a whole.

Speech, language and communication needs – or SLCN for short – includes a range of challenges from language delay, stammering, dyslexia, deafness and autistic spectrum difficulties. Children with SLCN are likely to find it difficult to understand and make sense of what people say or struggle to consider other people's perspectives or intentions.

Too many people with SLCN (whether diagnosed or not) end up in the criminal justice system where the support they receive is patchy and inadequate. This report aims to give a voice to this 60 per cent.

We expect the Welsh Government to work with stakeholders to take action in two key areas:

- Prevention, stopping such high numbers of people with SLCN entering the justice system at all. We want to improve awareness and early identification of SLCN by specialists working in frontline services, particularly schools.
- Support, ensuring that the needs of children and young people with SLCN are addressed upon entry into, and at every stage of, the youth justice system. This includes ensuring that staff and services have the skills, knowledge and resources to respond appropriately to those presenting with SLCN.

We have sought to shine a light on this injustice in our justice system. Our sincere thanks to all who took part in this inquiry. Criminal justice remains at the 'jagged edge' of devolution, so progress in giving the 60 per cent a voice will require purposeful cooperation between Welsh and UK governments as well as the sector more broadly. We hope to see that collaboration deployed in pursuit of the fairer Wales we all wish to see.

Jenny Rathbone MS

Chair of the Equality and Social Justice Committee

Recommendations

Recommendation 1. We recommend that the Welsh Government convene a summit of key stakeholders working in the sector with the aim of formulating a new workstream looking specifically at the impact of SLCN on children and young people and the link to the involvement of most young people involved with the youth justice system. The summit and concomitant workstream should be finalised before the end of 2023 and include realistic actions, measurable targets, and a timeline for their completion within the All-Wales Justice Board forward work programme.Page 11

Recommendation 2. The Welsh Government should set out in its response to this report how it intends to work with local education authorities, school leaders and governors and, where appropriate, local health boards, to ensure better understanding and awareness of SLCN in children and young people as they progress from primary to secondary school.....Page 15

Recommendation 3. The Welsh Government should work with Police and Crime Commissioners through the Youth Justice Blueprint Programme Board to assess the feasibility of having dedicated NHS speech and language therapists working in custody suites at police stations with a view to embedding them across Wales in the medium term. The initial feasibility work should be concluded within three months and the Welsh Government should report back to this Committee with its findings. Page 19

Recommendation 4. The Welsh Government should work with its partners in the youth justice system to extend the current ‘active offer’ entitlement of independent advocacy to children and young people with speech, language and communication needs in the criminal justice system and report back on progress within 6 months.Page 21

Recommendation 5. The Welsh Government should update the Committee on progress by HMPPS in implementing the recommendations of the Joint Inspection Report on Neurodiversity in the Criminal Justice System.Page 22

Recommendation 6. The Welsh Government should work with local authorities to develop plans for embedding speech and language therapists within every Youth Offending Team in Wales. This work should be completed by December 2023.Page 25

Recommendation 7. The Welsh Government should work with Health Education Improvement Wales (HEIW) to address any shortages being faced in

the speech and language therapy profession, mapping the current roles and competencies of the SLCN workforce and ensuring adequate future workforce planning. The initial mapping work should be completed by December 2023. ... 26

1. Introduction

- 1.** On 5 December 2022 the Equality and Social Justice Committee held a one-day inquiry into the experiences of young people with speech, language and communication needs (SLCN) in the criminal justice system.¹ The intention of the inquiry was to improve understanding about what is currently known and being done to support young people with SLCN, and identify where further action could be taken.
- 2.** As part of its evidence gathering, the Committee issued a targeted call for written evidence, held oral evidence sessions with stakeholders, and considered case studies from those with lived experience. A written evidence paper was provided by the Minister for Social Justice.²
- 3.** Full details regarding the background to the inquiry, including the terms of reference, are available on the [inquiry homepage](#).

Background

- 4.** Children's acquisition of speech, language and communication skills underpins their ability to speak, read and write and to problem-solve. Positive cognitive development is strongly associated with a child's success in school and entry into the workforce. Children and young people with SLCN can find it hard to understand and make sense of what people say. It also affects how children and young people interact with others, including non-verbal communication and being able to consider another person's perspective and intentions.
- 5.** SLCN can encompass a diverse range of impairments including stammering, learning difficulties and difficulties in social communication (for example as a result of autism). The Royal College of Speech and Language Therapists (RCSLT) includes these challenges, as well as hearing impairments, dyslexia and difficulties with swallowing, as conditions that would benefit from interventions from a Speech and Language Therapist (SLT).
- 6.** Any child, irrespective of family circumstances, might require additional support to address delays or difficulties with SLC. However, research shows that more than 50 per cent of children in socially deprived areas may start school with delayed SLC skills.³

¹ Equality and Social Justice Committee, 5 December 2022

² Welsh Government, [evidence paper](#).

³ Royal College of Speech and Language Therapists, [Justice Evidence Base Consolidation: 2017](#)

7. Following recommendations made in 2010 by the Senedd's Communities and Culture Committee⁴, the Youth Justice Board Cymru (YJB Cymru) commissioned a report on how young people with SLCN were dealt with in the youth justice system.⁵ The YJB Cymru review found that SLCN negatively impacts a young person's ability to engage effectively with the justice system.

8. In 2017, the Royal College of Speech and Language Therapists (RCSLT) published its Justice Evidence base, which further highlighted the importance of these issues.⁶

9. In September 2021 the RCSLT wrote to this Committee to suggest a "short inquiry into the speech, language and communication needs of young people in the youth justice estate". They highlighted that despite around 60 per cent of young people in the youth justice system having SLCN, services and support remain "extremely patchy".⁷

⁴ Communities and Culture Committee, Youth Justice: The experience of Welsh children in the Secure Estate, February 2010

⁵ University of South Wales, A Review of the Speech, Language and Communication Needs of Young People from Wales in the Youth Justice System, July 2015

⁶ Royal College of Speech and Language Therapists, Justice Evidence Base Consolidation: 2017

⁷ Letter from the Royal College of Speech and Language Therapists, 1 September 2021

2. Speech, language and communication needs in the youth justice system

At least 60 per cent of young people in the youth justice system have speech, language and communication needs. Young people with SLCN face additional challenges at every stage of the criminal justice process.

11. Figures from the RCSLT suggest that “sixty per cent, and even up to 90 per cent” of children and young people in the youth justice system have SLCN. These range from difficulties with social interaction, attention and listening skills and problems with speech. The RCSLT described SLCN as “a vulnerability that often leads to crime.”⁸

12. Local data for the Neath Port Talbot Youth Offending Team (YOT) showed that in 2022, 79 per cent of the young people who came into contact with the YOT service had some level of speech and language need.⁹ Representatives from YOT Managers Cymru said that this figure was believed to be broadly consistent across all youth offending teams.

13. Despite the high prevalence, the Committee heard that few organisations in Wales are championing the voice of this group of young people.¹⁰ And of those organisations which are representing their voices, many are UK-wide and lack a specific focus on Wales.

14. The Committee reached out to several organisations, including Speech and Language UK, who responded to say they were unable to represent the voices of young people in Wales.

⁸ Equality and Social Justice Committee, Record of Proceedings, 5 December 2022, paragraph 9

⁹ Neath Port Talbot Youth Justice Service, written evidence

¹⁰ ESJ Committee, Record of Proceedings, 5 December 2022, paragraphs 126-132

Our View

Access to the criminal justice system relies on a person's ability to listen, understand and communicate thoughts and experiences in words. Whether individuals with speech, language and communication needs have the right and appropriate level of support when navigating the justice system (and services more generally) is key to ensuring equitable access to justice. A large body of evidence suggests that children and young people with SLCN make up a disproportionate amount of the total number of people in the youth justice system. Despite this evidence and numerous attempts to flag the issue, the impact of SLCN on children and young people and their heightened chances of becoming involved with the criminal justice system has not received the level of attention it deserves. There appears to have been limited progress with tackling the issues identified as far back as 2010 by the Culture and Communities Committee report.

In gathering evidence for this inquiry, we had difficulties in securing engagement from stakeholders, some of whom we would have expected to be more active in this space. This speaks volumes as to the level of attention and resource being directed to the issue. We further note that several organisations were unable to take part in our work, in contrast to active work on this matter in England and despite their roles as advocates for children and young people.

We would like the sector to collaborate to move this agenda forward with pace. One route to achieving this would be for the Welsh Government to convene a summit of key stakeholders with the aim of formulating a new workstream and action plan looking specifically at the impact of SLCN on children and young people in the youth justice system. We would expect this work to take a child-focused approach involving both the Education Department as well as the All-Wales Justice Board. It should also include actions, targets, and a timeline for completion, the details of which should be finalised before the end of 2023.

In addition we intend to write specifically to the Children's Commissioner for Wales asking her to consider investing more resource into this area of public policy with an emphasis on raising awareness and championing the rights and needs of children and young people with SLCN.

Recommendation 1. We recommend that the Welsh Government convene a summit of key stakeholders working in the sector with the aim of formulating a new workstream looking specifically at the impact of SLCN on children and young people and the link to the involvement of most young people involved with the

youth justice system. The summit and concomitant workstream should be finalised before the end of 2023 and include realistic actions, measurable targets, and a timeline for their completion within the All-Wales Justice Board forward work programme.

SLCN in early years and schools

15. When asked about the impact of SLCN on children and young people, Pippa Cotterill (RCSLT) cited the risk that “they might become disengaged from education”. She argued that flagship programmes such as Flying Start and Families First have raised awareness of speech, language and communication needs, noting that:

“[...] there's a lot of very, very good work that's happening, not only by speech and language therapists, but in the much wider workforce.”¹¹

16. She referred to the Welsh Government strategy 'Talk With Me', which aims to raise awareness of speech and language therapy in the early years as “really important” and argued for expansion of its reach.¹² She added that there are additional challenges as children get older and progress from primary to secondary school.

17. There was a shared view that poor awareness and a lack of recognition of young people’s SLCN in schools, particularly in older children, is contributing to the over-representation of this group of young people in the youth justice system.

18. Pippa Cotterill (RCSLT) explained that some SLCN might first present as behavioural difficulties and that work needs to be done to raise awareness with the wider workforce – social workers, school teachers and other front-line professionals working with young people, particularly those aged 11-16 years. She argued that greater awareness is needed to help identify whether SLCN could be a factor in a young person’s behaviour.¹³ She would like to see a “checklist for SLCN” undertaken with year 6 children before they move to secondary school to screen for any presentation of SLCN.

19. Kim Jenkins, a specialist speech and language therapist and clinical lead for youth justice at Swansea Bay University Health Board (SBUHB), agreed that there

¹¹ ESJ Committee, Record of Proceedings, 5 December 2022, paragraph 78

¹² ESJ Committee, Record of Proceedings, 5 December 2022, paragraph 118

¹³ ESJ Committee, Record of Proceedings, 5 December 2022, paragraph 78

was “limited knowledge” of SLCN “especially in children and young people 11 and up”, stating that: “a lot of people would see it as a primary-age-type difficulty[...]”.¹⁴

20. She told the Committee that many children and young people with SLCN are not correctly identified at school, and highlighted two important points about the role of schools in identifying and supporting young people with SLCN:

- Schools should be supporting young people with SLCN to help prevent them from becoming ‘disengaged’ by providing a nurturing environment and recognising their behaviour could be due to difficulties in understanding and communicating.
- Schools can help to mitigate the impact on a young person of having SLCN by offering vocational courses that allow young people who have difficulties reading and writing to thrive.¹⁵

21. Pippa Cotterill (RCSLT) said that schools should also be monitoring attendance and achievement to see where additional support could be provided.¹⁶

22. Exclusion from school was identified a risk factor for coming into contact with the criminal justice system. Kim Jenkins (SBUHB) said:

“More needs to be done around the education side. A lot of the young people who I work with either have been excluded or are at risk of exclusion. So, if they have a speech and language therapy assessment prior to that, then hopefully we can get them to stay in education.”¹⁷

23. The Minister for Education confirmed that speech and language therapy is provided in schools, and that services are funded by many local authorities.¹⁸ We requested information on the number of learners with SLCN who have been permanently excluded from schools over the past five academic years.¹⁹ In response, the Minister provided data²⁰ showing the number of pupils permanently excluded with statements for SLCN:

¹⁴ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 74

¹⁵ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 11

¹⁶ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 113

¹⁷ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 112

¹⁸ Letter from the Minister for Education and Welsh Language, 13 January 2023

¹⁹ Letter to the Minister for Education and Welsh Language, 13 December 2022

²⁰ Letter from the Minister for Education and Welsh Language, 13 January 2023

Year	2016/17	2017/18	2018/19	2019/20	2020/21
Number of pupils permanently excluded with statements for SLCN	6	9	10	8	not published

24. Darren Trollope from the Youth Justice Board (YJB) emphasised the link between SLCN and exclusion from school:

“The Youth Justice Board in Wales has been worried about the growing trend of school exclusions, fixed-term and permanent school exclusions, in Wales since 2015. You're looking at an exclusion rate of 0.5 per 1,000 children. Looking at the school census data from 2019—this is 2019 data, obviously pre pandemic, as the latest in the trend that could be properly used—a rate of 0.5 per 1,000 children for permanent exclusions is 23,000 children in Wales excluded from school.”²¹

25. The new Additional Learning Needs (ALN) system being phased in between now and August 2024 will mean every pupil with ALN will have a statutory Individualised Development Plan (IDP). However, evidence suggests that those with the lowest level of SEN/ALN are being moved off the system and into mainstream classroom provision (the so-called 'raising of the bar' effect). This could explain the relatively low number of exclusions highlighted in the Minister's letter.

26. Darren Trollope (YJB) emphasised the pivotal role of schools as “a gateway to other services”, stating:

“They're that opportunity for early identification and signposting through to services to meet children's needs.”²²

27. The Minister for Education stated that teachers are trained and schools are being supported to ensure the needs of children with SLCN “are identified early and effective interventions are put in place”.²³

Our view

We heard that children and young people with SLCN are at a greater risk of disengagement with and sometimes exclusion from schools, which in turn can

²¹ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 295

²² ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 295

²³ Letter from the Minister for Education and Welsh Language, 13 January 2023

lead to entry into the criminal justice system. There are signs, however, that schemes such as the Welsh Government's 'Talk With Me' strategy are having a positive impact in raising awareness of SLCN in schools, particularly in early years. The Welsh Government needs to build on the success of 'Talk With Me' and consider expanding its reach to include children and young people during their transition from primary to secondary school.

To do this, the Welsh Government should give specific consideration to the benefits of a 'checklist for SLCN' (as proposed by the RCSLT). The aim of such a checklist would be to assess whether the individual is presenting an SLC or AL need or needs and would be undertaken in year 6 before starting secondary school.

Recommendation 2. The Welsh Government should set out in its response to this report how it intends to work with local education authorities, school leaders and governors and, where appropriate, local health boards, to ensure better understanding and awareness of SLCN in children and young people as they progress from primary to secondary school.

The interaction between SLCN and the new framework for ALN in Wales needs careful consideration and we expect schools and professionals working within the sector to be vigilant when carrying out assessments. Even in cases where a child has some form of SLCN but is not deemed to meet the threshold for formal intervention (in the form of a statutory IDP), appropriate support with that child's SLCN should still be provided.

Identification of SLCN

28. Witnesses including the YJB told us that very few young people who come in to contact with the youth justice system have had their SLCN identified.

29. Amanda Turner (Operations Manager at Neath Port Talbot YOT) drew on local data to highlight that for Neath Port Talbot YOT in 2022, only two out of 28 young people who came into contact with the service (and were referred to their speech and language therapist), had seen a speech and language therapist outside the justice system.²⁴

²⁴ Neath Port Talbot Youth Justice Service, [written evidence](#)

30. Darren Trollope (YJB) argued for a greater focus on diagnosing young people with SLCN earlier, before they enter the justice system. He said:

*"[...] the majority of children with speech, language, communication needs, they are not identified by mainstream services. They come to awareness as a result of coming into the youth justice system. And I think while it's laudable that the professionals within the youth justice system have those skills, for me, that feels like it's the wrong way round."*²⁵

31. Deputy Police and Crime Commissioner (PCC) for Gwent Eleri Thomas confirmed that when young people come into contact with youth justice services, they are assessed and then are able to gain access to services. She also questioned "why it sometimes takes the youth justice services intervention to identify someone's speech and language issues in the first instance."²⁶

Youth Offending Teams

32. Amanda Turner told the Committee that YOTs across Wales are "supported by local training" (including the RCSLT 'The Box' training) and by "a range of documents" (via the Youth Justice Board resource hub). She referred to the Asset Plus assessment, which includes a checklist for staff to use to identify any SLCN. Asset Plus is the main assessment tool used by YOTs. It is used by practitioners to screen for substance misuse, mental health, speech and language, education needs, and so on, so that a young person's needs are detected in the very early stages of the youth justice worker picking up the case.

33. Whilst supportive of the Asset Plus assessment, the RCSLT cautioned that screening tools can only be used accurately if staff have had adequate training and know how to use the tool and know what to look out for.²⁷

34. She added that while current understanding and recognition of the prevalence of SLCN among this group of young people is good in some parts of the youth justice system, it is "very, very variable across different services".²⁸

35. The RCSLT offers free training to people working in youth justice system (The Box and Mind your Words training) but it is unclear what the level of take-up is among people working in the sector, and whether professionals subsequently go

²⁵ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 243.

²⁶ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 277.

²⁷ RCSLT written evidence; Equality and Social Justice Committee, 5 December 2022, Record of Proceedings, paragraph 13.

²⁸ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 14.

on to make contact with their local NHS speech and language therapy services (in which case it simply becomes one-off training).

36. The Minister for Social Justice’s submission highlighted that a number of youth justice services had completed this training which had “enabled services to consider how they might ensure that the young people accessing their service are signposted to the right support”.²⁹

Policing

37. Amanda Blakeman (Chief Constable of North Wales Police) said “the level of understanding across policing is a lot better than it was”.³⁰ She offered assurances that police officers take a “child-centred approach” to policing in Wales, and was confident that officers have the necessary training to understand the prevalence and needs of young people with SLCN who they may come into contact with. Chief Constable Blakeman said:

“The training is ongoing, it’s comprehensive, it reaches across a huge area, and it is one of those programmes that we are rolling out alongside lots of other training that we do around vulnerability.”³¹

38. We heard that in some parts of England, dedicated NHS speech and language therapists are working in custody suites at police stations.³² Policing representatives said that practice of having dedicated NHS speech and language therapists working alongside police officers in custody suites had not yet been considered in Wales. Deputy PCC for Gwent Eleri Thomas, however, confirmed that she would welcome the opportunity to work with NHS colleagues to “explore how we might enhance that service, to think about the relationship”.³³

39. Deputy PCC for South Wales Emma Wools also committed to exploring this issue further with the Youth Justice Blueprint Programme Board.³⁴

40. The National Autistic Society (NAS) highlighted negative experiences of people with autism of the criminal justice system and cited that “69% rated their treatment as unsatisfactory”.³⁵ The NAS also emphasised the need for the police to

²⁹ Welsh Government, [evidence paper](#)

³⁰ [ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 158](#)

³¹ [ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 176](#)

³² [NHS Commissioning liaison and diversion](#)

³³ [ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 219](#)

³⁴ [ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 223](#)

³⁵ National Autistic Society, [written evidence](#)

make adaptations “to support autistic people and minimise distress” and argued that the use of intermediaries should be expanded to defendants.

41. Dr Dave Williams, Consultant Adolescent and Child Psychiatrist at ABUHB told the Committee that the multi-agency model in youth justice is “exemplary”.³⁶

42. Adam Edwards (an Advanced Nurse Practitioner and Forensic CAMHS lead) agreed:

“[there is] a really close network of multi-agency working that, because everybody is based in that same area, is very tight. You don't get that breakdown in communication. So, everybody knows what they're doing and when, so they're not overloading the young person with hundreds of different interventions at the same time. My experience of working within a youth offending service as a clinical nurse specialist, in particular, is that I've seen some excellent partnership working from across the board of social work, police, substance misuse, speech and language, mental health and probation. It does all work where you've got that multi-agency team sat next to each other.”³⁷

43. Alison Davies, Principal Officer, Neath Port Talbot YOT emphasised the importance of the police co-location with other services:

“It's really important, especially having a police officer in the team alongside the other multi-agency partners in the team....the police officer in the team will then take that [information] back to the public protection unit and say, 'This lad is coming through, and this lad has got speech and language difficulties'. They are just general conversations where things are picked up when you're in the room together.”³⁸

Our view

We heard persuasive arguments regarding the importance of police co-location with other services, and of the benefits of speech and language therapists working alongside officers in custody suites. The Welsh Government should work with Police and Crime Commissioners to maximise the benefits of co-location and undertake an assessment of the feasibility of embedding speech and language

³⁶ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 59

³⁷ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 58

³⁸ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 284

therapists in police stations across Wales. The feasibility assessment should then inform the aim of Wales-wide roll-out in the medium term.

Recommendation 3. The Welsh Government should work with Police and Crime Commissioners through the Youth Justice Blueprint Programme Board to assess the feasibility of having dedicated NHS speech and language therapists working in custody suites at police stations with a view to embedding them across Wales in the medium term. The initial feasibility work should be concluded within three months and the Welsh Government should report back to this Committee with its findings.

Courts and sentencing

44. Tom Franklin from the Magistrates Association said that youth courts use experienced magistrates and that they receive specific, mandatory training, which highlights the vulnerabilities that children and young people may experience. However, he also acknowledged that: “there may be a gap as far as the training that is provided on this particular issue of children with communication needs.”³⁹

45. We heard that in court, vulnerable witnesses with SLCN have access to ‘registered intermediaries’. Section 33BA of the *Youth Justice and Criminal Evidence Act 1999* extends such support to defendants who qualify for intermediary special measures. Amanda Turner of Neath Port Talbot YOT explained that “this service has to be requested by the solicitor on behalf of the young person”. If granted, the intermediary is appointed by the court.⁴⁰

46. Amanda Turner added that some courts are good at implementing the service, while others are not as good:

“It’s concerning that uptake or implementation is patchy because the feedback when they are implemented has been positive.”⁴¹

47. Amanda Turner also explained that the need for court adaptations is probably less for young people with an identified SLCN. This is because “a lot of work is done leading up to that court appearance with the young person”.⁴² She said that time is spent with the young person prior to court, making sure they are familiar with the court environment, taking them there to explain who is in their

³⁹ ESJ Committee, 21 November 2022, Record of Proceedings, paragraph 68

⁴⁰ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 227

⁴¹ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 277

⁴² ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 250

court, what their roles are, what will be asked of them in terms of the expectations. She confirmed:

“The youth justice services across Wales have really good relationships with the magistrates and solicitors, and advocate on behalf of young people if we are aware that there are identified speech and language needs to ensure that adaptations are made to the practice within that courtroom to ensure that the young person can engage fully in the process.”⁴³

48. She added:

“Similarly, if, again, we are aware of speech and language needs, we will fast-track assessments like speech and language assessments to ensure that we can embed that in the recommendations of pre-sentence reports.”⁴⁴

49. We heard that after a court hearing, time is spent with the young person, checking back their understanding of the process and what they think has been the outcome for them. Amanda Turner (Neath Port Talbot YOT) emphasised the importance of this, stating:

“Again, those that have the benefit of the speech and language therapists within their teams, as we do, all of our paperwork has been checked and adapted by the speech and language therapist to ensure that it's broken down into the most basic language that it can be, that there are visual aids alongside the written word, and that these leaflets are available to young people leaving court as well, then, so they know exactly what, for example, a PSR is or what a referral order is, or what a youth rehabilitation order is at the earliest opportunity.”⁴⁵

⁴³ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 250

⁴⁴ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 251

⁴⁵ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 251

Our view

Young people with SLCN are generally supported through the courts by YOT practitioners and others, but there are concerns that this support is patchy and inconsistent. There are also potential gaps in the knowledge and training undertaken by magistrates and others in the legal profession in terms of SLCN specifically. The Welsh Government should work with legal professionals and magistrates who sit in the youth court to raise awareness of the extent of speech, language and communication needs among young people in contact with the youth justice system. This could include using or adapting 'The Box' training course offered by the Royal College of Speech and Language Therapists with a view to making it mandatory.

Access to intermediaries and independent advocates forms another key component of support for children and young people with SLCN. Here, the picture is more mixed and it is disappointing to hear that take-up can vary. The *Code of Practice on Advocacy* issued under the Social Services and Well-Being Act (2014) means local authorities must provide Advocacy services to care experienced children and 'children in need'.⁴⁶ It is intended to help children and young people speak out and explore issues that are important to them. Under the 'active offer' arrangements, children and young people are entitled to an offer of advocacy from a statutory Independent Professional Advocate in certain circumstances (for example when they become looked after).

We believe that similar arrangements for the sharing of information regarding a child's rights and entitlements is justifiable in the case of children and young people with SLCN in the youth justice system, particularly given the vulnerabilities they face. The Welsh Government should work with its partners in the youth justice system to extend the current entitlement to independent advocacy to young people with speech, language and communication needs who are in contact with the youth justice system, in the form of an 'active offer'.

Recommendation 4. The Welsh Government should work with its partners in the youth justice system to extend the current 'active offer' entitlement of independent advocacy to children and young people with speech, language and communication needs in the criminal justice system and report back on progress within 6 months.

⁴⁶ [Code of Practice on Advocacy](#)

We note that several of the themes in the 2021 Joint Inspection report on Neurodiversity in the Criminal Justice System are closely linked to the issues covered in this report.⁴⁷ We would therefore welcome an update from the Welsh Government on progress by His Majesty's Prison and Probation Service (HMPPS) in implementing the recommendations of that report.

Recommendation 5. The Welsh Government should update the Committee on progress by HMPPS in implementing the recommendations of the Joint Inspection Report on Neurodiversity in the Criminal Justice System.

Provision of NHS speech and language therapy

50. Some YOTs in Wales have speech and language therapists embedded in their services (seconded from the NHS). Adam Edwards (an Advanced Nurse Practitioner and Forensic CAMHS lead) highlighted the benefits of this approach, including how it can lead to better identification of SLCN and the sharing of knowledge and expertise in order to adapt the delivery of interventions.⁴⁸

51. Dr Dave Williams of Aneurin Bevan University Health Board (ABUHB) said that there is inconsistent practice across Wales, and identified best practice as when:

“professionals know each other and have a really low threshold for being able to talk to each other. And, in the past, we've had a model that was very much transactional, about booking an out-patient appointment, and actually that's the end bit of the service, not the thing that's necessarily the most helpful.”⁴⁹

52. He added that in his health board, ABUHB, the health offer:

“[...] isn't simply [on] a referral and appointment basis, but is one that actually says that the first health offer is knowing your therapist, knowing your professional so that you can, at any time, pick up the phone and say, 'Look, I'm concerned about this young person, what should I do?'”⁵⁰

53. Dr Dave Williams said that speech and language therapy input needed to be 'front-loaded'; to help build relationships and strategies with young people before

⁴⁷ Neurodiversity in the Criminal Justice System: A review of evidence 2021

⁴⁸ ESJ Committee, 5 December 2022, Record of Proceedings, paragraphs 56-58

⁴⁹ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 45

⁵⁰ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 46

getting them to a clinic appointment. Pippa Cotterill of the RCSLT agreed “one or two days of a speech and language therapist working in a service gives it that training element. Therapists can assess a young person and work out the extent to which the young person has SLCN.”⁵¹

54. She added that indirect intervention involves supporting youth justice workers to develop strategies and approaches that are going to help the young person (such as, using visual strategies, help with problem solving). Where there’s more provision, the therapists can get involved in direct interventions with the young person (such as vocabulary development or support to access education). This was echoed by YOT practitioners such as Amanda Turner of Neath Port Talbot YOT:

“For outreach provision, it often requires young people to attend in-service appointments, rather than that provision coming out to see the young person. We know that, for many of our young people, attending appointments is a difficult thing for them to achieve, and then, once you miss or don’t attend a number of appointments, then you’re often either taken off the list or you go to the back of it. So, I think having a speech and language therapist embedded in the team is the way forward.”⁵²

55. Data provided by the RCSLT showed that there are 10 local authority YOTs where there are no speech and language therapists. Alongside the data the RCSLT explained that some of these teams may have previously had an NHS speech and language therapist but may have lost them due to short-term funding or difficulties sustaining the service.⁵³

Provision of speech and language therapists (SLTs) within YOTs in Wales

Local authority	Number of SLTs
Blaenau Gwent & Caerphilly	0.2 WTE
Bridgend	0.2 WTE
Cardiff	0
Carmarthenshire	0
Ceredigion	0
Conwy & Denbighshire	0

⁵¹ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 30

⁵² ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 282

⁵³ RCSLTs written evidence

Cwm Taf	0.4 WTE
Flintshire	0
Gwynedd and Ynys Mon	0
Monmouthshire & Torfaen	0.2 WTE
Neath Port Talbot	0.7 WTE
Pembrokeshire	0
Powys	0
Swansea	0.7 WTE
Vale of Glamorgan	0
Wrexham	0

(Source: RCSLTs written evidence paper)

56. Alison Davies of Neath Port Talbot YOT described it as a “postcode lottery” and argued that speech and language therapists are “hard to come by,” and that the same was true of keeping them in post.⁵⁴ She added that a regional approach has been adopted in Neath Port Talbot to “share resources across the region”.⁵⁵

57. The make-up of YOTs comes under the responsibility of the local authority. Local authorities can fund therapists to be seconded (embedded) into the YOT. Many local authorities in Wales have service level agreements with their health boards to provide speech and language therapy services.

58. Funding for these arrangements are a matter for local authorities; however, there is also a role for NHS Wales and the Youth Justice Board to review service provision and ensure sharing of best practice. Darren Trollope (YJB) said:

“Having a speech and language therapist would be ideal for most services. I think the challenge really is around that mainstream provision, though. I think, whether it's a referral to a speech and language therapist in the health board or a seconded-in speech and language therapist, if there aren't enough there to go around, it doesn't matter where they are.”⁵⁶

⁵⁴ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 287

⁵⁵ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 287

⁵⁶ ESJ Committee, 5 December 2022, Record of Proceedings, paragraph 293

Children in custody

59. We received limited evidence which focused on the experiences of young people with SLCN in custody. In Wales, there are two secure estates which hold children –HMP/YOI Parc in Bridgend (males only) and Hillside Secure Children’s Home in Neath (males and females). Children from north Wales are usually sent to settings in the north of England. The numbers of children from Wales in custody are now very small. (For example in December 2022, there were 13 children from Wales in custody).⁵⁷

60. The NAS highlighted its Autism Accreditation Scheme which aims to improve autism practice and noted that “many prisons and probation services are taking part, including HMP Parc in Bridgend, south Wales”.⁵⁸

Our view

There was clear support for the practice of embedding speech and language therapists in all youth offending teams across Wales. Such an approach could yield a number of benefits including ensuring a trauma-informed approach, focused on building relationships with young people and getting to know them better before they access other services. The evidence we received in the form of **case studies** illustrate the positive impact the right support can make to the lives of young people with SLCN. Currently the provision of speech and language therapy varies considerably across Wales and there are additional challenges in terms of their recruitment and retention. We agree that greater consistency in the provision of, and access to, speech and language therapists needs to be prioritised. To achieve this, the Welsh Government should review current provision and work with local authorities to develop plans for embedding speech and language therapists within every Youth Offending Team in Wales. At the same time the Welsh Government will need to work with the sector to address shortages and difficulties relating to recruitment and retention faced by the profession by improving workforce planning.

Recommendation 6. The Welsh Government should work with local authorities to develop plans for embedding speech and language therapists within every Youth Offending Team in Wales. This work should be completed by December 2023.

⁵⁷ UK Government, [Youth custody data](#)

⁵⁸ National Autistic Society, [written evidence](#)

Recommendation 7. The Welsh Government should work with Health Education Improvement Wales (HEIW) to address any shortages being faced in the speech and language therapy profession, mapping the current roles and competencies of the SLCN workforce and ensuring adequate future workforce planning. The initial mapping work should be completed by December 2023.

Annex 1: List of oral evidence sessions

The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed on the [Committee's website](#).

Date	Name and Organisation
21 November 2022	Tom Franklin, Magistrate's Association
5 December 2022	<p>Pippa Cotterill, Royal College of Speech and Language Therapists Wales</p> <p>Kim Jenkins, Swansea Bay University Health Board</p> <p>Dr Dave Williams, Aneurin Bevan University Health Board</p> <p>Adam Edwards, Aneurin Bevan University Health Board</p> <p>Darren Trollope, Youth Justice Board</p> <p>Alison Davies, Neath Port Talbot Youth Justice Service</p> <p>Chief Constable Amanda Blakeman, North Wales Police</p> <p>Deputy Police and Crime Commissioner Emma Wools, South Wales Police</p> <p>Deputy Police and Crime Commissioner Eleri Thomas, Gwent Police</p>

Annex 2: List of written evidence

The following people and organisations provided written evidence to the Committee. All written evidence can be viewed on the [Committee's website](#).

Reference	Organisation
SLCN 01	NHS Confederation
SLCN 02	National Autistic Society Cymru
SLCN 03	RCSLT Wales
SLCN 04	Neath Port Talbot Youth Justice Service
SLCN 05	Letter from the Minister for Social Justice (25 May 2022)
SLCN 06	Letter from the Minister for Social Justice (11 November 2022)