



House of Commons  
Justice Committee

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**Children and Young  
People in Custody (part 2):  
The Youth Secure Estate  
and Resettlement**

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**Sixteenth Report of Session 2019–21**

*Report, together with formal minutes relating  
to the report*

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## Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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## Summary

The number of children and young people being held in custody has fallen dramatically in the last 10 years. The few hundred currently in young offenders' institutions, secure training centres and secure children's homes is 70 per cent fewer than was the case in 2010. This represents a substantial success in finding alternative ways to deal with crime committed by children and young people, including more diversion to non-custodial sentences.

However, the success in reducing the overall number of children and young people being held in custody means that those who remain present greater challenges for the staff who look after them, for a system built on the idea of rehabilitating them into the community and for the children and young people themselves.

As the Minister for Prisons made clear to us, those who are in custody are there because they have committed crimes at the most serious end of the spectrum. They are sometimes dangerous and are also often among the most vulnerable and damaged children and young people in our country. The challenge of enabling them to serve their sentences in safety is considerable. It is imperative that as many of them as possible are enabled to successfully reintegrate into the community when they leave custody. Meaningful education and training, work-based opportunities, suitable accommodation when they leave custody and the maintenance of connections with their families and friends are all significant challenges. Covid-19—still a year ahead of us and unforeseen when this inquiry began—has added to those challenges in ways yet to be fully worked out and evaluated.

This is the second part of our long-running inquiry into Children and Young People in Custody. The first focused on how people enter the youth justice system and how they are dealt with when they do. This second part considers the condition of the estate in which they live and learn, as well as examining what options are open to children and young people as they leave the youth estate, both to return to the community or to move into adult prison accommodation.

The safety of those in the state's care, and the safety of those remarkable staff who look after them, are of the highest priority. Self-harm among children and young people in custody reached its highest level in five years during our inquiry, and we require the Ministry of Justice to explain why that is and what it is doing to protect children and young people from themselves. There is some encouragement to be found in the fact that self-harm has reduced during the pandemic, and we ask the Ministry to learn what lessons it can about why that has happened and how that trend can be continued.

We seek from the Ministry of Justice more information on how and why some children and young people are placed in effective solitary confinement, and on what is done to ensure those with mental health needs are suitably cared for and treated.

The use of force against children and young people in our institutions has also risen in recent years. We, like the previous Chair of the Youth Justice Board, accept that staff may, in the interests of the safety of other children and of themselves, require in rare circumstances to use force, including in very specific circumstances techniques that

may cause some pain. However, we press the Ministry of Justice to review arrangements in place governing the use of force to ensure they are robust and that force is used only when necessary.

Our First Report examined in detail the disproportionality of outcomes suffered by Black, Asian and Minority Ethnic children and young people, and our short chapter here should be read in conjunction with the relevant chapter there. So far as BAME-specific issues arising from the estate are concerned, we press the Ministry of Justice to continue to implement the accepted recommendations of David Lammy's 2017 review of the treatment and outcomes of BAME individuals, seeking in particular, some three-and-a-half years on from that review, firm deadlines for when the necessary action will be taken.

We welcome the Government's commitment to move to providing Secure Schools instead of Youth Offender Institutions and Secure Training Centres, but the repeated delay in setting up even the first school, planned for Medway, is of significant concern. We need a firm commitment to its opening date and a clear statement of what resources have been allocated to creating it. We seek clearer commitments on when further Secure Schools will be created.

We are concerned by the high turnover of staff in the youth justice system and call on the Ministry to set out its strategy for providing and retaining a skilled and suitably trained workforce. We welcome the recent move towards specialist staff in the sector.

Finally, we seek clearer commitments on the education, training and other meaningful activity being provided to children and young people in custody with the intention of aiding their transition back into wider society. Accommodation for children or young people who leave custody is a priority—it is shocking to hear that some have not been told where they will live until the day before they are released.

We also recommend that the Ministry go further in ensuring that young people who move from the youth justice estate and into adult prisons do not fall off what the former Chief Inspector of Prisons termed a 'cliff edge' as the extra services and care provided in the youth estate are removed. Young people are individuals with individual needs and while reaching 18 may mark notional maturity, it will not be the case that all young people are capable of making the transition to adult custody on the stroke of an arbitrary midnight.

# 1 Introduction

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1. Reducing the number of young people and children in the criminal justice system, especially in custody, has been one of the significant success stories of the past decade. However, that success in diverting many young offenders away from formal justice processes leaves those who remain within the system both more complex and more demanding, not least because those children and young people have mainly committed very serious offences. The life chances of those who would once have faced custody and are now dealt with by other means have significantly improved. Simultaneously, those who remain within the system pose substantial challenges for the staff who look after them, for a system that seeks to rehabilitate offenders into society, and for that wider society as a whole.
2. The number of children entering the youth justice system has dropped by 85% since March 2009. Some 70% fewer children and young people are held in the secure estate than were a decade ago; only a few hundred children are now in custody in England and Wales at any particular time. This report considers how responsive the estate is to the physical, mental, rehabilitative and personal needs of that small but increasingly complex cohort.
3. As we noted in the companion to this report, published in October 2020, the youth justice system has been often reviewed in the past five years.<sup>1</sup> Most notably, the 2016 Taylor Review recommended extensive change and the subsequent Lammy Review, published September 2017, raised significant concerns about race disproportionality.
4. This second part of our inquiry examines changes in the youth justice population and progress made in reforming the system. Our first report covered changes to the youth justice population, and entry into the system, focusing on diversion from formal criminal justice processing and youth courts. Here, we consider in particular the suitability of the custodial estate and resettlement of children from custody to the wider community.

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1 Justice Committee, Twelfth Report of Session 2019–21, [Children and Young People in Custody \(Part 1\): Entry into the youth justice system](#), HC 306.

## 2 Safety in Custody

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### The Secure Estate

5. When a child or young person is remanded or sentenced to custody in England and Wales, the Youth Custody Service decides whether to place the young person at a Young Offender Institution (YOI), Secure Training Centre (STC) or Secure Children's Home (SCH).<sup>2</sup>

6. There are five Young Offenders Institutions in England and Wales for boys under 18: Cookham Wood, Feltham, Parc, Werrington and Wetherby. YOI Parc is run by G4S and the other YOIs are run by Her Majesty's Prison and Probation Service (HMPPS).<sup>3</sup> The YOIs have a combined total of around 850 places for boys aged 15 to 17.<sup>4</sup> Secure Training Centres are smaller establishments that accommodate between 60 to 80 boys and girls aged 12 to 17. There are currently two operational STCs: Oakhill run by G4S and Rainsbrook run by MTC Novo.<sup>5</sup> Secure Children's Homes accommodate boys and girls aged 10–17 assessed as particularly vulnerable. Seven in England and one in Wales provide justice placements, and they have around 104 places, contracted by the Youth Custody Service.<sup>6</sup> The Department for Education, rather than the Ministry of Justice, is responsible for SCHs.<sup>7</sup> In 2018/19, 73% of the youth custody population was housed in YOIs, 17% in STCs and 10% in SCHs.<sup>8</sup>

7. The graph below demonstrates the reduction achieved in the number of children and young people in custody over the past decade.<sup>9</sup> It represents remarkable progress, a point that should be borne in mind as we go on to consider concerns to be raised later in this report about those who do remain in custody. Questions arise about the suitability for this changed cohort of the custodial institutions used, their location and distance from a child's home, time spent out of cell, education provision, safety and racial disproportionality. Further questions arise about health care, especially mental health, and the capability, capacity and resource to deliver appropriate relevant and targeted rehabilitative activities for these children.

8. This changing cohort has presented tremendous challenges to staff in the youth custody system - on the front line and at managerial level. In a short time, staff have begun to deal with substantially different children and young people but with essentially the same tools used previously to pursue the prime aim of the youth justice system - to prevent reoffending. We have great admiration for these staff and pay tribute to their dedication and commitment to attempting to turn around the lives of the young people in their custody. As the overall numbers have fallen, the proportional challenges in providing safe, secure living and learning accommodation have risen. It is almost invariably the case that those children and young people who remain in custody have committed serious offences,

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2 Youth Custody, Commons Briefing Paper CBP [8557](#), House of Commons Library, 31 January 2020

3 Youth Custody, Commons Briefing Paper CBP [8557](#), House of Commons Library, 31 January 2020

4 Ministry of Justice ([YJU0057](#))

5 Youth Custody, Commons Briefing Paper CBP [8557](#), House of Commons Library, 31 January 2020

6 Ministry of Justice ([YJU0057](#))

7 Youth Custody, Commons Briefing Paper CBP [8557](#), House of Commons Library, 31 January 2020

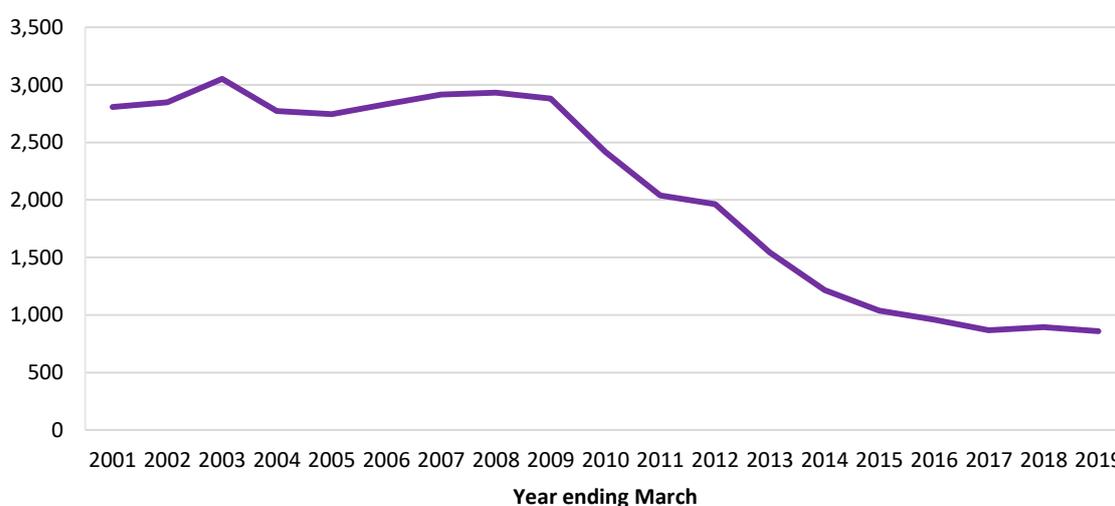
8 Youth Justice Board, Ministry of Justice and the Office of National Statistics, Youth Justice Statistics: 2018/19 - [table 7.3](#), (accessed 09 September 2020)

9 Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2018/19](#) (30 January 2020)

frequently involving violence. As the Minister for Justice, Lucy Frazer QC MP, put it to us, the level of offending a child has committed has to be high before they are sent to custody: “The people in our youth estate have committed serious crimes,” she said, “and we have an obligation to public safety”.<sup>10</sup>

9. Everything we say in this Report is therefore set against a context in which the dedication, courage and commitment of those who choose to work with often challenging, troubled and sometimes dangerous children and young people deserves the fullest praise and thanks.

**Table 1: Average monthly youth custody population, youth secure estate in England and Wales, years ending March 2001 to 2019**



Source: Youth Justice Board and Ministry of Justice, Youth Justice Statistics 2018/19<sup>11</sup>

## Safety

10. One of the primary duties of the Youth Custody Service is to maintain the safety of those sent to custody. A substantial number of those who submitted evidence to our inquiry have raised questions about the pace of improvements in this respect. In 2017, the Youth Custody Improvement Board<sup>12</sup> established that the “youth estate was on the edge of coping with the young people it was holding.”<sup>13</sup> Peter Clarke, former Chief Inspector of Prisons, HM Inspectorate of Prisons, has repeatedly warned of concerns about safety: in 2017, he reported that no YOI of STC officially inspected early that year was safe to hold children and young people;<sup>14</sup> a year later, he saw signs of improvement but said children still felt unsafe, that bullying was a problem and that rates of violence against staff and

10 Q252

11 Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2018/19](#) (30 January 2020)

12 The Youth Custody Improvement Board was established by the MoJ in 2016 to explore the state of youth custody and recommend improvements. Rob Butler MP, now a member of the Justice Committee, served on that board.

13 Youth Custody Improvement Board, [Findings and Recommendations of the youth Custody Improvement Board](#), (24 February 2017), p 1

14 HM Inspectorate of Prisons, [HM Chief Inspector of Prisons for England and Wales Annual Report 2016–17](#), (18 July 2017)

boys were higher than in previous years;<sup>15</sup> and in 2019 he found that “levels of violence remained high and bullying was a constant concern”<sup>16</sup> Hazel Williamson, Vice-Chair, Association of Youth Offending Team Managers, told us that “I very much believe we have a system where children are slotted into an adult prison system, and therein lies the issue. It is part of the systemic issue around children’s youth custody”.<sup>17</sup>

11. In July 2019, Mr Clarke issued an Urgent Notification for Feltham A—the first of its kind to be issued for an institution holding children. The inspection found, that:

- the scale of problems in safety had overwhelmed systems designed to safeguard children;
- violence against staff had continued to rise dramatically, with assaults against staff, some very serious, rising by around 150% since January 2019;
- levels of self-harm had tripled since the previous inspection, and were 14 times higher than in January 2017; and
- use of force had risen: 74 per cent of children reported they had been physically restrained.

The Youth Justice Board thought the notification “extremely worrying and shows the extent of the challenge faced by the YCS in making the secure estate safe.”<sup>18</sup>

12. In February 2019, the Independent Inquiry into Child Sexual Abuse (IICSA) report on its investigation into Sexual Abuse of Children in Custodial Institutions: 2009–2017 concluded that “children in YOIs and STCs are not safe from harm, either physical or sexual [...] The culture of these institutions, particularly their closed nature and focus on containment and control, has not provided an environment that protects children from either “.<sup>19</sup>

13. For the year ending March 2019:<sup>20</sup>

- there were around 6,300 Restrictive Physical Interventions (RPIs), some 16% more than in the previous year and the highest number in the last five years;<sup>21</sup>
- self-harm incidents increased by 3%, to more than 1,800 incidents, the highest number seen over the previous five years;

15 HM Inspectorate of Prisons, [HM Chief Inspector of Prisons for England and Wales Annual Report 2017–18](#), (18 July 2018)

16 HM Inspectorate of Prisons, [HM Chief Inspector of Prisons for England and Wales Annual Report 2018–19](#), (9 July 2019)

17 Q94

18 Youth Justice Board ([YJU0049](#))

19 Independent Inquiry Child Sexual Abuse, [Sexual Abuse of Children in Custodial Institutions: 2009–2017](#), (February 2019)

20 Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2018/19](#) (30 January 2020)

21 As defined in paragraph 16

- there were around 2,200 assaults by children and young people in SCH and STCs,<sup>22</sup> up 5% on the previous year and 70% higher than five years ago; and
- there were around 2,400 assault incidents by children in YOIs with an average monthly rate of assault incidents per 100 children and young people of 32.5.

14. The Youth Justice Board told us “we remain deeply concerned about the high levels of violence, separation and RPIs [Restrictive Physical Interventions] in the secure estate”.<sup>23</sup> Local councils provide a range of youth services and play an essential role in supporting young people, including working to protect children and young people; the Local Government Association, which works to support, promote and improve local government has also expressed concerns:

“The current state of affairs is dangerous, counterproductive and will inevitably end in tragedy unless urgent corrective action is taken [...]

This situation would not be acceptable for local authorities, schools or other public institutions charged with the care of children, and it should not be acceptable for Her Majesty’s Prison and Probation Service (HMPPS). Urgent action needs to be taken to ensure that young people are safe in custody.”<sup>24</sup>

15. We do not yet know what effect the additional restrictions on regime resulting from efforts to control covid-19 within the custodial estate may have on levels of self-harm, although the Minister of State, Lucy Frazer QC MP, told us that the number of self-harm incidents had fallen month on month since January 2020 and promised that figures demonstrating that reduction would be published in due course. Lucy Frazer also told us that lessons were being learned from that experience and said she would report back on those in due course, too.

## Separation/segregation

16. Under the practice of separation a child or young person may be confined within an area as a means of control, without their permission or agreement. No member of staff is present in such cases, and the door is locked to prevent exit.<sup>25</sup> In the year ending March 2019 there were around 3,000 single separation incidents in SCHS and STCs.<sup>26</sup> This is 18% fewer cases than in 2018, and the first year-on-year fall since 2015. The monthly average rate of single separation incidents was 88.5 per 100 children and young people. Although this, too, is down on the previous year’s figure (94.9), it remains much higher than the rate five years ago (39.0).<sup>27</sup>

22 The definition of an assault is different in SCHs and STCs compared to YOIs. In SCHs and STCs, assaults are defined as the intentional use of unnecessary force by a child or young person that results in physical contact with the victim. In YOIs an assault incident is defined as an ‘unwanted physical contact between two or more individuals, excluding Use of Force or anything of a purely verbal or threatening nature’.

23 Youth Justice Board (YJU0049)

24 Local Government Association (YJU0013)

25 Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2018/19](#) (30 January 2020)

26 Data is only published for SCHs and STCs. Comparable data is not held for public YOIs.

27 Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2018/19](#) (30 January 2020)

17. Under the rules for YOIs and STCs children can, in certain circumstances, be removed from association.<sup>2829</sup> The Children’s Commissioner expressed concern that no official figures are published on the use of separation in YOIs.<sup>30</sup>

18. There are also concerns about the effect on children and young people of segregation and separation. At the practical level, Clinks told us that it restricts children’s access to vital services, including activities and interventions that support them to build new skills and prepare them for resettlement.<sup>31</sup>

19. At a more philosophical level, both the Equalities and Human Rights Commission and our colleagues on the Joint Committee on Human Rights have considered segregation potentially inhuman and degrading, particularly when it amounts to solitary confinement for long periods.<sup>32</sup> The JCHR noted: “Evidence over several years shows that incidents of separation can ‘drift’, so that children end up in what amounts to solitary confinement (at least 22 hours per day without meaningful contact) which may be prolonged (at least 15 days’ duration).”<sup>33</sup> The UN Committee on the Rights of the Child also argues that “solitary confinement should not be used for a child. Any separation of the child for others should be for the shortest possible time and used only as a measure of last resort for the protection of the child or others.”<sup>34</sup>

20. We took oral evidence from several ‘young adult advisers on criminal justice’, young people who have first-hand experience of the youth justice system and now work to influence policy and reform of that system. Joshua Kilembeka, one the advisers, spoke in general about the pressure of time in custody: “Being locked up for that amount of time, a young person loses hope. It is not only about mental health. They don’t build trust with the prison officers. It becomes a conflict, and violence will increase in the YOIs.”<sup>35</sup> Nadine Smith, another adviser, said, specifically of segregation:

“It is going to sound like a bit of a weird analogy, but take a puppy, for example: you would not put a puppy in a cage and leave it there for 23 hours a day for a continuous period of time and not expect it to have pent-up rage or be aggressive or not want to interact with humans. I feel that putting a young person in a situation where they are stuck in a cell for 23 hours a day is counterproductive to what the youth estate should be trying to achieve.”<sup>36</sup>

21. In January 2020, the HM Inspectorate of Prisons thematic report *Separation of children in young offender institutions* concluded that current arrangements for separating children in YOIs did not safeguard children’s wellbeing.<sup>37</sup> Peter Clarke, Chief Inspector of Prisons noted: “The weaknesses of current practice and oversight are of such a magnitude that we recommend an entirely new approach, and that current practice be replaced. A

28 Youth Custody, Commons Briefing Paper CBP 8557, House of Commons Library, 31 January 2020

29 n STCs children can be removed from association to prevent them causing harm to themselves; causing harm to another person or significantly damaging property. In YOIs boys can be removed from association for the maintenance of good order or discipline, or in their own interests.

30 Children’s Commissioner (YJU0052)

31 Clinks (YJU0042)

32 Equality and Human Rights Commission (YJU0020)

33 Joint Committee on Human Rights, Nineteenth Report of Session 2017–19, *Youth detention: solitary confinement and restraint*, HC 994, para 55

34 UN Committee on the Rights of the Child (2019), *General comment no 24*, para 95(h)

35 Q230 [Joshua Kilembeka]

36 Q230 [Nadine Smith]

37 HM Inspectorate of Prisons, *Separation of children in young offender institutions*, (January 2020), p 8

new model of separation should be implemented that enables managers to use separation to protect children from harm and prevents separated children being subjected to impoverished regimes.”<sup>38</sup>

22. The Inspectorate also found that children’s experiences of separation differed dramatically depending on which establishment they were held in and even between different units in the same YOI. Additionally, the regime offered to most separated children was found inadequate - nearly all spent long periods in their cell without meaningful human interactions. In the worst cases children left their cell for just 15 minutes a day.<sup>39</sup> Mr Clarke reported significant failures of local and national oversight, and said checks were inadequate. The Inspectorate concluded that “most separated children experienced a regime that amounted to the widely accepted definition of solitary confinement. For some children their solitary confinement was prolonged in nature”. It recommended that “current models of separating children in young offender institutions should be replaced with a new system that ensures a regime is equivalent to their non-separated peers”.<sup>40</sup>

23. The Youth Custody Service submitted an action plan in February 2020, and partly agreed to HMIP’s recommendation to replace the current models of separation with a new system.<sup>41</sup> The Youth Custody Service agreed to six of HMIP’s 10 recommendations and partly agreed to four. It agreed that every separated child should have meaningful contact and to improve safeguards committed to introducing a local manager at each establishment who will oversee children separated under Rule 49. Additionally, the Youth Custody Service agreed that reintegration planning for children separated under Rule 49 should take place sooner, and reintegration processes have therefore been put in place from the time when a child or young person is separated.

24. In June 2020, the Government published the findings of the separation taskforce. It identified issues believed to contribute to the system of separation’s having gone wrong, including: a lack of attention and focus by leadership; a lack of understanding about the purpose and value of separation; absence of regular training on use and impact of separation.<sup>42</sup>

25. Lucy Frazer QC MP, Minister of State for Justice, told the Committee that “we are now putting in place a policy and setting up a new policy on separation”.<sup>43</sup> Helga Swidenbank, Executive Director, Youth Custody Service, added: “We are really keen to get it right and to do good quality research and engage with stakeholders in relation to policy. We are looking to a number of months before we will be able to publish the policy; in the meantime, we have tightened up on our governance and our data gathering. I know that governors are absolutely focused on the need to ensure that we have our separation practices and procedure working as well as they can be.”<sup>44</sup>

26. In spite of this progress, Peter Clarke, Chief Inspector of Prisons, was disappointed that other recommendations had been only partly agreed to. He told us: “For instance, we said the regime around education for those separated should be equivalent to their

38 HM Inspectorate of Prisons, *Separation of children in young offender institutions*, (January 2020), p 5

39 HM Inspectorate of Prisons, *Separation of children in young offender institutions*, (January 2020), p 5

40 HM Inspectorate of Prisons, *Separation of children in young offender institutions*, (January 2020), p 5

41 HM Prison and Probation Service, *A Response to: Separation of Children in Young Offender Institutions*, (14 February 2020)

42 HM Government, *Findings of the Separation Taskforce*, (June 2020)

43 [Q303](#) [Lucy Frazer]

44 [Q304](#) [Helga Swidenbank]

peers who are not separated. The response was, ‘We’ll partly agree that, but it is not really feasible to do it, so what we will do is aim for a similar regime.’ What the difference between similar and equivalent is I am not quite sure. That is the sort of response I find disappointing.”<sup>45</sup> Mr Clarke went on: “If I can be blunt, I think it needs someone to get a grip and recognise that the system has not worked. There is no consistency across the country, each YOI is doing something entirely different, and it needs someone to get a grip and have a proper system that can guarantee to provide decent outcomes.”<sup>46</sup>

**27. Throughout this inquiry, we have heard of significant concerns about the use of separation across the youth estate - the effect it has on the individual and on the institution itself. Concerns around the use of separation in the youth secure estate are of long standing. We find it unacceptable that data on separation in Young Offender Institutions is not gathered and published and recommend that the Ministry of Justice rectify this immediately.**

**28. The findings of HM Inspectorate of Prisons’ report on separation are serious and echo much of what has been reported in evidence to us and in other publications. We are concerned about differences in practice across the estate. The Ministry of Justice and Youth Custody Service should set out what is being done to ensure coherent and consistent practice across the estate.**

**29. We note the frustration of HM Inspectorate of Prisons about the extent to which its recommendations for action are implemented, and the pace of implementation. That said, we welcome the Government’s commitment to develop a new policy framework on separation and recommend that the Ministry of Justice and Youth Custody Service set out when this piece of work will be completed and when the new framework will be implemented.**

### *Mental health provision*

30. It is generally recognised that around a third of children in custody report a known mental health disorder.<sup>47</sup> This highlights the importance of ensuring sufficient mental health service provision across the estate. Barnardo’s report that their workers see increasing cases involving children with mental health needs: “there are a number of concerns about how to ensure custodial settings are able to effectively meet the needs of these young people. At the current time custody often acts as a barrier to obtaining appropriate mental health support for young people.”<sup>48</sup> The Independent Monitoring Boards (the collective body for the IMBs in each prison) told us:

“The long wait for secure mental health placements for YP with complex conditions and behaviours, due to insufficient availability of secure, specialist NHS mental health provision, is a constant issue reported by Boards in England. Wetherby IMB noted that many young people ‘wait indefinitely’ for suitable secure hospital provision, often waiting in the segregation unit. Feltham IMB expressed concern that prison is clearly not a safe or therapeutic environment for mentally ill YP such as those in its

45 [Q48](#) [Peter Clarke]

46 [Q48](#) [Peter Clarke]

47 See: Ministry of Justice ([YJU0057](#)); The Standing Committee for Youth Justice ([YJU0044](#)); Children’s Commissioner ([YJU0052](#)); G4S ([YJU0050](#))

48 Barnardo’s ([YJU0055](#))

in-patient unit displaying unpredictable and violent behaviour. Concerted and co-ordinated action is needed by HMPPS and NHS England to address the needs of these YP.”<sup>49</sup>

31. The Howard League highlighted system-wide problems: “The Howard League legal team has seen an increasing number of children who have serious mental health problems, which professionals believe require treatment in hospital, who have been remanded or sentenced to custody because there is no appropriate therapeutic alternative.”<sup>50</sup> The Children’s Commissioner raised similar issues:

“We know that there are many children in custody with mental health conditions, some of whom are not able to access the support they need. Sometimes this is because of pressures on the secure mental health system which prevent them from getting a bed in a mental health ward. On a visit to a YOI we were told of a child who had been assessed by a psychiatrist as being too unwell to stay in custody, but had waited in excess of 6 weeks to get a bed in a mental health ward.”<sup>51</sup>

32. G4S told us that Oakhill Secure Training Centre “has seen a vast increase in the array of mental health issues that young people present with. Front line staff are not specialists in mental health but the varied presentations impacts on behaviour management. Mental health concerns have an impact on the behaviour of all trainees as peers don’t understand the requirements and special needs of others. This can cause frustration and negative behaviour which can impact across site.”<sup>52</sup>

33. Among the young advisers on criminal justice who told us about their experience of mental health provision in custody, Jhanzab Khan said:

“My mother was diagnosed with cancer while I was in prison. That was a lot to deal with. My mother came to visit me. She had a bald head. I spoke to the doctors and they said that one of the things that contributed to cancer was stress, and I felt so guilty. I know that many other young people are dealing with lots of issues that are going on outside that lead to them self-harming and turning to substance misuse. There is generally no support for that and no mental health support. A listener might be there, but it is not good enough to just have another prisoner who is there to listen, because that prisoner is limited in what they can do.”<sup>53</sup>

34. Nadine Smith, another of the young advisers, spoke about the general effect the custodial environment has on a young person’s mental health:

The whole custodial setting, the whole scene, no matter what part of custody you are in, as a child, is a very traumatic situation. Even for the strongest and biggest of children, there are external environmental impacts. They have a lot of time to think about things.

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49 Independent Monitoring Board ([YJU0054](#))

50 Howard League for Penal Reform ([YJU0053](#))

51 Children’s Commissioner ([YJU0052](#))

52 G4S ([YJU0050](#))

53 [Q223](#) [Jhanzab Khan]

There are no positive outlets either. If you are facing mental health issues, and you do not know how to manage them yourself, or you are not getting help or given an outlet, you are unable to express that. If I was working with a young person on the outside, I might say, “Do you want to go to boxing? If you’re feeling a lot of aggression and have lots of things going on, do you want to go to boxing to get that aggression out?” There is nothing like that for children in the estate. I think that is where we are missing a trick. In general, it is traumatising but, if young people have to be there, there should be positive outlets given to them to help them express themselves.”<sup>54</sup>

35. In response to these concerns, the Ministry of Justice told us the YCS, NHS England and NHS Improvement were working to improve mental health and emotional wellbeing services across the estate:

NHS England and NHS Improvement have led on the development of a framework for integrated care (SECURESTAIRS), which is being delivered in partnership with the Department for Education, YCS and Ministry of Justice.

SECURE STAIRS is a psychologically informed, trauma based framework for integrated care that creates a single plan around the child. It is based on the idea that “every interaction matters” and input from every member of staff is fundamental. It is focused on the child’s story, not on their diagnosis, offence, or other label.”<sup>55</sup>

36. Caroline Twitchett, Children’s Quality Lead, NHS England and NHS Improvement, told us: “The Secure Stairs programme ... recognises the challenges of looking after children with very complex and challenging needs 24/7, and it supports staff with reflective practice and trauma informed training. That is all staff, from the top of YCS right down to cleaners and cooks.”<sup>56</sup>

**37. A significant proportion of children in custody have a mental health need. The Secure Stairs model is a welcome development, but we are disappointed to hear that children are sometimes held in custody because of an absence of appropriate mental health treatment beds. *In cases where the mental health of offenders is a substantial factor in their self-harm or their level of risk to staff or fellow offenders, we recommend that the Ministry work with the Department of Health and Social Care to identify mechanisms to ensure appropriate placement for individuals who require treatment and to make sure that young offenders are in the right place to receive the treatment they need.***

## Self-harm and mental health provision

38. Levels of self-harm in the youth secure estate are high and increasing. There were more than 1,800 self-harm incidents in the year to March 2019, a rise of 3% on the previous year and the highest number seen over the previous five years.<sup>57</sup> The average monthly rate of

54 [Q225](#) [Nadine Smith]

55 Ministry of Justice ([YJU0057](#))

56 [Q307](#) [Caroline Twitchett]

57 Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2018/19](#) (30 January 2020)

self-harm incidents per 100 children and young people in custody has also doubled since March 2014, to 13.7 self-harm incidents per 100 children in custody per month.<sup>58</sup> Some 36% of self-harm incidents resulted in injuries that needed medical treatment, which is again the highest proportion in the last five years. Table 2 shows the number of injuries requiring medical treatment as a result of self-harm from March 2014 to 2019.

39. The Chief Inspector of Prisons cited self-harm as one of the reasons why the Urgent Notification process was invoked for YOI Feltham A, where levels “had tripled since the previous inspection [and] were now 14 times higher than they were in January 2017”.<sup>59</sup> Mr Clarke told us:

“What we found very clearly, and were told time and again by the boys in Feltham, was that they were self-harming out of frustration with the regime, out of frustration with restrictions, and they felt it was the only way in which they could gain attention, because other processes were not working. The broader lesson from that, which we take away very clearly, and which we saw not only at Feltham but we have learned from elsewhere, is that restrictive regimes keep neither staff nor detainees safe.”<sup>60</sup>

**Table 2: The number of injuries requiring medical treatment to children and young people by severity of injury as a result of self harm, youth secure estate in England and Wales, years ending March 2014 to 2019**

Severity of self harm injury requiring medical treatment	Year ending March					
	2014	2015	2016	2017	2018	2019
Minor injury requiring medical treatment on site	168	146	178	319	501	621
Serious injury requiring hospital treatment	13	22	15	19	34	39
Total injuries requiring medical treatment	181	168	193	338	535	660
Proportion of self harm incidents that resulted in an injury requiring medical treatment	14%	13%	14%	27%	30%	36%

Source: Youth Justice Board and Ministry of Justice, Youth Justice Statistics 2018/19, January 2020<sup>61</sup>

40. Independent Monitoring Boards were similarly concerned: “The Wetherby board noted that in April 2019 70% who self-harmed did it twice or more, with eight YP accounting for 70% of all self-harm that month. At Feltham the Board reported that the number of YP self-harming more than doubled in the year to October 2018, from 29 to 61.”<sup>62</sup> The Youth Justice Board, too, notes that levels of self-harm are very high, with little sign of reduction.<sup>63</sup>

58 Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2018/19](#) (30 January 2020)

59 Letter from Peter Clarke, HM Chief Inspector of Prisons to David Gauke MP, Lord Chancellor and Secretary of State for Justice, [Urgent Notification: HMYOI Feltham A](#), 22 July 2019

60 [Q51](#) [Peter Clarke]

61 Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2018/19](#) (30 January 2020)

62 Independent Monitoring Board ([YJU0054](#))

63 Youth Justice Board ([YJU0049](#))

41. The Minister of State for Justice accepted self-harm was historically high, but saw signs of improvement: “from January we have seen a reduction in consecutive months”.<sup>64</sup> The latest figures are not yet published.<sup>65</sup>

42. It is not yet clear what effect Covid-19 and necessary restrictions within institutions will have on children’s mental health and levels of self-harm, with evidence pointing to both increased difficulties and improvements for some. Keith Fraser, Chair, Youth Justice Board, told us: “Covid-19 could be viewed, first of all, as another adverse childhood experience for children, due to the circumstances in their home life and, secondly, in relation to mental health in children. There is some evidence at the moment, and we are testing its validity, of additional self-harm and an increase in attempted suicide.”<sup>66</sup> HM Inspectorate of Prisons noted, however, in the July 2020 *Report on short scrutiny visits to young offender institutions holding children* that “The YOIs appeared calm and well ordered, and recorded self-harm had reduced since the start of the pandemic.”<sup>67</sup>

43. The Minister for Justice, Lucy Frazer QC MP, also told us that additional covid-19 restrictions had reportedly made some children and young people feel safer in custody:

we have heard from some children and male adults that they feel an element of safety in not being exposed to association. Some governors have reported that when children do not have to keep up the bravado of being with their peers for a long period in big groups it has made them feel a little safer. We have learned from that and, going forward, we are going to do more work in small groups, because people found that much safer and much easier to manage. That is a good thing that we are going to take forward from the Covid experience.<sup>68</sup>

44. **Self-harm across the youth secure estate is alarmingly high. There has been a welcome reduction in consecutive months since January, but self-harm is at the highest level in the last five years. The Ministry of Justice and Youth Custody Service should set out what measures they have put in place specifically to address self-harm.**

45. ***The Ministry of Justice and Youth Custody Service must also seek to understand why self-harm appears to have reduced during the Covid-19 pandemic, and what can be learned from that.***

## Use of Force in Secure Training Centres and Young Offender Institutions

46. Two main behaviour management techniques defined as ‘use of force’ have been developed specifically for staff working with children and young people in STCs and under-18 YOIs:

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64 [Q268](#) [Lucy Frazer]

65 [Q260](#) [Lucy Frazer]

66 [Q2](#) [Keith Fraser]

67 HM Inspectorate of Prisons, [Report on short scrutiny visits to Young offender institutions holding children](#), (7 July 2020)

68 [Q247](#)

- Restrictive Physical Intervention (RPI): any occasion in which force is used to overpower or with the intention of overpowering a child or young person;<sup>69</sup> and
- Minimising and Managing Physical Restraint (MMPR): a behaviour management and restraint system that emphasises appropriate de-escalation and deceleration techniques (non-physical interventions) to ensure that force is only ever used as a last resort.<sup>70</sup>

47. As we have noted, the children and young people held within the secure estate present complex challenges to themselves and to those charged with their care and rehabilitation. Within that context, we have heard concerns from a range of organisations about the use of force on children in custody. Clinks, for example, argues that “Restraint is a distressing and psychologically harmful experience for children, which can be physically painful and cause injury.”<sup>71</sup> The Royal College of Speech and Language Therapists note that “Staff can misunderstand and misinterpret challenging behaviour and punish the person for “bad behaviour” rather than getting to the root of the problem.”<sup>72</sup> The Equality and Human Rights Commission was also concerned about increasing use of force and other restrictive interventions on children.<sup>73</sup>

48. The direction of travel demonstrated in statistics on use of force techniques lends credence to these concerns. More than 7,200 use of force (RPI and MMPR) incidents were recorded in STCs and YOIs in the year ending March 2019,<sup>74</sup> (an increase from 6,600 incidents in the year ending March 2018).<sup>75</sup> This is an average of just over 600 incidents a month, and a rate of 59.6 incidents per 100 children and young people in STCs and YOIs per month. On 60 occasions children and young people required medical treatment for injury following use of force.<sup>76</sup> MMPR techniques were involved in 68% of all use-of-force incidents (an average of 410 per month). The highest-level technique recorded in each MMPR incident was: pain-inducing for 3% of all incidents; high level for 50% of incidents; medium level for 31% of incidents and low level for 16% of incidents.<sup>77</sup>

49. HM Inspectorate of Prisons has raised further concerns. Based on inspection reports, HMIP found

“sound local governance arrangements at Parc, Rainsbrook and Oakhill (although there were still areas for improvement). However, elsewhere we found significant weaknesses in the monitoring and oversight of use of

69 Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2018/19](#) (30 January 2020)

70 Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2018/19](#) (30 January 2020)

71 Clinks ([YJU0042](#))

72 Royal College of Speech and Language Therapists ([YJU0039](#))

73 Equality and Human Rights Commission ([YJU0020](#))

74 Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2018/19](#) (30 January 2020)

75 Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2018/19](#) (30 January 2020)

76 Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2018/19](#) (30 January 2020)

77 Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2018/19](#) (30 January 2020)

force and we repeated recommendations around fundamental aspects of governance such as timely completion of use of force statements, utilising body-worn cameras and the need for proper scrutiny of incidents.”<sup>78</sup>

50. The Inspectorate had particular concerns about governance of use of force in Feltham A; “there had been over 700 incidents [use of force] in [...] six months. [...] nearly 300 incidents had not been reviewed by specialist staff and over 900 use of force reports were outstanding at the time of inspection”.<sup>79</sup>

Furthermore, HMIP noted:

“Overall, we found too many examples of force being used that is not proportionate and not properly monitored. [...] Disproportionate and unnecessary use of force has a negative impact upon children.”<sup>80</sup>

51. Feltham A has clearly had significant difficulties. Oakhill Secure Training Centre and HMP & YOI Parc have received more positive inspection reports, and G4S, which runs those institutions outlined how governance of use of force interventions works there:

“Use of Force/MMPR is reviewed by appropriate staff to ensure it has been used safely, appropriately and proportionately. The National Team (HMPPS) provide oversight and quality assure every Serious Injury and Warning Sign Incident. The YCS monitors at each site provide an additional level of scrutiny as does attendance at the weekly review meetings by the local authority Social Workers.

Each site holds monthly strategic meetings as well as the weekly Governance ones. The monthly meetings will look at and review any identified trends in the Use of Force/MMPR, plan strategically for reductions in violence that may lead to the Use of Force/MMPR and provide a platform for in-depth scrutiny by community bodies.

Both sites ensure that staff wear Body Worn Cameras which aid in capturing both visual and audio of an incident which in turn assist with the safeguarding of staff and young people.”<sup>81</sup>

52. We have no precise data on self-harm, but Peter Clarke gave an example: “What we found very clearly, and were told time and again by the boys in Feltham, was that they were self-harming out of frustration with the regime, out of frustration with restrictions, and they felt it was the only way in which they could gain attention, because other processes were not working”.<sup>82</sup> It is also worth acknowledging, given the small number of children and young people now in custody, that data would be based on low figures, meaning that substantial percentage shifts in rates would reflect comparatively few individuals self-harming or not self-harming, as the Minister, Lucy Frazer, pointed out to us.<sup>83</sup>

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78 HM Chief Inspector of Prisons ([YJU0061](#))

79 HM Chief Inspector of Prisons ([YJU0061](#))

80 HM Chief Inspector of Prisons ([YJU0061](#))

81 G4S ([YJU0050](#))

82 Q51

83 Q269

53. Substantial concern has been expressed to us about use of force against children and young people across the youth custodial estate, and we note that sanctioned use of force has been rising. While there appear to be sound monitoring and governance arrangements at some establishments, such as Parc and Oakhill, this does not appear to be the case for others, as highlighted by HMIP.

54. *We recommend that the Ministry of Justice and the Youth Custody Service set out the reasons why use of force is rising in youth custodial institutions and what steps are being taken to ensure that any such use is necessary and proportionate. We recommend that the Ministry and Youth Custody Service conduct a light-touch review of monitoring and governance processes in place for use of force involving children and young people in all the institutions that hold them to establish that those processes are sufficiently robust.*

### Pain-inducing techniques

55. The use of techniques specifically designed to cause children pain is a highly emotive issue on which opinion divides sharply. We heard evidence arguing that such techniques should simply not be used. We heard counter-arguments that the use of pain-inducing restraint may be necessary and proportionate, particularly in the context of an offender who is a danger to himself, to fellow inmates and to members of staff.

56. Pain-inducing restraint is currently permitted, as a last resort response, in Young Offenders Institutions and in Secure Training Centres, where there is a risk of serious harm.<sup>84</sup> It is not permitted in Secure Children's Homes, under the Children's Homes (England) Regulations 2015.<sup>85</sup> The Ministry of Justice notes that "where restraint is used, it must always be necessary, proportionate and in accordance with the law. Staff are trained to resolve conflict verbally and restraint should only be used as a last resort where no other form of intervention is possible or appropriate".<sup>86</sup>

57. There are strong arguments against any use of pain-inducing techniques. The Joint Committee on Human Rights, for example, has recommended their prohibition in YOIs. In their 2019 report *Youth detention: solitary confinement and restraint*, the JCHR concluded that "the deliberate infliction of pain on a child is incompatible with international human rights law. Article 37(a) of the UNCRC states unconditionally that: 'No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment'".<sup>87</sup> The Independent Inquiry into Child Sexual Abuse, in their report *Sexual Abuse of Children in Custodial Institutions: 2009–2017*, argued that "use of pain compliance should be seen as a form of child abuse and must cease".<sup>88</sup>

58. Portsmouth YOT Partnership Management Board also argued that inflicting pain on children is akin to abuse: "if a parent were to inflict that kind of injury/trauma we would regard it as a concern."<sup>89</sup> The Standing Committee for Youth Justice have "a longstanding

84 Ministry of Justice, *Minimising and Managing Physical Restraint: Safeguarding Processes, Governance Arrangements, and Roles and Responsibilities*, accessed 10 September 2020

85 Ministry of Justice (YJU0057)

86 Ministry of Justice (YJU0057)

87 Joint Committee on Human Rights, Nineteenth Report of Session 2017–19, *Youth detention: solitary confinement and restraint*, HC 994, para 26

88 Independent Inquiry Child Sexual Abuse, *Sexual Abuse of Children in Custodial Institutions: 2009–2017*, (February 2019)

89 Portsmouth YOT Partnership Management Board (YJU0059)

opposition, as a point of principle, to the deliberate infliction of pain in children as part of any system of restraint. We believe the deliberate use of pain during restraint is damaging to children and causes unnecessary harm”.<sup>90</sup> Nacro seeks “an absolute prohibition on the use of pain-inducing restraint techniques on children in custody.”<sup>91</sup> The Children’s Commissioner “does not accept that there is any appropriate circumstance for the deliberate use of pain against children and has long called for its abolition”.<sup>92</sup>

59. The use of pain-inducing techniques in STCs also limits the judgement that an institution will receive during inspection. Ofsted reported:

“In STCs we see high levels of physical restraint and the quality and impact of monitoring processes is variable. Pain-inducing methods are used on children. Despite this being permitted by the ‘Minimising and Managing Physical Restraint’ guidance, we think this is not acceptable. We will limit the judgement of any STC that uses restraint techniques involving the intentional use of pain to no higher than requires improvement to be good.”<sup>93</sup>

60. Others, including Charlie Taylor and HMIP, express concern about use of pain-inducing techniques but none the less recognise that they may be necessary in specific circumstances. HM Inspectorate of Prisons told us:

“Inspections have identified disproportionate uses of force [...] we saw officers applying pain to children already under restraint when there was no immediate risk of serious physical harm to staff or children and we also saw children being returned to their cells under full restraint with little attempt to review and -de-escalate.”<sup>94</sup>

61. Peter Clarke, the Chief Inspector, was clear, though, that a blanket ban could affect safety of children or staff:

“we do not consider the use of pain inducing techniques to be acceptable or appropriate as a routine method of behaviour management or intervention. [...] We believe though that, in extremis, there must be provision for a member of staff to intervene to save life or very serious injury, and if the only way to do that is through the infliction of pain, in my view, there is a clear responsibility, and indeed in many ways a duty of care to the potential victim, to do whatever is possible to prevent that harm.”<sup>95</sup>

62. In October 2018, the Ministry of Justice announced a review into the use of pain-inducing techniques, led by Charlie Taylor, then Chair of the Youth Justice Board and now Mr Clarke’s successor at HMIP. In June 2020, the Ministry published the *Independent review of the use of pain inducing techniques in the youth estate*, alongside their response.<sup>96</sup>

90 The Standing Committee for Youth Justice ([YJU0044](#))

91 Nacro ([YJU0023](#))

92 Children’s Commissioner ([YJU0052](#))

93 Ofsted ([YJU0028](#))

94 HM Chief Inspector of Prisons ([YJU0061](#))

95 [Q46](#) [Peter Clarke]

96 Charlie Taylor, [A review of the use of pain-inducing techniques in the youth secure estate](#), (18 June 2020), p 5

63. Charlie Taylor recognised the need to continue to teach pain-inducing techniques for use in exceptional circumstances, but recommended removing pain-inducing techniques from the MMPR syllabus. He said: “Where children with a tendency towards violence are held, assaults with a deadly weapon, fights in which one party is much stronger than the other, strangulation, biting and eye-gouging are possible. It is naïve to think that in some cases these situations can be resolved without recourse to the use of physical force and this, in reality, means the application of pain. If a strong, post-pubescent child with an adult physique has another child in a strangulating headlock, it is impossible, without recourse to a painful intervention, to resolve it quickly enough to prevent life-changing injury or death”.<sup>97</sup> Mr Taylor’s review also identified examples of where the use of PITS was recognised as necessary by individuals subject to them.

64. That said, Mr Taylor also identified “widespread overuse of restraint in YOI and STC. I often saw officers either fail to intervene when they could have stopped a situation from developing into a confrontation or too quickly moving to use restraint in circumstances in which it was not necessary”.<sup>98</sup> His recommendations included: “the MMPR training programme should be amended to remove the use of pain-inducing techniques from its syllabus”.<sup>99</sup>

65. The Government responded:

“We fully accept this recommendation and will revise the MMPR manual so that the sections on pain-inducing techniques are removed and the syllabus is comprised only of behaviour management and restraint techniques. This will need to be accompanied by training and guidance for staff to ensure that they are aware of the implications of the change and can put it into practice.

As this represents a considerable change to the existing MMPR manual, sufficient time and resources will need to be allocated to ensure that the impact is fully researched and understood before any changes are implemented.”<sup>100</sup>

66. When we asked about the timeframe for the removal of pain inducing techniques from the MMPR syllabus, Helga Swidenbank, Executive Director, Youth Custody Service told us: “I am not in a position to be able to give you precise timing at the moment, because we currently have a team working through a review of the syllabus. As soon as we have done that, we will be able to inform the Committee of the timescales for the changes we are making. We are committed to doing that, and we are actively working our way through redesigning the syllabus of the course for delivery to our frontline staff.”<sup>101</sup>

**67. Techniques specifically designed to cause pain to children should never be used as routine methods of managing offenders. Any use of such techniques should always be a last resort in the interests of safety from physical harm. None the less, we acknowledge the views of both Peter Clarke and Charlie Taylor that in the real-life circumstances**

97 Charlie Taylor, *A review of the use of pain-inducing techniques in the youth secure estate*, (18 June 2020), p 21

98 Charlie Taylor, *A review of the use of pain-inducing techniques in the youth secure estate*, (18 June 2020), p 8

99 Charlie Taylor, *A review of the use of pain-inducing techniques in the youth secure estate*, (18 June 2020), p 20

100 Ministry of Justice, *Independent review of pain-inducing techniques - Government response*, (18 June 2020), p 10

101 [Q302](#) [Helga Swidenbank]

of a Youth Offender Institution or a Secure Training Centre, the safety of staff and of offenders themselves may on rare occasion require direct and immediate physical force that may inflict pain.

68. We welcome the Government's commitment to remove pain-inducing techniques from the MMPR training manual and to focus it on behaviour management and restraint. We are disappointed that, six months after Charlie Taylor recommended this change, there is no indication of when it will happen. *We recommend that the Ministry of Justice and Youth Custody Service remove pain-inducing techniques from the MMPR syllabus without further delay. The Ministry and Youth Custody Service should also set out a timeframe for conclusion of the review, redesign and delivery of the new syllabus.*

### 3 Disproportionality in custody

69. Part 1 of our inquiry into Children and Young People in Custody covered in detail the question of disproportionality of outcome for those from Black, Asian and Minority Ethnic Communities. For that reason, this section of this Report focuses less on the wide picture in that area, and specifically on differences of outcome within the custodial estate for different groups within the youth justice system. This chapter should, therefore, be read in conjunction with the material in our Part 1 Report.

70. As outlined in our first report, David Lammy identified differing outcomes for different groups in his *Independent review into the treatment of, and outcomes for BAME individuals in the criminal justice system*. Mr Lammy's biggest concern was with youth justice, where the BAME proportion of youth prisoners had, when he wrote his review, risen from 25% to 41% in the decade 2006 to 2016.<sup>102</sup> As of June 2020, that proportion had continued to rise substantially. For the first time, BAME children account for more than half the youth custodial population; 51.5% of children in custody were from Black, Asian and Minority Ethnic (BAME) backgrounds.<sup>103</sup> Approximately 18% of the 10 to 17-year-old general population is from BAME backgrounds.<sup>104</sup>

71. We have in our Children and Young People in Custody (Part 1) Report sought explanations of why so many more children and young people of BAME backgrounds are in custody, and we have asked that explanations include comparative data on the numbers of BAME children and others who plead guilty, and in differences between the types of offences of which children of BAME backgrounds and others are accused and convicted. The remainder of this chapter, therefore, focuses on matters specific to the secure estate and to leaving custody.

72. It has been suggested to us that there is disproportionate use of force against BAME children in custody: in the year ending March 2018, the rate of use of force per 100 children in custody was 57.2 for BAME children compared to 48.5 for White children.<sup>105</sup> However, in the year ending March 2019, the proportions were near identical: 60.2 per hundred for White children and 59.3 for BAME children.<sup>106</sup> Given that the number of children and young people in the estate is small, caution is necessary before conclusions are drawn and it is important to look at trends over time. Table 3 sets out the rate of use of force incidents per 100 children and young people in custody by ethnicity, STCs and YOIs in England and Wales for the years ending March 2017, 2018 and 2019.

102 David Lammy MP, *The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System*, (September 2017)

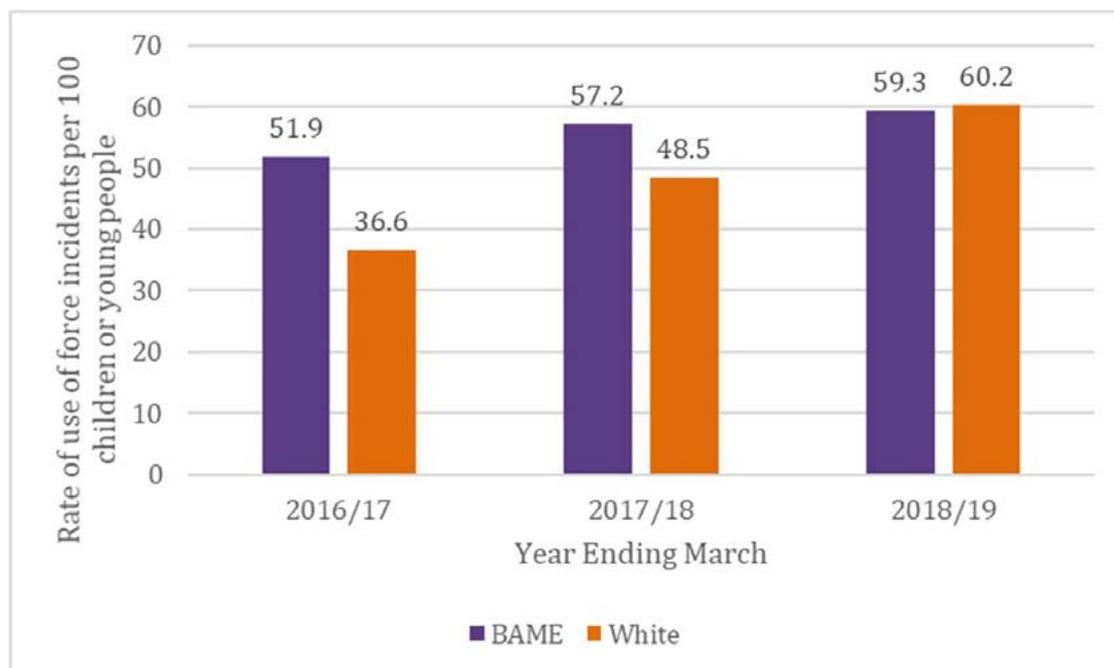
103 HM Prison and Probation Service, [Youth custody data](#), (14 August 2020)

104 Just for Kids Law ([YJU0037](#))

105 See: Clinks ([YJU0042](#)); The Standing Committee for Youth Justice ([YJU0044](#)); Children's Commissioner ([YJU0052](#))

106 Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2018/19](#) (30 January 2020)

**Table 3: Rate of use of force incidents per 100 children and young people in custody by ethnicity, STCs and YOIs, England and Wales, Years ending March 2017, 2018 and 2019.**



Source: Youth Justice Statistics, years 2016/17, 2017/18 and 2018/19, Youth Justice Board and Ministry of Justice<sup>107</sup>

73. Other differences in the custodial experience of BAME children and White children are set out by HM Inspectorate of Prisons and the Youth Justice Board. Their joint 2020 report, *Children in Custody*, analyses perceptions of experience among 12 to 18-year-olds in STCs and YOIs in 2018/19. Experiences in custody for boys of BAME background differed from the experiences of their White counterparts in these respects:

- children from black and minority ethnic backgrounds were significantly less likely than white children to report prompt or fair responses to their complaints;
- children from black and minority ethnic backgrounds were significantly more likely than children from white backgrounds to report being verbally abused or threatened/intimidated by staff; and
- across the estate, children from black and minority ethnic backgrounds were significantly less likely than white children to report feeling cared for or respected by staff.<sup>108</sup>

74. Peter Clarke, Chief Inspector of Prisons, not for the first time, expressed:

“a degree of frustration that we frequently point out to establishments that they should try to understand more about why there is clearly a very strong perception of disproportion among black and minority ethnic prisoners,

<sup>107</sup> Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2016–17](#) (25 January 2018); Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2017/18](#) (31 January 2019); Youth Justice Board, Ministry of Justice and the Office of National Statistics, [Youth Justice Statistics 2018/19](#) (30 January 2020)

<sup>108</sup> HM Inspectorate of Prisons, [Children in Custody 2018–19](#), (February 2020), p 12

and that includes children, across the whole range of custodial experience. We do that all the time, and it is frustrating that it is not followed up, in our experience, as thoroughly as it should be to analyse and understand it.”<sup>109</sup>

75. We questioned witnesses on why disproportionality has continued to increase despite the Lammy Review. EQUAL “believe that risk perception of BAME people is one of the key drivers of disproportionality in the CJS and the YJS more specifically. ‘Risk perception’ is the notion that BAME people are ‘riskier’ and therefore need to be risk assessed and managed accordingly, in spite of an absence of evidence that they pose a risk.”<sup>110</sup> Jessica Mullen, Director of Influence and Communications, Clinks, said: “We know from disproportionality further down the system that often what is happening is the result of quite a complex interplay between perceptions of risk and racialised bias, be it conscious or unconscious, so we end up seeing escalation through the system of certain groups.”<sup>111</sup>

76. The Minister of State for Justice, Lucy Frazer, QC MP, Minister of State for Justice, told us: “We are very disappointed that there is racial disparity in the criminal justice system. As you know, we have already implemented a number of [David] Lammy’s recommendations and have committed to implementing the remainder in the next 12 months.”<sup>112</sup> Hazel Williamson, Vice-Chair, Association of Youth Offending Team Managers, told us: “We know that the children and young people we work with have poorer outcomes in education and school, and there is further complexity for a BAME child who is experiencing racism and a generally poorer service because of the societal issues. We have not, I would agree, as a whole society done enough to change the situation, or not quickly enough, and people who are in power can change that”.<sup>113</sup>

***77. We welcome the Ministry of Justice’s commitment to implement in full the remainder of David Lammy’s recommendations within the next 12 months. The Ministry should set out what resource has been allocated to this piece of work. We recommend that the response to this Report provide a full and detailed timetable setting out how and by when those recommendations will be implemented. We recommend that that timetable be accompanied by an outline of how sufficient resources will be provided in the immediate and longer terms to ensure that disproportionality in the system is reduced now and remains so in future.***

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109 [Q34](#) [Peter Clarke]

110 Written submission from [EQUAL](#), 30 June 2020

111 [Q177](#) [Jessica Mullen]

112 [Q271](#) [Lucy Frazer]

113 [Q91](#)

## 4 Youth Justice Reform

78. Charlie Taylor’s 2016, review of the youth justice system proposed reform of the custodial estate, noting that:

“The changes that are required to transform the nature and effectiveness of the youth custodial estate are significant, but the argument for doing so is strong. If the astonishingly high reoffending rates are to be reduced, mental health problems tackled and the educational attainment of children in custody improved, the government must be prepared to change the entire way it thinks about youth custody.”<sup>114</sup>

79. Proposals included the introduction of secure schools and reforms to the existing estate, including putting health and education at the heart of youth custody. The Government agreed that the Review “makes a compelling case for change” and noted that they would implement Charlie Taylor’s “key recommendation by putting education at the heart of youth custody and improving the provision of health care to tackle the factors that increase the risk of offending.”<sup>115</sup> The Government pledged to develop two secure schools in line with the principles set out in the review.<sup>116</sup> The Youth Justice Reform Programme was launched in 2017 to deliver the custodial reforms in two phases: one focused on reforms to the existing estate and another concerned with the longer-term vision of creating secure schools.<sup>117</sup>

### Secure Schools

80. The Taylor Review found that half the 15 to 17-year-olds entering YOIs have the literacy and numeracy levels expected of a 7 to 11-year-old. Around 40% of those surveyed in under-18 YOIs reported that they had not been to school since they were 14, and nearly nine out of 10 had been excluded from school at some point.<sup>118</sup> The review concluded that “education needs to be our central response to youth offending”, stressing that making sure children are in full-time education or employment can be one of the most effective ways to prevent youth crime. Charlie Taylor said:

“In order that education is truly placed at the heart of youth custody, I believe that the government must reconceive youth prisons as schools. I propose the creation of Secure Schools. These will be smaller custodial establishments of up to 60–70 places which are located in the regions that they serve. They should be set up within schools legislation, commissioning in England in a similar way to alternative provision free schools, and governed and inspected as schools. Rather than seeking to import education into youth prisons, schools must be created for detained children which

114 Charlie Taylor, *Review of the Youth Justice System in England and Wales*, (December 2016), p 44

115 Ministry of Justice, *The government response to Charlie Taylor’s Review of the Youth Justice System*, (December 2016), p 3

116 Ministry of Justice, *The government response to Charlie Taylor’s Review of the Youth Justice System*, (December 2016), p 6

117 Ministry of Justice, *Youth Justice in England and Wales: System Overview, Challenges and Reform*, (29 May 2018)

118 Charlie Taylor, *Review of the Youth Justice System in England and Wales*, (December 2016), p 3

bring together other essential services, and in which are then overlaid the necessary security arrangements. Education, health and offender desistance programmes need to be at the heart of the work to rehabilitate children.”<sup>119</sup>

81. The Government agreed and committed to developing “two ‘secure schools’ - one in the North and one in the South - working closely with the DfE [Department For Education].”<sup>120</sup> In July 2019, the Government announced that the first secure school was scheduled to open in late 2020 on the site of Medway Secure Training Centre in Kent. The school will provide up to 64 places for boys and girls between the age of 12 and 17 who are sentenced to custody or held on remand.<sup>121</sup> The Ministry of Justice told us “the long-term ambition is to replace all YOIs and STCs with secure schools, leaving an estate consisting of secure schools and SCHs.”<sup>122</sup>

82. The opening of the first secure school has been subject to significant delay. In late 2019, the opening was delayed until 2021.<sup>123</sup> In April 2020, Lucy Frazer wrote to the Committee to say the former Secure Training Centre buildings would be temporarily used to provide additional overspill accommodation help tackle the spread of covid-19 within the prison estate, but that Medway would remain the location for the first school and refurbishment work would not be impacted by the reopening.<sup>124</sup>

83. Only two months later, however, she wrote to us to say that there was a further delay and that the Ministry of Justice was now working towards opening the first secure school in 2022.<sup>125</sup>

84. The Government’s commitment to developing secure schools has been widely welcomed. The Children’s Commissioner says, for example: that secure schools have “the potential to take a completely new approach to youth offending. The initiative has transformative ambitions, aiming to get to the root causes of offending using a welfare-led, therapeutic approach, and to equip young people with the tools to succeed in society once they leave custody.”<sup>126</sup> Ofsted and the Prison Reform Trust are among others to support the introduction of secure schools, albeit with caveats about the needs to provide appropriate environments and the need for more clarity on how precisely they will work.<sup>127</sup><sup>128</sup>

85. There is concern about the pace and scale of the reform. Anne Longfield, Children’s Commissioner, told us: “I support the move towards secure schools, but we need 10 not one, and the one needs to open.” HM Inspectorate of Prisons, made similar points:

“We welcome the ambition to replace the current estate with smaller institutions with a different ethos to existing provision. However, as is

119 Charlie Taylor, *Review of the Youth Justice System in England and Wales*, (December 2016), p 40

120 Ministry of Justice, [The government response to Charlie Taylor’s Review of the Youth Justice System](#), (December 2016), p 6

121 Ministry of Justice, [‘Global education charity to run UK’s first secure school’](#), (1 July 2019)

122 Ministry of Justice (YJU0057)

123 Children and Young People Now, [‘Moj confirms delay to secure school opening’](#), (8 November 2019)

124 Letter from Lucy Frazer QC MP, Minister of State for Justice to the Chair of the Justice Committee, [Update on the prison estate: Covid-19 additional accommodation and facilities management contract extensions](#), 28 April 2020

125 Letter from Lucy Frazer QC MP, Minister of State for Justice to the Chair of the Justice Committee, [Secure Schools Programme](#), 17 June 2020

126 Children’s Commissioner (YJU0052)

127 Ofsted (YJU0028)

128 Prison Reform Trust (YJU0027)

the case with progress in improving existing establishments, we have significant concerns about the slow pace of developing new establishments. Many children will have finished their sentences and become adults in the time it will take to establish one secure school. We also think consideration needs to be given to the impact of further fragmentation of the sector; by 2021 there will be four separate models of custody for children”.<sup>129</sup>

86. Angus Mulready-Jones, Lead for Children and Young Adults, HM Inspectorate of Prisons, told us:

it has been far too slow to open what looks like one establishment, using existing legislation, in an existing facility. On current timeframes, it looks like it is going to take five years to open one secure school. Despite the fact that the Government’s response to Charlie Taylor’s report suggested that two would be piloted, I am not sure where the second one will be piloted. During this time, many children have been housed in establishments where treatment and outcomes are simply not good enough.

... if you planned a full timeframe based on that one school, it would take 50 or 60 years to replace the existing provision. It needs to be much swifter than that and there needs to be a coherent implementation plan, which is funded, to replace those facilities.”<sup>130</sup>

87. Colin Allars, Chief Executive of the Youth Justice Board, added:

“it is not moving quickly enough in terms of the secure school. [Charlie Taylor] pushed very hard and he took the ball to the Department and made it clear to the Department.

In mitigation of the Department, although that is not my job, it was something new, starting from scratch and they have had to work their way through some real difficulties. They appear to be making good progress on those, albeit against a timeframe that we would say is too long, because we need the secure school.”<sup>131</sup>

88. The Minister for Justice, Lucy Frazer, herself described the delay at Medway as ‘frustrating’ given the wide support for the secure school concept, but described it, too, as an ‘exciting opportunity’ to change custodial provision for young people.<sup>132</sup> We could, she said, “have an individual approach that focuses on education and helping people with their mental health issues to help them to turn their lives around.”

89. Although the concept has been welcomed, the decision to locate the first school at Medway has not met with universal approval.<sup>133</sup> The Howard League told us: “The vision of secure schools was well-intentioned but, as the choice of Medway STC as the first site

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129 HM Chief Inspector of Prisons ([YJU0061](#))

130 [Q56](#) [Angus Mulready-Jones]

131 [Q58](#) [Colin Allars]

132 [Q311](#) and [Q300](#)

133 Medway Improvement Board, [Final Report of the Board’s Advice to the Secretary of State for Justice](#), (20 March 2016); Care Quality Commission, HM Inspectorate of Prisons and Ofsted, [Medway Secure Training Centre Monitoring Visit](#), (December 2019); Medway Safeguarding Children’s Board, [Serious Case Review - ‘Learning for organisations arising from incidents at Medway Secure Training Centre’](#), (January 2019)

highlights, is just re-inventing yet another type of prison that risks repeating decades of failure at terrible cost.”<sup>134</sup> Just for Kids Law were similarly ‘disheartened’ by the choice of Medway:

“It raises real doubts that the government has any intention of taking a child-centred approach regarding youth custody reform. It is too big, too far from London—where the majority of children will come from—and looks and feels like a traditional custodial estate. Charlie Taylor’s original proposals for Secure Schools suggest that simply importing education into child prisons will not work.”<sup>135</sup>

90. In the short term, too, a single new secure school will be able to accommodate comparatively few children and young people, with the rest remaining within the existing estate. Angus Mulready Jones, Lead for Children and Young Adults, HM Inspectorate of Prisons, said:

“ Some of the impact of the effort to get secure schools across the line has been, perhaps, that some of the other work has not happened at a pace that anyone would like.

During that time, we have published several reports with recommendations on how to manage behaviour better, on the impact of children being housed a long distance from home and on resettlement, as well as our separation thematic and the establishment report, and they highlight time and again the need for reform. There is a need to focus on the real basics of custody and care, things like making sure that each child can meet a named professional each week. It is really simple stuff, a building block to reform those establishments, and through those basics to start delivering some of the more difficult stuff in terms of education and more therapeutic input.”<sup>136</sup>

**91. We welcome development of the secure school model and agree with the Minister for Justice, Lucy Frazer QC MP, that this offers an opportunity to reform the existing estate to better meet the needs of the children it holds. It is disappointing that the timetable for opening has been subject to continued delays, with opening of the first school planned for 2020 now pushed back to 2022, five years after the original commitment to developing two secure schools. *The Ministry of Justice should set out why the opening has been subject to repeated delays. We recommend that it guarantee that the first school will open as now planned in 2022, and set out what is being done to ensure that that opening is achieved on time.***

**92. We welcome the Government’s long-term ambition to replace YOIs and STCs with secure schools, but we are concerned about the level of commitment demonstrated in achieving this aim, given the length of time it has taken to develop a single secure school. *We recommend that the Ministry publish a timetable setting out how, where and when it plans to replace YOIs and STCs with secure schools and what resource has been allocated to ensure this commitment is achievable and is met.***

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134 Howard League ([YJU0053](#))

135 Just for Kids Law ([YJU0037](#))

136 [Q57](#) [Angus Mulready-Jones]

## Reforms to the existing estate

93. As well as promising two secure schools, the Government committed to reform the rest of the youth custodial estate. The Ministry of Justice told us:

“Inspection reports for Young Offender Institutions (YOIs) and Secure Training Centres (STCs) show that safety is not good enough, and in July 2019 an Urgent Notification was invoked for Feltham ‘A’ YOI. The YCS is working to address challenges in staff recruitment and retention, including training that focuses on the needs of children.”<sup>137</sup>

94. On staffing, the Ministry of Justice further note that:

“As part of the reform programme, the YCS is working to address recruitment challenges in YOIs and high levels of staff turnover in STCs, and transform the skillset of staff to focus more upon the needs of children and young people. They have introduced a new Youth Justice Specialist role and are providing funding for every Prison Officer in the YCS to undertake up to a foundation degree in youth justice and transition to this new role on progression and at a higher pay-grade. This role engages with the root causes of young people’s offending behaviour, develop strong positive relationships, and co-ordinate their progress through new and existing educational, health, behavioural and psychological programmes.”

95. As of 31 March 2020, there were 1,530 full-time equivalent (FTE) staff in post in the youth custody service.<sup>138</sup> That is 257 (14.4%) fewer than the figure one year before. In the year ending 31 March 2020, 103 joined the YCS, some 79.0% fewer year on year. There were 202 leavers in the year ending March 2020, some 18.8% more than in 2019. The Youth Custody Service had the highest sickness absence rate of all HMPPS staff, too, at 14.6 average working days lost each year.<sup>139</sup>

96. Difficulties with staffing, whether with overall numbers or with inexperienced staff owing to recent turnover, may mean that services are not fully provided, with potential negative effects, in particular, on the rehabilitation of young offenders. Independent Monitoring Boards, among others, highlighted the effect of staffing shortages on time offenders spend out of cell, including some missed healthcare appointments.<sup>140</sup> The Children’s Commissioner noted that the “implementation of positive behaviour management schemes is undermined by challenges in the recruitment and retention of staff. Though staffing levels have been improving, there are still issues with high turnover and lack of training which undermines relationship building between children and staff.”<sup>141</sup> Ofsted said: “currently, all three STCs do not have staff at all levels with the necessary skill, experience, training and qualifications to care well and safely for children.”<sup>142</sup>

137 Ministry of Justice (YJU0057)

138 Ministry of Justice, [Her Majesty’s Prisons and Probation Service \(HMPPS\) Workforce Statistics Bulletin, as at 31 March 2020](#), (21 May 2020)

139 Ministry of Justice, [Her Majesty’s Prisons and Probation Service \(HMPPS\) Workforce Statistics Bulletin, as at 31 March 2020](#), (21 May 2020)

140 Independent Monitoring Board (YJU0054)

141 Children’s Commissioner (YJU0052);

142 Ofsted ([YJU0028](#))

97. In June 2020, the Ministry of Justice announced a £4.9 million scheme that will see each officer working in youth custody become a Youth Justice Specialist after completing degree-level training. Some 114 have already achieved degree-level qualification and more than 240 others are now in training.<sup>143</sup> The Ministry of Justice also note that the Youth Custody service has increased staffing by a third in three years, with 289 more front-line personnel than it had in December 2016.<sup>144</sup>

**98. We welcome the Government’s commitment to reform the rest of the estate, but we are concerned that the youth estate in its current form is not meeting the needs of the children being held. We have heard about high levels of violence and self-harm and about staffing issues. *The Ministry of Justice should set out specifically what reforms to the existing estate have taken place since the Taylor Review and what reforms are in progress or due to commence and complete over the next two years, before the new secure school opens.***

**99. We welcome the recent announcement that officers working in youth custody will become Youth Justice Specialists after completing degree-level training, but we remain concerned about staff turnover in the youth estate, and the effect that staffing difficulties have on day-to-day running of the secure estate. *The Ministry of Justice should set out its workforce strategy, specifically relating to staff in the youth custodial estate. We further recommend that the Ministry commission research into the reasons why staff turnover has been high.***

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143 Ministry of Justice, [‘Specialist Youth Justice degree for all officers working with children’](#),(1 June 2020)

144 Ministry of Justice, [‘Specialist Youth Justice degree for all officers working with children’](#),(1 June 2020)

## 5 Resettlement and Reoffending

100. Resettlement is the process by which a child or young person re-enters the community upon release from custody. Charlie Taylor in his *Review of the Youth Justice System in England and Wales* states that “Effective resettlement when children are released from custody is essential if they are to continue their rehabilitation and reduce reoffending. This requires a coordinated approach from the secure establishment, education, health, housing, social care and youth offending services.”<sup>145</sup>

101. The resettlement of children from custody is the statutory responsibility of local authorities (through youth offending services), in partnership with the Youth Custody Service, police and health services.<sup>146</sup> HM Inspectorate of Prisons and HM Inspectorate of Probation state that “The YOT [Youth Offending Team] holds the responsibility for overall case management of custodial orders, and joint accountability with the secure estate for sentence planning and delivery. The YOT takes the primary responsibility for arranging services for, and on, release. This includes coordinating external health, education and children’s social care provision.”<sup>147</sup>

102. For the aggregated cohort for the year ending March 2018 (that is, children and young people who received a caution, a non-custodial sentence at court, or who were released from custody), some 38.4 per cent of just under 28,400 children and young people reoffended within 12 months. Those re-offenders committed more than 44,100 offences, an average of 4.05 per reoffender. This is the highest frequency rate seen in the last 10 years. Children and young people who received a caution had the lowest reoffending rate (26.6%), whereas reoffending remains highest among those released from custody--63.9 per cent. Among those whose index disposal was a custodial sentence, those given sentences of less than six months had the highest reoffending rate (77.4%).<sup>148</sup> Problems with resettlement are often pointed to in concerns raised about these reoffending rates: the Children’s Commissioner, for example, is “concerned about the resettlement of young people once they leave custody”.<sup>149</sup>

103. The Youth Justice Board note that resettlement and transition between services have been priority areas for the last two years; it introduced Constructive Resettlement in 2018, an approach defined by the YJB as “collaborative work with a child in custody and following release that builds upon their strengths, to help them shift their identity from pro-offending to pro-social. Within this approach, the clear overall role for agencies is to facilitate the child’s identity shift.”<sup>150</sup> The YJB note that Constructive Resettlement builds upon the work of Beyond Youth Custody.<sup>151</sup> Beyond Youth Custody identified five

145 Charlie Taylor, *Review of the Youth Justice System in England and Wales*, (December 2016), p 42

146 HM Inspectorate of Probation and HM Inspectorate of Prisons, *Youth resettlement - final report into work in the community*, (October 2019)

147 HM Inspectorate of Probation and HM Inspectorate of Prisons, *Youth resettlement - final report into work in the community*, (October 2019)

148 Youth Justice Board, Ministry of Justice and the Office of National Statistics, *Youth Justice Statistics 2018/19* (30 January 2020)

149 Children’s Commissioner (YJU0052)

150 [Youth Justice Board](#) written submission, 14 July 2020

151 Beyond Youth Custody was a six-year England wide research programme by University of Salford, University of Bedfordshire, NACRO and ARCS and funded by the Big Lottery Fund.

key characteristics of effective and sustainable resettlement, namely: that all work with children should be constructive, co-created, customised, consistent and co-ordinated.<sup>152</sup> Helga Swidenbank told us:

“We have done some work with the YJB, which has a constructive resettlement approach. We have been working in alignment with the YJB to adopt the same approach so that there is continuity between what is going on in the community and what is going on in custody.”<sup>153</sup>

104. Despite the work done to develop an evidence base for resettlement work, some have noted that provision upon release is not adequate.<sup>154</sup> Helen Berresford, Director of External Engagement, Nacro told the Committee that:

“I cannot overestimate how far we have to go to get the right resettlement support for people in the justice system. If somebody comes into custody, they should straightaway, from the minute they are sentenced, have their needs assessed. Build a plan with the child, and work with the YOT and custody staff to look at what they need over the course of their sentence, and what they need and what they want to achieve in life. Then put in place education and health support and all of those factors. All of that can be done; it is just that too often it is not at the minute.”<sup>155</sup>

105. Crest Advisory notes: “Effective resettlement when children are released from custody is essential if they are to continue their rehabilitation and reduce reoffending [ ... ] the impact of deficiencies in the resettlement process is made abundantly clear by the stubbornly high reoffending rates for children in the youth justice system and is further evidenced in the recent Inspectorate report.”<sup>156</sup>

106. HM Inspectorate of Prisons and HM Inspectorate of Probation conducted a joint thematic inspection into youth resettlement which looked at the operational work done by staff in Young Offender Institutions (YOIs) and external agencies to help children being released from custody to resettle back into their communities. The report concludes that: “a lot of hard work is done by staff in YOIs, YOTs and external agencies. However, too much of it is ineffective and so does not deliver good resettlement outcomes for children”.<sup>157</sup> The two inspectorates told us:

“We identified significant gaps in meeting children’s resettlement needs both in custody and once they had been released into the community. Resettlement work was not prioritised in YOIs and there was little consideration of how interventions in custody would contribute to children’s behaviours and lifestyles on release. Upon release into the community, of the 50 children:

152 Beyond Youth Custody, [Effective Resettlement of Youth People](#), (July 2015)

153 [Q320](#) [Helga Swidenbank]

154 [Youth Justice Board](#) written submission, 14 July 2020; Beyond Youth Custody, [Effective Resettlement of Youth People](#), (July 2015)

155 [Q143](#) [Helen Berresford]

156 Crest Advisory ([YJU0058](#))

157 HM Inspectorate of Probation and HM Inspectorate of Prisons, [Youth resettlement - final report into work in the community](#), (October 2019)

- only six of the 37 that we considered needed input from children’s social care services received that help;
- only 44% of those who needed specialist support for their substance misuse problems received it;
- only 11 went into education or training immediately after release;
- over 60% had an identified health need in custody but there was evidence in only 26% of cases that the Youth Offending Team (YOT) provided support or intervention for these needs after release; and
- in a number of cases, neither the child nor the YOT knew their release address until very late in the sentence, which frustrated efforts to put in place the above support services.”<sup>158</sup>

107. The Ministry of Justice note that “A key objective of the youth justice system is to reduce children’s reoffending. However, despite best efforts, the levels of reoffending by children who have been in custody remain too high.”<sup>159</sup> MoJ added that “although we anticipate that the reform programme will lead to better outcomes for children and reduced rates of reoffending, we know we need to do more to improve resettlement support for children both while they are in custody and when they return to the community.”<sup>160</sup> The Ministry also committed to act on the Inspectorates’ recommendations made in their *Youth Resettlement* report.<sup>161</sup>

## Purposeful activity and education

108. Children may not always be able to access support needed while they are in custody, such as education and purposeful activity. A lack of access to appropriate support services may have a detrimental effect on their resettlement from custody. HM Inspectorate of Prisons and HM Inspectorate of Probation told us:

“We found that children were generally fitted into the interventions that were available in custody, including in relation to education, training and employment. Children were routinely referred to interventions without enough consideration being given to whether they would benefit from or engage with them. Although there were some notable exceptions, we generally did not see future education or training needs and opportunities being taken into account and there was little evidence of YOI staff considering what children might be able to achieve on release.”<sup>162</sup>

109. Crest Advisory added:

“In spite of the high levels of educational needs, the time spent in education or outside of cells provided in custodial institutions has not shown any significant improvement, and remains woefully low compared to the mandated hours. In 2011/12, children in YOIs were on average receiving

158 HM Chief Inspector of Prisons and HM Chief Inspector of Probation ([YJU0060](#))

159 Ministry of Justice ([YJU0057](#))

160 Ministry of Justice ([YJU0057](#))

161 Ministry of Justice ([YJU0057](#))

162 HM Chief Inspector of Prisons and HM Chief Inspector of Probation ([YJU0060](#))

11.4 hours of education per week, of the mandated 15 hours. The ‘core day’ in YOIs was subsequently increased to 30 hours per week, however in 2016, on average children in YOIs were found to receive 15 hours of education per week.”

110. The Youth Justice Board also thought that “Education, Training and Employment (ETE) is an issue, with inadequate provision in custody and a lack of continuity upon release.”<sup>163</sup> The Standing Committee for Youth Justice said: “our members report that education that is provided [in custody] is very basic and insufficient for needs. It is the first thing to suffer when there are keep apart protocols and staff shortages.”<sup>164</sup> Nacro note that “In order for young people to be able to concentrate on education, the environment must be safe, and urgent action needs to be taken to tackle increasing violence and self-harm. There should always be sufficient resources and staff to ensure that the entitlement to education is not compromised due to issues relating to security or the regime.”

111. The Ministry of Justice acknowledge that “there are many reasons why time in education may be disrupted, such as staffing levels, violence or regime disruption and work is underway to tackle these. To tackle this, the number of frontline staff has been increased by 313 (36%) since the start of the youth custody reform programme (December 2016 to June 2019).”<sup>165</sup> The Ministry further note that the “YCS is also working with their education providers to increase the flexibility of the core day and curriculum to allow for more space, time and resources to provide young people with the activities that are tailored to their needs and offer the most positive engagement with education.”<sup>166</sup> The Youth Justice Board “are working with YCS to improve the position and recognise that closer links are required between community and custody. Integration of children into mainstream ETE provision is vitally important”.<sup>167</sup>

112. The Committee asked the Minister of State for Justice what the Government was doing to ensure the resettlement needs of children are being met on their release from the secure estate. Lucy Frazer told us of “the New Futures Network, which was set up to be a link between prisons and employers to ensure that, when people come out of prison, they get jobs.”<sup>168</sup> Helga Swidenbank also told us substantial work was being by the MOJ and governors with local directors of children’s services to help children move from custody into the community.

**113. It is essential that children have access to appropriate Employment, Training and Education services when they leave custody, not least to reduce the risk and the rate of reoffending. *The Ministry of Justice, Youth Custody Service and Youth Justice Board should continue to work together to ensure that all children and young people have adequate access to education and purposeful activity while in custody and that meaningful opportunities continue through into the community.***

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163 Youth Justice Board ([YJU0049](#))

164 The Standing Committee for Youth Justice ([YJU0044](#));

165 Ministry of Justice ([YJU0057](#));

166 Ministry of Justice ([YJU0057](#));

167 Youth Justice Board ([YJU0049](#))

168 [Q318](#) [Lucy Frazer]

## Collaboration and release planning

114. A number of different agencies and organisations may work with a child in custody: for example, one child may be supported by education, healthcare, Youth Offending Team, social services etc. HM Inspectorate of Prisons and HM Inspectorate of Probation note that “the main vehicle for planning, coordinating and monitoring resettlement work is the casework planning process, which includes and initial planning meeting that should be held within 10 days of sentence”.<sup>169</sup>

115. The quality of collaboration between different agencies involved in the resettlement of a child may also raise difficulties. The Inspectorates in their joint evidence submission note that planning meetings within YOIs generally took place on time and were well attended, but that each agency (e.g. education, healthcare etc.) carried out its own procedures, independently of each other. It is, therefore, possible for children to be subject to a number of uncoordinated plans.<sup>170</sup> The Inspectorates also said that “information sharing is hindered by the number of different databases utilised within YOIs and also between different agencies.”<sup>171</sup>

116. Some Youth Offending Teams submitted evidence to the Committee on their experience of collaboration. Blackpool Youth Offending Team noted: “Collaboration is problematic. The distance and lack of practical protocols between the various providers are significant issues. In my experience YOT’s need to take more responsibility for their young people whilst they are serving sentences, but the guidelines do not clarify responsibility and the day to day demands on the custodial staff can impact upon end to end planning.”<sup>172</sup> Sandwell Youth Offending Team said collaboration “is often approached in a genuine spirit of cooperation but individual practitioners end up in disagreement sometimes because of structural factors.”<sup>173</sup>

117. G4S said in relation to the establishments they run, that “At a local level effective partnership working arrangements are in place. Legislation could more effectively align the work and information sharing arrangements at a strategic level.”<sup>174</sup> G4S added that despite good collaboration there were times where external agencies are unable to provide the necessary support in a timely manner, for example suitable accommodation, education etc.<sup>175</sup> The Children and Young People Secure Estate Managed Clinical Advisory Group said that “Sometimes collaboration works effectively, but it still requires people from one organisation to push others to collaborate with them.”<sup>176</sup> The Youth Justice Board said that “Collaboration between services needs to improve and the YJB’s How to Make Resettlement Constructive provides a framework in which this can happen. We believe further improvements could be made to collaboration between services to improve outcomes on release.”<sup>177</sup>

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169 HM Chief Inspector of Prisons and HM Chief Inspector of Probation ([YJU0060](#))

170 HM Chief Inspector of Prisons and HM Chief Inspector of Probation ([YJU0060](#))

171 HM Chief Inspector of Prisons and HM Chief Inspector of Probation ([YJU0060](#))

172 Blackpool YOT ([YJU0031](#))

173 Sandwell YOT ([YJU0030](#))

174 G4S ([YJU0050](#))

175 G4S ([YJU0050](#))

176 Children and Young People Secure Estate Managed Clinical Advisory Group ([YJU0012](#))

177 Youth Justice Board ([YJU0049](#))

118. The Ministry of Justice in response set out work done to address the findings of HMIP's youth resettlement work: "Actions include the YCS releasing officers to focus on resettlement and reviewing how YOIs can promote effective resettlement work across all agencies and departments that work or have responsibilities in this area."<sup>178</sup>

**119. Collaboration between agencies is imperative if children's resettlement needs are to be met during their time in custody and followed through to the community. We recognise that the quality and ease of collaboration between agencies may vary between establishments and areas, but it is sub-optimal that children may be subjected to a number of different, uncoordinated resettlement plans. *The Ministry of Justice and Youth Custody Service should set out what work is being done to reduce duplication and ensure that children have a single coordinated resettlement plan.***

## Release Planning

120. Each year, hundreds of children will be released from custody into the community.<sup>179</sup> Many have multiple and various needs which require continued monitoring post-release. HMI Prisons and HMI Probation found that "In too many cases, children were not being effectively prepared to re-enter their communities and start to live productive and safe law-abiding lives. The services that they needed on release were often not in place to help them resettle, and the risks that they posed were not always sufficiently managed in their early days in the community."<sup>180</sup> The Inspectorates found that planning started at the pre-release meeting, only 10 days before release, too late to be effective.<sup>181</sup>

121. Accommodation on release is a particular problem. HM Inspectorate of Prisons and HM Inspectorate of Probation found 60 per cent of children returned to live with families on release, but for some remaining children, neither the child nor the YOT knew where they would be released to until late in the sentence, and sometimes after the final pre-release planning meeting. Some did not know even what area they would be living in. The Inspectorates recommended a national accommodation strategy for children released from custody and a national network of community-based accommodation for children who pose the highest risk of harm to the public.<sup>182</sup>

122. The Association of Youth Offending Team Managers acknowledged the difficulties of housing children who were not returning to family homes: "this impacts on the ability to organise school and college placements or employment/training opportunities."<sup>183</sup> The Children and Young People Secure Estate Managed Clinical Advisory Group said children and young people "sometimes only know where they are going the day they leave or at best the evening before. Without a confirmed address in a local area, forward arrangements can't be made for continuity of care."<sup>184</sup> G4S and Ofsted made similar points.<sup>185 186</sup>

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178 Ministry of Justice ([YJU0057](#))

179 HM Inspectorate of Probation and HM Inspectorate of Prisons, [Youth resettlement - final report into work in the community](#), (October 2019)

180 HM Inspectorate of Probation and HM Inspectorate of Prisons, [Youth resettlement - final report into work in the community](#), (October 2019)

181 HM Chief Inspector of Prisons and HM Chief Inspector of Probation ([YJU0060](#))

182 HM Chief Inspector of Prisons and HM Chief Inspector of Probation ([YJU0060](#))

183 Association of Youth Offending Team Managers ([YJU0008](#))

184 Children and Young People Secure Estate Managed Clinical Advisory Group ([YJU0012](#))

185 G4S ([YJU0050](#))

186 Ofsted ([YJU0028](#))

123. Joshua Kilembeka, a young adviser with personal experience of the criminal justice system, described specific cases:

“On getting released from custody, for a lot of young people there is no structured plan. I have had numerous young people come to me saying they have not found accommodation. There is no accommodation in place, so they are left homeless when they come out, with nowhere to go. I think that three months before they are released there should be a structured plan with their key worker and YOT worker or probation officer, so that when they come out it is easier to get back into the community.”<sup>187</sup>

124. Jhanzab Khan, another young adviser, told us his own experience:

“When I was released from prison, I faced many things, such as homelessness and mental health issues. All of those complex needs need to be paid attention to while [people] are inside prison so that they can be prepared for when they are released.”<sup>188</sup>

125. Lucy Frazer QC MP, Minister of State for Justice, told the Committee that “MOJ, DFE and MHCLG officials have established a children’s working group to ensure that children have homes to go to as well.” She said that the Ministry was also working on ensuring those leaving institutions had jobs, too, and acknowledged that work needed to be done earlier with those who would leave secure accommodation to ensure a successful transition into the community.<sup>189</sup>

**126. It is apparent that accommodation is a significant problem for some children being release from custody. It is unacceptable that a child should not know until the day of their release where they will live the day after. We agree with the recommendation made by HM Inspectorate of Prisons and HM Inspectorate of Probation that the Ministry of Justice must develop a national accommodation strategy for children released from custody. We acknowledge the commitment made by the Minister of State to return to the Committee to report on progress made in these areas.**

## Transition to adult offending services

127. Children who turn 18 in custody may be transferred to adult custody. Transfer is not automatic or mandatory for those who will serve little time in custody beyond their 18th birthday. It should “take into account the views of young people and what work needs to be undertaken to meet the aims of the sentence, to address likelihood of reoffending and risk of harm to others, and to manage vulnerability.”<sup>190</sup> The Youth Justice Board do not support automatically transitioning an individual to the adult estate on their 18th birthday.<sup>191</sup> Around 350 (15–20%) young people in youth custody will go into the adult estate.<sup>192</sup>

187 [Q236](#) [Joshua Kilembeka]

188 [Q204](#) [Jhanzab Khan]

189 [Q318](#) [Lucy Frazer]

190 HM Prison and Probation Service, National Probation Service and Youth Justice Board, [Joint National Protocol for Transitions in England](#), (March 2018)

191 Youth Justice Board ([YJU0049](#))

192 [Q196](#) [Laurie Hunte]

128. Transition can, of course, be difficult. Dr Kate Gooch, University of Bath, for example, described how: “Moving from the ‘young people’s estate’ to the ‘young adult’s estate’ is the equivalent of ‘falling off a cliff edge’ in terms of the differences in resource, youth offending team compared with probation/CRC contact, educational provision, and staff contact.”<sup>193</sup>

129. Some services may no longer be available for those who turn 18 in custody, and Laurie Hunte, Criminal Justice Programme Manager, Barrow Cadbury Trust, suggested development into maturity should be taken into account: “There is a very big difference between the youth custodial estate and the adult estate, and I include youth offending institutions in that. [...] It is very often the case that as soon as you turn 18 you move into the adult estate, but if there are good reasons, especially if there is a health or educational need, or if they are going through a court case, there is a good case for keeping the young person in the child system.”<sup>194</sup>

130. Operational practicalities also need to be dealt with, as G4S commented:

“Policies are in place, but there are barriers to effective transition. YCS placements and HMPPS Population Management Unit do not work effectively together to assist the under 18 estate in securing placements for young people, at a minimum 4 weeks prior to transition. The over 18 estate is also not mandated in respect of transition planning, as such engagement by the over 18 estate with institutions transitioning young people is not consistent and, in some cases, poor. A more cohesive approach is required ensuring that transition planning meetings with receiving prisons are completed in all cases and that young people have the opportunity to talk to staff from the receiving prisons.”<sup>195</sup>

131. Similar issues arise when young offenders move to adult probation services on leaving custody.<sup>196</sup> The Prisons and the Probation Inspectorates found good practice in their joint thematic report into *Youth Resettlement* but “were not always assured that it was in the best interests of the child to transfer them to adult services and did not see any evidence of records being kept about the decision making process (as required by national guidance).”<sup>197</sup> Young Advisers on Criminal Justice gave us practical examples of what faces a young person making the transition into adult supervision. Joshua Kilembeka said: “a lot of young people are not ready to transition from the YOT to probation. There should be a meeting between the YOT and the probation officer to see how the young person will move forward to the probation service. Young people tell me that they are not getting as much help from the probation service as they would get from the YOT team.”<sup>198</sup> Nadine Smith focused on the point about maturity in both custodial and non-custodial contexts: “Between the ages of 18 and 25, people do not stop maturing. [...] Just because I turn 18, my whole mindset does not change at midnight on my 18th birthday and, all of a sudden, I am an adult, and I can now take on a load of new things that I am being forced into with probation and the adult estate.”<sup>199</sup>

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193 University of Bath ([YJU0036](#))

194 [Q196](#) [Laurie Hunte]

195 G4S ([YJU0050](#))

196 HM Chief Inspector of Prisons and HM Chief Inspector of Probation ([YJU0060](#))

197 HM Chief Inspector of Prisons and HM Chief Inspector of Probation ([YJU0060](#))

198 [Q236](#) [Joshua Kilembeka]

199 [Q238](#) [Nadine Smith]

132. Work is being done at governmental level on these transitions. The Ministry of Justice told us “The YCS and HM Prison and Probation Service are working together on improving transition planning. This includes ongoing work on the ‘transition from youth to adult custody’ policy framework to ensure a clear process is established that meets the needs of children moving into the adult estate.”<sup>200</sup> Lucy Frazer added: “We are doing a number of things to make sure that the transition is easier. We want to ensure that the question as to their transition—where they should go and how they should be integrated—is assessed at a much earlier stage in their sentence, so that they are ready and go to the right place, and the right place is ready to receive them and understands them. At the moment, we are talking to stakeholders about what that transition should look like.”<sup>201</sup>

**133. We welcome the work being done to improve transition planning, and we note that work is under way in the Ministry of Justice on how best to manage transition into adult custodial settings for those who turn 18. While cut-off points between youth and adult justice are necessary, we acknowledge concerns, not least from Young Advisers with practical experience, that the simple change from being 17 to 18 may not denote full maturity in some young people who are in custody, and that the transition may prove to be what the Chief Inspector of Probation calls a ‘cliff edge’ for those individuals.**

**134. While some transition planning may take place before a young person leaves the youth estate, we are not convinced that the adult estate is sufficiently equipped to support all those who make that move. We recommend that the Ministry of Justice mandate appropriate transition planning in the over-18 estate for those coming from youth estate to ensure that those who do so do not find themselves on a ‘cliff edge’. *We recommend that the Ministry of Justice set out when the ‘transition from youth to adult custody’ policy framework will be published and how it will be implemented across the youth and the adult estates. The Ministry should also update us on the practical steps being taken in the interim to ensure that those young people who do make that transition receive the support they need and avoid any drop-off in service provision and support.***

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200 Ministry of Justice ([YJU0057](#))

201 [Q317](#) [Lucy Frazer]

## Conclusions and recommendations

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### Safety in Custody

1. Throughout this inquiry, we have heard of significant concerns about the use of separation across the youth estate - the effect it has on the individual and on the institution itself. Concerns around the use of separation in the youth secure estate are of long standing. We find it unacceptable that data on separation in Young Offender Institutions is not gathered and published and recommend that the Ministry of Justice rectify this immediately. *We find it unacceptable that data on separation in Young Offender Institutions is not gathered and published and recommend that the Ministry of Justice rectify this immediately.* (Paragraph 27)
2. The findings of HM Inspectorate of Prisons' report on separation are serious and echo much of what has been reported in evidence to us and in other publications. We are concerned about differences in practice across the estate. *The Ministry of Justice and Youth Custody Service should set out what is being done to ensure coherent and consistent practice across the estate.* (Paragraph 28)
3. We note the frustration of HM Inspectorate of Prisons about the extent to which its recommendations for action are implemented, and the pace of implementation. That said, *we welcome the Government's commitment to develop a new policy framework on separation and recommend that the Ministry of Justice and Youth Custody Service set out when this piece of work will be completed and when the new framework will be implemented.* (Paragraph 29)
4. A significant proportion of children in custody have a mental health need. The Secure Stairs model is a welcome development, but we are disappointed to hear that children are sometimes held in custody because of an absence of appropriate mental health treatment beds. *In cases where the mental health of offenders is a substantial factor in their self-harm or their level of risk to staff or fellow offenders, we recommend that the Ministry work with the Department of Health and Social Care to identify mechanisms to ensure appropriate placement for individuals who require treatment and to make sure that young offenders are in the right place to receive the treatment they need.* (Paragraph 37)
5. Self-harm across the youth secure estate is alarmingly high. There has been a welcome reduction in consecutive months since January, but self-harm is at the highest level in the last five years. *The Ministry of Justice and Youth Custody Service should set out what measures they have put in place specifically to address self-harm.* (Paragraph 44)
6. *The Ministry of Justice and Youth Custody Service must also seek to understand why self-harm appears to have reduced during the Covid-19 pandemic, and what can be learned from that.* (Paragraph 45)
7. Substantial concern has been expressed to us about use of force against children and young people across the youth custodial estate, and we note that sanctioned use of

force has been rising. While there appear to be sound monitoring and governance arrangements at some establishments, such as Parc and Oakhill, this does not appear to be the case for others, as highlighted by HMIP. (Paragraph 53)

8. *We recommend that the Ministry of Justice and the Youth Custody Service set out the reasons why use of force is rising in youth custodial institutions and what steps are being taken to ensure that any such use is necessary and proportionate. We recommend that the Ministry and Youth Custody Service conduct a light-touch review of monitoring and governance processes in place for use of force involving children and young people in all the institutions that hold them to establish that those processes are sufficiently robust.* (Paragraph 54)
9. Techniques specifically designed to cause pain to children should never be used as routine methods of managing offenders. Any use of such techniques should always be a last resort in the interests of safety from physical harm. None the less, we acknowledge the views of both Peter Clarke and Charlie Taylor that in the real-life circumstances of a Youth Offender Institution or a Secure Training Centre, the safety of staff and of offenders themselves may on rare occasion require direct and immediate physical force that may inflict pain. (Paragraph 67)
10. We welcome the Government's commitment to remove pain-inducing techniques from the MMPR training manual and to focus it on behaviour management and restraint. We are disappointed that, six months after Charlie Taylor recommended this change, there is no indication of when it will happen. *We recommend that the Ministry of Justice and Youth Custody Service remove pain-inducing techniques from the MMPR syllabus without further delay. The Ministry and Youth Custody Service should also set out a timeframe for conclusion of the review, redesign and delivery of the new syllabus.* (Paragraph 68)

### Disproportionality in custody

11. *We welcome the Ministry of Justice's commitment to implement in full the remainder of David Lammy's recommendations within the next 12 months. The Ministry should set out what resource has been allocated to this piece of work. We recommend that the response to this Report provide a full and detailed timetable setting out how and by when those recommendations will be implemented. We recommend that that timetable be accompanied by an outline of how sufficient resources will be provided in the immediate and longer terms to ensure that disproportionality in the system is reduced now and remains so in future.* (Paragraph 77)

### Youth Justice Reform

12. We welcome development of the secure school model and agree with the Minister for Justice, Lucy Frazer QC MP, that this offers an opportunity to reform the existing estate to better meet the needs of the children it holds. It is disappointing that the timetable for opening has been subject to continued delays, with opening of the first school planned for 2020 now pushed back to 2022, five years after the original commitment to developing two secure schools. *The Ministry of Justice should set out*

*why the opening has been subject to repeated delays. We recommend that it guarantee that the first school will open as now planned in 2022, and set out what is being done to ensure that that opening is achieved on time.* (Paragraph 91)

13. We welcome the Government's long-term ambition to replace YOIs and STCs with secure schools, but we are concerned about the level of commitment demonstrated in achieving this aim, given the length of time it has taken to develop a single secure school. *We recommend that the Ministry publish a timetable setting out how, where and when it plans to replace YOIs and STCs with secure schools and what resource has been allocated to ensure this commitment is achievable and is met.* (Paragraph 92)
14. We welcome the Government's commitment to reform the rest of the estate, but we are concerned that the youth estate in its current form is not meeting the needs of the children being held. We have heard about high levels of violence and self-harm and about staffing issues. *The Ministry of Justice should set out specifically what reforms to the existing estate have taken place since the Taylor Review and what reforms are in progress or due to commence and complete over the next two years, before the new secure school opens.* (Paragraph 98)
15. We welcome the recent announcement that officers working in youth custody will become Youth Justice Specialists after completing degree-level training, but we remain concerned about staff turnover in the youth estate, and the effect that staffing difficulties have on day-to-day running of the secure estate. *The Ministry of Justice should set out its workforce strategy, specifically relating to staff in the youth custodial estate. We further recommend that the Ministry commission research into the reasons why staff turnover has been high.* (Paragraph 99)

### Resettlement and Reoffending

16. It is essential that children have access to appropriate Employment, Training and Education services when they leave custody, not least to reduce the risk and the rate of reoffending. *The Ministry of Justice, Youth Custody Service and Youth Justice Board should continue to work together to ensure that all children and young people have adequate access to education and purposeful activity while in custody and that meaningful opportunities continue through into the community.* (Paragraph 113)
17. Collaboration between agencies is imperative if children's resettlement needs are to be met during their time in custody and followed through to the community. We recognise that the quality and ease of collaboration between agencies may vary between establishments and areas, but it is sub-optimal that children may be subjected to a number of different, uncoordinated resettlement plans. *The Ministry of Justice and Youth Custody Service should set out what work is being done to reduce duplication and ensure that children have a single coordinated resettlement plan.* (Paragraph 119)
18. It is apparent that accommodation is a significant problem for some children being release from custody. It is unacceptable that a child should not know until the day of their release where they will live the day after. *We agree with the recommendation made by HM Inspectorate of Prisons and HM Inspectorate of Probation that the Ministry of Justice must develop a national accommodation strategy for children*

*released from custody.* We acknowledge the commitment made by the Minister of State to return to the Committee to report on progress made in these areas. (Paragraph 126)

19. We welcome the work being done to improve transition planning, and we note that work is under way in the Ministry of Justice on how best to manage transition into adult custodial settings for those who turn 18. While cut-off points between youth and adult justice are necessary, we acknowledge concerns, not least from Young Advisers with practical experience, that the simple change from being 17 to 18 may not denote full maturity in some young people who are in custody, and that the transition may prove to be what the Chief Inspector of Probation calls a ‘cliff edge’ for those individuals. (Paragraph 133)
20. While some transition planning may take place before a young person leaves the youth estate, we are not convinced that the adult estate is sufficiently equipped to support all those who make that move. We recommend that the Ministry of Justice mandate appropriate transition planning in the over-18 estate for those coming from youth estate to ensure that those who do so do not find themselves on a ‘cliff edge’. *We recommend that the Ministry of Justice set out when the ‘transition from youth to adult custody’ policy framework will be published and how it will be implemented across the youth and the adult estates. The Ministry should also update us on the practical steps being taken in the interim to ensure that those young people who do make that transition receive the support they need and avoid any drop-off in service provision and support.* (Paragraph 134)

## Formal minutes

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### Tuesday 15 December 2020

Members present:

Sir Robert Neill in the Chair

Paula Barker    Dr Kieran Mullin  
Rob Butler     Andy Slaughter  
James Daly

Draft Report (*Children and Young People in Custody (part 2): The Youth Secure Estate and Resettlement*), proposed by the Chair, brought up and read.

[Adjourned till Tuesday 12 January at 1.45 pm]

### Wednesday 3 February 2021

Members present:

Sir Robert Neill in the Chair

Rob Butler     Kenny MacAskill  
James Daly    Dr Kieran Mullin  
Maria Eagle    Andy Slaughter

Draft Report (*Children and Young People in Custody (part 2): The Youth Secure Estate and Resettlement*) (consideration resumed)

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 134 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Sixteenth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That the provisions of Standing Order No. 134 apply to the Report.

[Adjourned till Tuesday 9 February at 1.45 pm]

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Tuesday 02 June 2020

**Peter Clarke**, Chief Inspector, HM Inspectorate of Prisons; **Angus Mulready-Jones**, Lead for children and young adults, HM Inspectorate of Prisons; **Keith Fraser**, Chair, Youth Justice Board; **Colin Allars**, Chief Executive Officer, Youth Justice Board

[Q1–23](#)

### Tuesday 16 June 2020

**Peter Clarke**, Chief Inspector, HM Inspectorate of Prisons; **Angus Mulready-Jones**, Lead for children and young people, HM Inspectorate of Prisons; **Keith Fraser**, Chair, Youth Justice Board; **Colin Allars**, Chief Executive Officer, Youth Justice Board

[Q24–58](#)

**Andy Peaden**, Chair, Association of Youth Offending Team Managers; **Linda Logan**, Chair of the Youth Court Committee, Magistrates Association; **Pippa Goodfellow**, Director, Standing Committee for Youth Justice

[Q59–103](#)

### Tuesday 30 June 2020

**Justin Russell**, Chief Inspector, HM Inspectorate of Probation; **Helen Beresford**, Director of External Engagement, NACRO; **Dr Alexandra Lewis**, Royal College of Psychiatrists; **Dr Pamela Taylor**, Royal College of Psychiatrists

[Q104–166](#)

**Phil Bowen**, Director, Centre for Justice Innovation; **Shadae Cazeau**, Head of Policy, EQUAL; **Laurie Hunte**, Criminal Justice Programme Manager, Barrow Cadbury Trust; **Jessica Mullen**, Director of Influence and Communication, Clinks; **Enver Soloman**, Chief Executive Officer, Just for Kids Law

[Q167–198](#)

### Tuesday 14 July 2020

**Anne Longfield OBE**, Children's Commissioner for England, Office of the Children's Commissioner for England; **Rose Dowling**, Chief Executive, Leaders Unlocked; **Josh Kilembeka**, Young Adviser on Criminal Justice; **Nadine Smith**, Young Adviser on Criminal Justice; **Jhanzab Khan**, Young Adviser on Criminal Justice

[Q199–241](#)

**Lucy Frazer MP**, Minister of State, Ministry of Justice; **Helga Swidenbank**, Executive Director, Youth Custody Service; **Caroline Twitchett**, Children Qualities Lead, Health and Justice, NHS England; **Phil Douglas**, Director of Youth Justice and Offender Policy, Ministry of Justice

[Q242–322](#)

## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the [publications page](#) of the Committee's website.

### Session 2019–21

Number	Title	Reference
1st Report	Appointment of Chair of the Office for Legal Complaints	HC 224
2nd Report	Sentencing Council consultation on changes to magistrates' court sentencing guidelines	HC 460
3rd Report	Coronavirus (COVID-19): The impact on probation services	HC 461
4th Report	Coronavirus (Covid-19): The impact on prisons	HC 299
5th Report	Ageing prison population	HC 304
6th Report	Coronavirus (COVID-19): The impact on courts	HC 519
7th Report	Coronavirus (COVID-19): the impact on the legal professions in England and Wales	HC 520
8th Report	Appointment of HM Chief Inspector of Prisons	HC 750
9th Report	Private prosecutions: safeguards	HC 497
10th Report	Sentencing Council consultation on sentencing guidelines for firearms offences	HC 827
11th Report	Sentencing Council consultation on the assault offences guideline	HC 921
12th Report	Children and Young People in Custody (Part 1): Entry into the youth justice system	HC 306
13th Report	Sentencing Council: Changes to the drugs offences definitive guideline	HC 751
14th Report	Appointment of the Chair of the Independent Monitoring Authority	HC 954
15th Report	Appointment of the Chief Inspector of the Crown Prosecution Service	HC 955
1st Special Report	Prison Governance: Government Response to the Committee's First Report of Session 2019	HC 150
2nd Special Report	Court and Tribunal Reforms: Government Response to the Committee's Second Report of Session 2019	HC 151
3rd Special Report	Transforming Rehabilitation: Follow-up: Government Response to the Committee's Nineteenth Report of Session 2017–19	HC 152
4th Special Report	Coronavirus (COVID-19): The impact on probation systems: Government Response to the Committee's Third Report of Session 2019–21	HC 826

<b>Number</b>	<b>Title</b>	<b>Reference</b>
5th Special Report	Coronavirus (Covid 19): The impact on the legal professions in England and Wales: Government Response to the Committee's Seventh Report of Session 2019–21	HC 898
6th Special Report	Ageing prison population: Government Response to the Committee's Fifth Report of Session 2019–21	HC 976
7th Special Report	Court and Tribunal reforms: Further Government Response to the Committee's Second Report of Session 2019 and Coronavirus (Covid 19): The impact on courts: Government Response to the Committee's Sixth Report of Session 2019–21	HC 1008
8th Special Report	Coronavirus (Covid-19): The impact on prisons: Government Response to the Committee's Fourth Report of Session 2019–21	HC 1065