

## **Written evidence submitted by the Alliance for Youth Justice (RAR0090)**

### About the AYJ

The [Alliance for Youth Justice \(AYJ\)](#) brings together over 80 non-profit organisations, advocating for and with children to drive positive change in youth justice in England and Wales. Our [members](#) range from large national charities and advocacy organisations, to numerous smaller grassroots and community organisations. We bring together the expertise of our members and provide ways for them to shape decision-making. We work to influence policy, legislation and practice to address issues affecting children caught up in crime.

This response draws on our recent research on youth custody and on racially minoritised children and young people in the justice system,<sup>1</sup> and extensive consultation with our members across 2024 to develop a set of priorities for the new government,<sup>2</sup> and to identify key calls for the Youth Custody Service (YCS) Children and Young People Strategy.<sup>3</sup> For more granular consideration of some of the committee's questions we defer to responses from our individual members who work with and on behalf of children in custody and under the supervision of Youth Justice Services (YJS). As well, we offer our support in organising a roundtable for committee members to hear insights directly from our members.

### Section 1: Reoffending – measuring the problem

Around a third of children in the justice system reoffend.<sup>4</sup> Over the last decade the proportion of children who reoffend has fallen, while for children who reoffend the average number of reoffences has increased.<sup>5</sup> The reoffending rate for children leaving custody is consistently higher than for children on community sentences, at 60% in the latest available data.<sup>6</sup>

The majority of children who come into contact with the criminal justice system go through a phase of offending and stop as they grow up. A widely recognised age-crime curve exists showing this typical pattern of offending: crime rates increase as children get older, peak at 18-20, and then drop off.<sup>7</sup> This includes those who have committed serious or violent offences and those who had persistently committed crime.<sup>8</sup> Young people who continue to offend into adulthood are 'significantly more vulnerable' than those who stop in childhood.<sup>9</sup> The fact that children often desist from crime naturally as they mature has important implications when considering reducing reoffending in the youth justice system, including the need to prioritise diversion from the formal justice system, and a focus on long-term healthy development.<sup>10</sup> See the Child First evidence base,<sup>11</sup> and *A Question of Age? Applying Desistance With Children*,<sup>12</sup> for detailed consideration of desistance for children and implications for policy and practice.

The AYJ is concerned about the use of short-term reoffending rates as the sole, binary measure of the 'success' of the justice system and children's desistance. Outcome measures for children must not only focus on data and reductions in negative behaviours, but on positive changes such as attitudinal change, attainment in education, and engagement in employment, with health services, and with families. The voluntary and community sector often use measurement approaches that look more holistically at the child, which the government should consider.

### Section 2: Rehabilitation in prison

Children have different needs and vulnerabilities to adults, and the youth justice system strives for an approach that recognises this: making adjustments for higher vulnerability and

decreased culpability on account of age.<sup>13</sup> Accordingly, children in custody are held in establishments that aim to be different to adult prisons: three-quarters are held in Young Offender Institutions (YOIs) while the remainder are held in Secure Children's Homes (SCHs), a Secure Training Centres (STC), and now a Secure School.<sup>14</sup> YOIs are the most prison-like while SCHs most closely reflect a caring model,<sup>15</sup> and the new Secure School aims to provide a therapeutic environment focussed on education and rehabilitation.<sup>16</sup>

Efforts are made to accommodate the distinct needs of children.<sup>17</sup> Youth estate settings have their own sets of rules,<sup>18</sup> and different standards of care apply compared to adult prisons:<sup>19</sup> children have legal entitlements to at least 15 hours a week of education or training, for example. A framework for integrated care, SECURE STAIRS, is supposed to be implemented aiming to improve the quality of care and outcomes for children.<sup>20</sup>

However, in reality the children's secure estate faces many significant challenges. HM Inspectorate of Prisons' annual report for 2023/24 rings alarm bells about declining safety, a breakdown in behaviour management, "out of control" and debilitating 'Keep Apart' arrangements,<sup>21</sup> wasted resources, frontline staffing shortages, and very high levels of violence.<sup>22</sup> Children feel less safe, are spending the "overwhelming majority" of every day locked in their cells, have impeded access to programmes, interventions and visits, and are rarely receiving their statutory entitlement to education.<sup>23</sup> A 2024 HMI Prisons report on separation found many children in YOIs are held in solitary confinement, sometimes prolonged, unable to access the very basics of daily life, with potential "long-term detrimental effects on their health, behaviour and learning."<sup>24</sup> Conditions of late have been so awful that Cookham Wood YOI was closed as solitary confinement had become normalised;<sup>25</sup> guard dogs and stun grenades were deployed against children;<sup>26</sup> a girl held in a previously all-male establishment was forcibly stripped by male officers;<sup>27</sup> and the government has been seriously considering giving staff PAVA incapacitant spray to use on children.<sup>28</sup>

YOIs have recently been destabilised by a significant, rapid increase in population due to a temporary policy which shifted the presumed date a young person transitions from youth to adult custody from the 18<sup>th</sup> to the 19<sup>th</sup> birthday.<sup>29</sup> This policy, put in place between November 2022 and October 2024 by the Ministry of Justice in response to the capacity crisis in adult prisons, more than tripled the number of over 18s in youth custody, causing the overall population in youth custody to shoot up by 29% in just eight months.<sup>30</sup> We have recently been carrying out research into the impacts of this and are concerned that the change exacerbated existing issues around staffing, time out of cell and access to education, activities, and visits.<sup>31</sup>

The AYJ recently worked with one of our members, Kinetic Youth Ltd., to visit YOIs and engage with over 50 children and young people on their experiences. Children and young people reflected a lot on the lack of time out of cell and the impact on their wellbeing. They described their experiences in custody as making them depressed, stressed out, anxious, angry, and isolated. They were particularly frustrated that even if education and activities that they are entitled to and are keen to engage in are available, they frequently can't access them because of staff shortages, lockdowns, and Keep Aparts.

*"The lockdowns here are crazy"*

*"We basically just come out for education, that's it"*

*“They never let me out for education, the only time I left my cell was for 30 minutes of exercise”*

*“Bang up makes your mental health worse”*

*“On Res, you come out your cell once a day for like 45 minutes for exercise. That’s not rehabilitation.” - Young people in YOIs, 2024*

This lack of access to education and purposeful activity limits children’s progression and rehabilitation, and in an estate stumbling from crisis to crisis, the extent to which positive developments such as SECURE STAIRS are actually implemented and making a difference to children’s care are in question. **While the regime in a children’s YOI may be better in theory than adult prisons, they can only benefit from an improved regime if they are actually able to access it.**

Children in custody are extremely vulnerable,<sup>32</sup> and negative custodial experiences may exacerbate and compound vulnerabilities, significantly affecting long-term development and life chances.<sup>33</sup> Evidence does not suggest that custodial sentences deter crime,<sup>34</sup> and the detention of children is incompatible with evidence on what brings about desistance from offending.<sup>35</sup> It is therefore contrary to the principle aim of the youth justice system,<sup>36</sup> to prevent reoffending. **The best way to meet the needs of children and ensure desistance can be supported is therefore to ensure children are never sentenced or remanded to custody unless it is an absolute last resort and for the shortest appropriate period.** This principle is enshrined in domestic law and the UN Convention on the Rights of the Child (UNCRC),<sup>37</sup> yet current use of custodial sentencing and remand does not reflect this.<sup>38</sup>

**To meet the needs of children for whom custody is deemed necessary, all children must be held in small, welfare-based and rights-respecting establishments close to their home.** The most suitable provision currently available is SCHs. The government must recommit to closing YOIs and the last remaining STC, and set out a plan for scaling up SCH capacity, alongside evaluating the success of the first Secure School.

In the interim, to improve the care of children in the secure estate and increase chances for successful resettlement, the upcoming YCS strategy must include:<sup>39</sup>

- A commitment to be Child First and take a distinct approach to overseeing the children’s secure estate, that does not emulate the HMPPS approach for adult prisons.
- A plan for improving the culture of the secure estate workforce, ensuring staff values are aligned with Child First, skills are based around child care and youth work, and priorities are relationship building, inclusion, education, participation and empowerment. Including improving pay and conditions; improving staff supervision and care; and recruiting and sustaining a workforce that better reflects the ethnicity and background of children held in custody, and ensuring anti-racist practice. Explore how the custody workforce could learn from the example the voluntary and community sector (VCS) workforce sets in fostering positive relationships and engagement with children.
- A commitment to embedding a partnership approach within the YCS, exploring how partners including the VCS can continue supporting a child before, during and after a stay in custody.
- A plan for raising the quality of resettlement work including better enabling the involvement of YJS. A radical redevelopment of the use of Release on Temporary License (ROTL)/Mobility.

## Section 3 – resettlement services and alternatives to custody

**Work with children to support desistance should focus on long-term healthy development, facilitated through caring professional relationships.<sup>40</sup> YJS are in a far better position to be able to provide this than the failing custodial estate.** The committee should note that YJS are not facing the same pressures as adult probation and, unlike in the adult system, YJS are generally performing well.<sup>41</sup> Most YJS have well trained staff with manageable workloads, and strong partnerships enabling access to support and interventions.<sup>42</sup> Although YJS are not without their challenges, inspection findings show many positive examples of YJS that are well placed to develop relationships, build on children’s strengths, and work collaboratively to support effective resettlement and rehabilitation.<sup>43</sup>

One area that must be strengthened is work to address racial disparities in reoffending rates.<sup>44</sup> Over-policing and under-protection,<sup>45</sup> disproportionate school exclusion, and ‘overlooked and misunderstood’ needs across different systems create a disproportionately higher reoffending rate for Black children than for other children.<sup>46</sup> Our research has highlighted the critical role the VCS, particularly organisations led by and for Black and racially minoritised communities, has to play in addressing shortcomings of statutory services, providing tailored, authentic support that focusses on empowerment and fosters trust and engagement.<sup>47</sup> They must be treated as a crucial partner in working with children alongside the criminal justice system to prevent reoffending. However, culturally appropriate services are rarely commissioned; persistent barriers within the funding and commissioning system exclude smaller, specialised community organisations.<sup>48</sup> **The government, funders and commissioners must reform funding and commissioning processes to better enable Black and racially minoritised-led VCS organisations to be involved in children’s lives, to ensure specialist, culturally relevant, and strengths-based support is available.**<sup>49</sup>

Finally, offending behaviour must be understood in its context: social harms, state failure, and structural violence.<sup>50</sup> Across multiple institutions that are supposed to keep children safe, children are being inadequately safeguarded and left at risk.<sup>51</sup> It is also critical to bear in mind that criminal justice contact can act as a key moment when behaviour begins to negatively spiral: it can create and reinforce criminal identities in children.<sup>52</sup> To prevent reoffending (and entrance to the youth justice system in the first place), long-term, sustainable solutions lie outside of the criminal justice system, and tackling clear social determinants of vulnerability, crime and violence is an essential foundation.<sup>53</sup> The government must ensure responses to children at risk recognise the complex interrelationship between vulnerability, victimisation and involvement in crime. It must **focus efforts upstream on keeping children out of the system, and ensure where interactions with police and criminal justice do happen, the priority is making the child safer as a result. This must include re-balancing resources away from policing towards supporting localised multi-agency solutions and community-led services.**<sup>54</sup> Programmes such as Turnaround that focus on early intervention must be continued.<sup>55</sup>

---

<sup>1</sup> AYJ (2024) [Bridging gaps and changing tracks: Supporting racially minoritised young people in the transition to adulthood in the criminal justice system](#);

AYJ (2025) [Adultifying youth custody: Learning lessons on transition to adulthood from the use of youth custody for young adults](#)

<sup>2</sup> AYJ (2024) [Setting the youth justice agenda](#)

<sup>3</sup> AYJ (2025) [AYJ position: YCS Children and Young People Strategy](#)

- 
- <sup>4</sup> Youth Justice Board (2024) [Youth justice statistics: 2022 to 2023](#)
- <sup>5</sup> Youth Justice Board (2024) [Youth justice statistics: 2022 to 2023](#)
- <sup>6</sup> Youth Justice Board (2024) [Youth justice statistics: 2022 to 2023](#)
- <sup>7</sup> Sentencing Council (2022) [The Effectiveness of Sentencing Options on Reoffending](#); Casey, B.J. et al (2022) [Making the Sentencing Case: Psychological and Neuroscientific Evidence for Expanding the Age of Youthful Offenders](#) Annual Review of Criminology; Eme, R. (2020) [Life Course Persistent Antisocial Behavior Silver Anniversary](#) Aggression and Violent Behavior; McAra, L., McVie, S. (2022) [Causes and Impact of Offending and Criminal Justice Pathways: Follow-up of the Edinburgh Study Cohort at Age 35 - Edinburgh Study of Youth Transitions and Crime](#) University of Edinburgh
- <sup>8</sup> Justice Committee (2016) [The treatment of young adults in the criminal justice system: Seventh Report of Session 2016–17](#) House of Commons; Transition to Adulthood Alliance (2021) [Transition to Adulthood Alliance memo for Police, Crime, Sentencing and Courts Bill Committee](#)
- <sup>9</sup> McAra, L., McVie, S. (2022) [Causes and Impact of Offending and Criminal Justice Pathways: Follow-up of the Edinburgh Study Cohort at Age 35 - Edinburgh Study of Youth Transitions and Crime](#) University of Edinburgh
- <sup>10</sup> Wigzell, A., & Bateman, T. (2024) [A Question of Age? Applying Desistance With Children](#) Youth Justice
- <sup>11</sup> Case, S., Browning, A. (2021) [Child First Justice: the research evidence-base](#) Loughborough University
- <sup>12</sup> Wigzell, A., & Bateman, T. (2024) [A Question of Age? Applying Desistance With Children](#) Youth Justice
- <sup>13</sup> Case, S., Browning, A. (2021) [Child First Justice: the research evidence-base](#) Loughborough University; Sentencing Council (2017) [Sentencing Children and Young People](#)
- <sup>14</sup> Youth Justice Board (2024) [Youth justice statistics: 2022 to 2023](#); Youth Justice Board (2024) [Inside the Oasis Restore secure school](#)
- <sup>15</sup> MacAlister, J. (2022) [The independent review of children's social care – Final report](#); HMPPS (2023) [Placing young people in custody: guide for youth justice practitioners](#)
- <sup>16</sup> Youth Justice Board (2024) [Inside the Oasis Restore secure school](#)
- <sup>17</sup> HMI Prisons (2021) [Outcomes for young adults in custody: A thematic review](#)
- <sup>18</sup> Children's Homes (England) Regulations 2015; Secure Training Centre Rules 1998; Young Offender Institution Rules 2000.
- <sup>19</sup> Criminal Justice Joint Inspection (2012) [Transitions: An inspection of the transitions arrangements from youth to adult services in the criminal justice system](#); Alliance for Youth Justice (2023) [Young people in transition in the criminal justice system: Evidence Review](#)
- <sup>20</sup> Anna Freud (2022) [Independent evaluation of the Framework for Integrated Care \(SECURE STAIRS\)](#)
- <sup>21</sup> "Keep Apart" arrangements refer to children being separated from certain other children during activities like education, in order to avoid a risk of conflict.
- <sup>22</sup> HMI Prisons (2024) [Annual Report, 2023-24, HM Chief Inspector of Prisons for England and Wales](#)
- <sup>23</sup> HMI Prisons (2024) [Annual Report, 2023-24, HM Chief Inspector of Prisons for England and Wales](#); Jones, A. (2024) [Children's custody: a decade of missed opportunities and decline](#) HMI Prisons; HMI Prisons (2024) [Children in custody 2023-24](#); Ofsted and HMI Prisons (2024) [A decade of declining quality of education in young offender institutions: the systemic shortcomings that fail children](#)
- <sup>24</sup> HMI Prisons (2024) [Separation of children in young offender institutions – review of progress](#)
- <sup>25</sup> Ministry of Justice, HMPPS and YCS (2024) [Young offender's institution to be repurposed](#); HMI Prisons (2024) [Annual Report, 2023-24, HM Chief Inspector of Prisons for England and Wales](#)
- <sup>26</sup> HMI Prisons (2023) [Report on an unannounced inspection of HMYOI Werrington by HM Chief Inspector of Prisons](#); Alliance for Youth Justice (2023) [Open letter to Minister of State Damian Hinds on need for urgent action to prevent crises in the children's secure estate](#)
- <sup>27</sup> HMI Prisons (2024) [Report on an unannounced inspection of HMYOI Wetherby by HM Chief Inspector of Prisons](#)
- <sup>28</sup> HMI Prisons (2024) [Violence and self-harm continue to rise as youth custody continues to struggle to recover from the pandemic](#); Letter from Minister Nic Dakin MP to the Alliance for Youth Justice on 25th September 2024
- <sup>29</sup> AYJ (2025) [Adultifying youth custody: Learning lessons on transition to adulthood from the use of youth custody for young adults](#)
- <sup>30</sup> AYJ (2025) [Adultifying youth custody: Learning lessons on transition to adulthood from the use of youth custody for young adults](#)
- <sup>31</sup> AYJ (2025) [Adultifying youth custody: Learning lessons on transition to adulthood from the use of youth custody for young adults](#)
- <sup>32</sup> NHS (2018) [Census of young people in secure settings on 14 September 2016: characteristics, needs and pathways of care](#); Ministry of Justice and Youth Justice Board (2021) [Experimental Statistics: Assessing the needs of sentenced children in the Youth Justice System 2019 to 2020](#); Beyond Youth Custody (2014) [Young offenders and trauma: Experiences and impact – A practitioner's guide](#)
- <sup>33</sup> See for example: Sentencing Council (2017) [Sentencing Children and Young People](#); Dorsett, R. et al. (2022) [Youth custody: Educational influences and labour market consequences](#); AYJ (2020) [Ensuring custody is the last resort for children in England and Wales](#)
- <sup>34</sup> Sentencing Council (2022) [The Effectiveness of Sentencing Options on Reoffending](#)
- <sup>35</sup> Case, S., Browning, A. (2021) [Child First Justice: the research evidence-base](#) Loughborough University; HMI Probation (2025) [Desistance – general practice principles](#)
- <sup>36</sup> Crime and Disorder Act 1998 s.37
- <sup>37</sup> Criminal Justice Act 2003 s.152(2) and s.153
- <sup>38</sup> HMI Prisons, HMI Probation, Ofsted (2023) [A joint thematic inspection of work with children subject to remand in youth detention](#); AYJ (2020) [Ensuring custody is the last resort for children in England and Wales](#); UN Committee on the Rights of the Child (2023) [Concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland : Committee on the Rights of the Child](#)
- <sup>39</sup> AYJ (2025) [AYJ position: YCS Children and Young People Strategy](#)
- <sup>40</sup> Wigzell, A., & Bateman, T. (2024) [A Question of Age? Applying Desistance With Children](#) Youth Justice
- <sup>41</sup> HMI Probation (2024) [2023 Annual report: inspections of youth justice services](#)
- <sup>42</sup> HMI Probation (2024) [2023 Annual report: inspections of youth justice services](#)
- <sup>43</sup> HMI Probation (2024) [2023 Annual report: inspections of youth justice services](#)
- <sup>44</sup> Traverse (2023) [Understanding ethnic disparity in reoffending rates in the youth justice system](#) Youth Justice Board
- <sup>45</sup> Yarrow, S. (2005) [The experiences of young Black men as victims of crime](#) Criminal Justice System Race Unit and Victims and Confidence Unit
- <sup>46</sup> Traverse (2023) [Understanding ethnic disparity in reoffending rates in the youth justice system](#) Youth Justice Board
- <sup>47</sup> AYJ (2024) [Bridging gaps and changing tracks: Supporting racially minoritised young people in the transition to adulthood in the criminal justice system](#)
- <sup>48</sup> AYJ (2024) [Bridging gaps and changing tracks: Supporting racially minoritised young people in the transition to adulthood in the criminal justice system](#)
- <sup>49</sup> AYJ (2024) [Bridging gaps and changing tracks: Supporting racially minoritised young people in the transition to adulthood in the criminal justice system](#)
- <sup>50</sup> Billingham, L., & Irwin-Rogers, K. (2022) [Against Youth Violence: A Social Harm Perspective](#)
- <sup>51</sup> See for example: Commission on Young Lives (2022) [Hidden in Plain Sight A national plan of action to support vulnerable teenagers to succeed and to protect them from adversity, exploitation, and harm](#); AYJ (2022) [A perfect storm for children at risk? Preventing a post-pandemic surge in the criminalisation of children](#); Independent review of children's social care (2022) [Final report](#)
- <sup>52</sup> Wigzell, A. (2021) [Explaining desistance: looking forward, not backwards](#); Centre for Justice Innovation (2019) [Youth diversion evidence and practice briefing: minimising labelling](#); Case, S., Browning, A. (2021) [Child First Justice: the research evidence-base](#) Loughborough University
- <sup>53</sup> Case, S., Browning, A. (2021) [Child First Justice: the research evidence-base](#) Loughborough University; The Commonwealth (2020) [Preventing Violence, Promoting Peace A Policy Toolkit for Preventing Interpersonal, Collective and Extremist Violence](#)
- <sup>54</sup> AYJ (2024) [Setting the youth justice agenda](#)
- <sup>55</sup> Ministry of Justice (2024) [Turnaround Programme: Management Information](#)