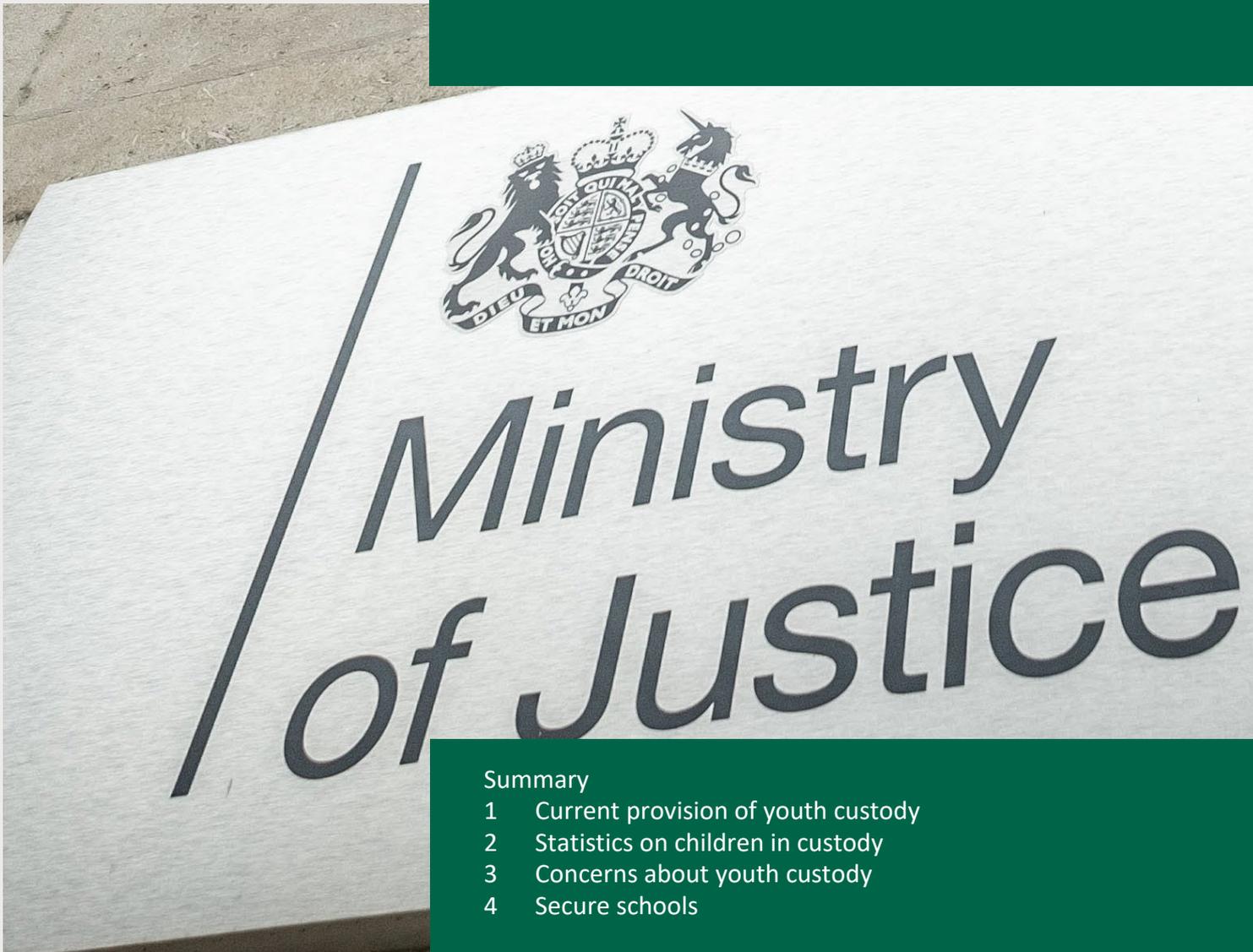


Research Briefing

By Jacqueline Beard

26 April 2022

Youth custody



Summary

- 1 Current provision of youth custody
- 2 Statistics on children in custody
- 3 Concerns about youth custody
- 4 Secure schools

Contributing Authors

Georgina Sturge, Statistics, Social and General Statistics Section

Image Credits

Attribution: Ministry of Justice signage by William. Adobe Stock #474175431 / image cropped.

Disclaimer

The Commons Library does not intend the information in our research publications and briefings to address the specific circumstances of any particular individual. We have published it to support the work of MPs. You should not rely upon it as legal or professional advice, or as a substitute for it. We do not accept any liability whatsoever for any errors, omissions or misstatements contained herein. You should consult a suitably qualified professional if you require specific advice or information. Read our briefing [‘Legal help: where to go and how to pay’](#) for further information about sources of legal advice and help. This information is provided subject to the conditions of the Open Parliament Licence.

Feedback

Every effort is made to ensure that the information contained in these publicly available briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Please note that authors are not always able to engage in discussions with members of the public who express opinions about the content of our research, although we will carefully consider and correct any factual errors.

You can read our feedback and complaints policy and our editorial policy at commonslibrary.parliament.uk. If you have general questions about the work of the House of Commons email hcenquiries@parliament.uk.

Contents

1	Current provision of youth custody	7
1.1	Young Offender Institutions	7
1.2	Secure Training Centres	9
	The future of STCs	13
1.3	Secure Children’s Homes	13
2	Statistics on children in custody	14
2.1	Child custody population	14
	Type of custody	15
	Offences and time spent in custody	15
	Age	16
	Sex	16
	Ethnicity	17
2.2	Reoffending rates	19
2.3	Safety in custody	19
3	Concerns about youth custody	21
3.1	Safety	21
	The Youth Custody Improvement Board	21
	HM Inspectorate of Prisons	21
	Justice Committee	22
	The Independent Inquiry into Child Sexual Abuse	23
3.2	Restraint and use of force	23
	Minimising and Managing Physical Restraint	24
	Medway STC	25
	Pain-inducing techniques	25

3.3	Segregation and solitary confinement	27
	Children Commissioner’s report	27
	Joint Committee on Human Rights report	29
	HM Inspectorate of Prisons report	30
	Government response	31
3.4	Time out of cell, education and purposeful activity	32
3.5	Disproportionality and ethnic disparity	33
3.6	Distance from home	34
3.7	Should children be in custody at all?	35
3.8	Remanding children to custody	37
3.9	Provision for girls	38
4	Secure schools	40
4.1	The Taylor Review	40
	Findings	40
	Proposals	41
	Government response	41
4.2	Development of secure schools	42
	Commentary on secure schools	43

Summary

In England and Wales children (those aged under 18) remanded to custody or sentenced to custody are placed in one of three types of institution:

- a Young Offenders Institution (YOI)
- a Secure Training Centre (STC)
- a Secure Children's Home (SCH)

How many children are in custody?

The number of children in custody has fallen considerably over the past decade and longer. [According to the Ministry of Justice](#), in 2020/21, there were 560 under 18-year-olds in youth custody on average at the end of each month, compared with double that number in 2014/15 (1,037) and more than five times that number in 2008/09 (2,881).

The decline has not been spread evenly across all demographic groups, with the number of children and young people in custody who are White having reduced by 86% while the number who are from ethnic minority groups (which includes Black, Asian, Mixed and other minority ethnicities) fell by only 60%. As a result, these children and young people now make up 53% of the youth custody population. The number of girls in custody has also fallen slightly less than boys.

Where are children held?

In 2020/21, 73% of those in youth custody [were placed in a YOI](#), 17% in an STC and 10% in a SCH. Two in five children and young people in custody were being held on remand, on average at the end of any given month in 2020/21. The remainder had been sentenced to custody.

HM Inspectorate of Prisons has issued [urgent notifications](#) for one YOI and two STCs. Urgent notifications are issued where the inspectorate has identified significant concerns about the treatment and conditions of those detained.

Concerns over safety, segregation and more

Concerns have been raised by HM Inspectorate of Prisons, the Justice Committee, the Joint Committee on Human Rights, the Children's Commissioner, and organisations such as the Howard League for Penal Reform about the current provision of youth custody. These include:

- a lack of safety
- the use of restraint and force including the use of pain inducing techniques
- the segregation of children away from others
- a lack of purposeful activity and time out of cells
- the disproportionate number of children from Black, Asian and Minority Ethnic backgrounds in custody
- the distance away from the child's home
- the use of remand
- provision for girls

Plans for secure schools

The Government initiated [a review of youth justice in 2016](#). It was conducted by Charlie Taylor, a government advisor at the time, and included proposals for the reform of youth custody by introducing 'secure schools'. These would be smaller custodial establishments of up to 60-70 places, set up within schools legislation, and governed and inspected as schools.

The Government accepted this proposal and began developing the first secure school on the site of the former Medway STC in 2018. Interested groups have raised [concerns about the model of secure schools](#) and about the use of the Medway site. The opening of Medway has been subject to delay.

1 Current provision of youth custody

When a child (someone who is aged under 18)¹ is remanded or sentenced to custody, the Youth Custody Service within Her Majesty's Prison and Probation Service (HMPPS), decides where they should be placed.² This will be either at a secure training centre (STC), a secure children's home (SCH) or, for boys aged 15-18, at a young offender institution (YOI).³

A response to a parliamentary question in July 2021 gave the average cost per place per year for a child in youth custody as:

- £271,000 at a Secure Children's Home
- £201,000 at a Secure Training Centre
- £119,000 at a Young Offender Institution.⁴

1.1 Young Offender Institutions

YOIs have a lower staff to children ratio than STCs and SCHs and are generally larger.⁵ YOIs were established by the Criminal Justice Act 1998. They are run according to the Young Offender Institution Rules 2000 (a statutory instrument), and by the relevant Prison Service Instructions, in particular, PSI 08/2012 [Care and Management of Young People](#).⁶

There are five YOIs in England & Wales for boys aged under 18:

- Cookham Wood, Kent
- Feltham, Middlesex
- Parc, Mid Glamorgan
- Werrington, Stoke-on-Trent
- Wetherby, West Yorkshire

¹ In this briefing the term child or children refers to those under the age of 18

² The Youth Custody Service was created in April 2017, as a distinct service for youth custody within HMPPS. See: HMPPS, [Guidance: Youth Custody Service Partnership Bulletin - March 2018](#), 29 March 2018

³ HMPPS, [Guidance Placing young people in custody: guide for youth justice practitioners](#)

⁴ [PQ 33308 \[Youth Custody: Costs\], 19 July 2021.](#)

⁵ Ministry of Justice, [The government response to Charlie Taylor's Review of the Youth Justice System](#), Cm 9382, December 2016

⁶ As amended by [Building Bridges: A Positive Behaviour Framework for the Children and Young People Secure Estate](#), April 2019

Three of these, Cookham Wood, Werrington and Wetherby are dedicated for boys under 18. The other two, Feltham and Parc are split sites where boys are held on dedicated wings or units and should be kept separate from adults and young adults.

Keppel Unit is a 48-bed specialist unit within Wetherby. It is a national resource for very vulnerable boys and those who find it hard to engage in the larger YOIs.⁷

Girls have recently been placed in Keppel unit and the enhanced support unit at Wetherby, after they were moved from Rainsbrook STC in 2021 (see section 3.9 below).⁸

YOI Parc is run by the private security company G4S, the others are all run by HMPPS. The four public sector YOIs are similar to adult prisons in design. YOI Parc is a 60-place unit on the same site as the adult prison.

Who inspects Young Offender Institutions?

YOIs are inspected by HM Inspectorate of Prisons (HMIP), jointly with Ofsted (Estyn in Wales) and the Care Quality Commission (or the Healthcare Inspectorate Wales in Wales).

HMIP leads inspections of YOIs and has published [Expectations: Criteria for assessing the treatment of children and conditions in prisons](#). These set out HMIP's criteria for assessing the treatment of children and conditions in prisons they are held in.

HMIP can issue an urgent notification (UN) following an inspection of a prison, young offender institution or secure training centre, where it has identified significant concerns about the treatment and conditions of those detained. The Secretary of State is required to respond within 28 days of a UN. For details of the UN process see: HM Inspectorate of Prisons, [Urgent Notifications](#).

In July 2019, the Chief Inspector of Prisons issued an [Urgent notification for Feltham A](#). This was the first urgent notification issued for an establishment dedicated to detaining children. The inspection had identified a dramatic decline across many aspects of the YOI's performance, and significant concerns about the treatment and conditions of children being held in the establishment. This included reports of victimisation of children by their peers and staff, a rise in violent incidents, assaults on staff, and an increase in self-harm.

⁷ HM Inspectorate of Prisons, [Children in Custody 2019–20: An analysis of 12–18-year-olds' perceptions of their experiences in secure training centres and young offender institutions](#)

⁸ [PQ 71303 \[Young Offender Institutions: Females\], 16 November 2021](#)

HM Inspectorate of Prisons, [Report on an unannounced inspection of HMYOI Wetherby and the Keppel unit by HM Chief Inspector of Prisons](#), 6 and 13–17 December 2021

In response, the Government temporarily stopped new placements of young people into Feltham A and provided additional resources and support for staff.⁹ In September 2019, new placements were restarted but numbers were capped.¹⁰

A [full inspection report \(PDF\)](#) was published in October 2019.¹¹ The then Chief Inspector said:

I hope that at long last there will be a recognition that Feltham, if it is to remain as an institution holding children in custody, must change in a more radical way than at any time in its troubled history. Short-term improvements followed by dramatic and dangerous declines should no longer be tolerated.¹²

The most recent [inspection of Feltham A](#), published in March 2021, found that “progress had been made and, remarkably in the middle of a pandemic, outcomes in some areas had improved”. The current Chief Inspector, Charlie Taylor, said:

While the improvement made at Feltham A is commendable, some of this reflects how bad things had been at the time of the Urgent Notification. Headway has been made with a far smaller population than usual and the challenge for local and national leaders is to consolidate and build on this progress as the population increases.¹³

1.2

Secure Training Centres

STCs are smaller, purpose-built establishments designed to accommodate between 60–80 boys and girls aged 12–17. STCs have a higher staff-to-children ratio compared to YOIs and are used to accommodate more vulnerable young people.¹⁴

STCs were created by the Criminal Justice and Public Order Act 1994. They are run according to rules set out in a statutory instrument, the Secure Training Centre Rules 1998.

STCs are inspected by HM Inspectorate of Prisons (HMIP), jointly with Ofsted (Estyn in Wales) and the Care Quality Commission (or the Healthcare

⁹ [HC Deb 24 July 2019 c1331](#)

¹⁰ Justice Committee, [Letter from Wendy Morton to Robert Neil, Update: Placements at Feltham A YOI](#), 26 September 2019

¹¹ HMIP, [Report on an announced inspection of HMYOI Feltham A Children’s Unit, 4–19 July 2019](#), 30 October 2019

¹² HMIP, press release, [HMYOI Feltham - appalling decline at Feltham A Children's Unit shows need for radical change; Feltham B shows encouraging improvement](#), 30 October 2019

¹³ HMIP, [HMYOI Feltham A – commendable progress must be sustained with larger population](#), 23 March 2021

¹⁴ Ministry of Justice, [The government response to Charlie Taylor’s Review of the Youth Justice System](#), Cm 9382, December 2016,

Inspectorate Wales in Wales). Ofsted leads inspections of STCs. Ofsted has published a [Joint inspection framework: secure training centres](#).

There used to be three STCs, Medway, Rainsbrook and Oakhill. Only Oakhill remains in use.

Medway

In October 2018, the Government announced that Medway STC in Rochester would be closed and reopened as a secure school.¹⁵ Medway STC was previously run by G4S but was returned to the public sector in 2016.¹⁶ Medway STC stopped accommodating children in January 2020 and closed at the end of March 2020.

Rainsbrook

In December 2020, HMIP together with Ofsted and the Care Quality Commission, invoked the urgent notification process for Rainsbrook STC, near Rugby.¹⁷ HMIP said concerns it had raised at earlier inspections had not been addressed and that leaders at Rainsbrook were failing the children in their care. Some of the issues leading to the urgent notification were:

- Due to Covid-19 guidelines, children – some as young as 15 – were being locked into their bedrooms for 14 days, and only allowed out for 30 minutes a day.
- A ‘spartan regime’ where children were given little encouragement to get up in the mornings or have any meaningful engagement with staff. Senior management said they were unaware of the regime being implemented.¹⁸

A press release from the inspectorates noted that since 2015, every inspection of Rainsbrook had judged that the centre required improvement to be good. The effectiveness of leaders and managers had been judged inadequate twice.¹⁹

Following the urgent notification, the Youth Custody Service (YCS) temporarily paused new placements of boys into Rainsbrook. In June 2021, the Government announced that all children would be removed from Rainsbrook due to serious ongoing concerns about safety and performance.²⁰

¹⁵ [Secure Schools: Written Statement – HCWS1052](#), 31 October 2018

¹⁶ See section 3.2 below

¹⁷ HMIP, [Rainsbrook Secure Training Centre Urgent Notification](#), 18 December 2020

¹⁸ Gov.uk, press release, [Inspectorates - urgent action needed at Rainsbrook](#), 18 December 2020

¹⁹ Gov.uk, press release, [Inspectorates - urgent action needed at Rainsbrook](#), 18 December 2020

²⁰ Gov.uk, Press release, [Lord chancellor takes immediate action to move children from Rainsbrook](#), 16 June 2021.

In December 2021, the Ministry of Justice announced that it had agreed with MTC (a private prisons operator) to end MTC's contact at Rainsbrook. The Ministry of Justice said it was considering options for the future use of the building, including repurposing the site for another use.²¹

The Justice Committee published a report on Rainsbrook STC in March 2021. It commented on the role of the relationship between the Ministry of Justice and MTC in the failures at Rainsbrook:

The litany of inaction and what one inspector called “utter incompetence” at Rainsbrook year after year provides a cautionary tale of how badly an arms-length relationship between the Ministry of Justice as a client and MTC as the company hired to deliver on contract can fail to deliver basic standards of care to vulnerable children.²²

The Committee noted that early in 2020, the Ministry of Justice granted the maximum possible two-year extension to the contract for MTC to run Rainsbrook, taking the end date to May 2023. The Committee said:

Given that concerns already existed by then about MTC's performance and sanctions were already in place, this decision looks misjudged. Given what has happened since, it looks like a serious error of judgment.

The Justice Committee published a further report on Rainsbrook in June 2021.²³ It welcomed the decision to remove all children from Rainsbrook. The report repeated questions the committee said were unanswered about what went wrong at Rainsbrook, focussing particularly on the extension to the contract. The Government responded to this report on 19 July 2021.²⁴

Oakhill

The one STC remaining in use is Oakhill in Milton Keynes, operated by G4S. Oakhill was subject to an urgent notification in October 2021. A monitoring visit had been commissioned by the Justice Secretary due to emerging concerns about the STC. Inspectors reported widespread failings at Oakhill STC that were “having a significant impact on the care and well-being of children”.²⁵ HMPPS had previously stopped placing children in Oakhill STC due to concerns raised following a May 2021 inspection. HMPPS had told the Justice Committee in July 2021 that placements at Oakhill had resumed, and that appropriate monitoring was in place by the Youth Custody Service.²⁶

²¹ Ministry of Justice, Press release, [Prisons Minister announces end to Rainsbrook contract](#), 2 December 2021

²² Justice Committee, [Rainsbrook Secure Training Centre](#), HC 1266, 29 March 2021

²³ Justice Committee, [Rainsbrook Secure Training Centre](#), HC 247, 24 June 2021

²⁴ Justice Committee, [Rainsbrook Secure Training Centre: Government Response to the Committee's Second Report of 2021–22](#), HC565, 19 July 2021

²⁵ Ofsted, HMIP, CQC, [Oakhill secure training centre](#), 11 October 2021

²⁶ Justice Committee, [Oral evidence: The Future of Secure Training Centres and Secure Schools](#), HC 516, 13 July 2021

A full inspection was carried out in October 2021 and the Chief Inspectors then issued the urgent notification. Key findings of the full inspection included:

- Children living in a dilapidated environment, experiencing frequent incidents of violence and use of force and are often cared for by inexperienced staff.
- Levels of use of force were very high. There were incidents where the use of force on children was not justified and contrary to legislation. Staff were not sufficiently skilled in the use of physical restraint techniques to ensure that children are always safeguarded. Governance and quality assurance of the use of force and the physical restraint of children was ineffective. Poor practice was not identified and addressed quickly enough, leading to delays in taking action.
- Systems for safeguarding children were in disarray. Senior leaders failed to ensure safeguarding concerns and allegations were referred to statutory agencies as required. There was a considerable backlog of safeguarding concerns awaiting action. Children therefore remained at risk of serious harm.
- Staffing of the centre was “fragile”. The centre’s records dated September 2021 showed the annual rate of staff leaving was 27%, resulting in “unstable, transient relationships with children”. This was deemed a primary factor in children’s experiences of poor care and control.
- Frontline staff were poorly managed and supported. Many had not received any purposeful training and development beyond their mandatory programmes.²⁷

The joint inspectorates noted that since 2017, Oakhill has not been judged higher than ‘requires improvement to be good’ for the ‘overall experiences and progress of children’.²⁸

In November 2021, Jo Farrar, Chief Executive Officer of HMPPS, told the Justice Committee an operational cap of 40 children was being kept in place, though this would be kept under review as there was capacity for 80 children.²⁹ In March 2022 she told the committee that the latest Ofsted inspection had showed improvements at Oakhill so HMPPS was looking to place more children there.³⁰

²⁷ Ofsted, [Urgent Notification: Oakhill Secure Training Centre](#), 14 October 2021

²⁸ Ofsted, [Urgent Notification: Oakhill Secure Training Centre](#), 14 October 2021, p2

²⁹ Justice Committee, [Oral evidence: Urgent Notifications: Rainsbrook and Oakhill STCs](#), HC 841, 24 November 2021

³⁰ Justice Committee, [Oral evidence: The work of the Ministry of Justice](#), HC 869, 1 March 2022, Q135

The future of STCs

The Justice Committee held a one-off evidence session in November 2021 to inquire into the urgent notifications at Rainsbrook and Oakhill.³¹ The Chair, Bob Neill, asked the Minister, Victoria Atkins, whether STCs were viable anymore. The Minister said that for the time being, the STC model would remain alongside YOIs and SCHs, but that it must be much improved.

1.3

Secure Children's Homes

SCHs have a higher ratio of staff to children and are small facilities of between seven to 38 beds. They are designed to accommodate boys and girls aged 10–17 who are assessed as being particularly vulnerable.

As well as children held on justice grounds (either after conviction or on remand) SCHs accommodate children detained on welfare grounds for their protection or the protection of others.

There are currently eight SCHs in England and Wales that detain children on justice grounds.³² They are operated by local authorities.

SCHs are characterised by a child care rather than a custodial ethos.³³ The Department for Education, rather than the Ministry of Justice, has responsibility for SCHs.

SCHs were created by the Children Act 1989 and operate under Part 2 of the Care Standards Act 2000 and applicable regulations.

Ofsted regulates and inspects children's social care services, including SCHs. Ofsted has published a [Social care common inspection framework \(SCCIF\): children's homes, including secure children's homes](#).

³¹ Justice Committee, [Oral evidence: Urgent Notifications: Rainsbrook and Oakhill STCs](#), HC 841, 24 November 2021

³² [PQ 57260 \[Secure Accommodation: Young Offenders\], 20 October 2021](#)

³³ National Association for Youth Justice, [The state of youth custody](#), October 2016

2

Statistics on children in custody

Statistics on children in custody in England and Wales are published by the Ministry of Justice (MoJ) in its [Youth Justice Statistics](#) series. There is an annual bulletin (latest 2020/21 at the time of writing) which provides an overall summary of young people in the justice system, including a chapter on youth custody. There is also a monthly statistical report specifically on youth custody.³⁴

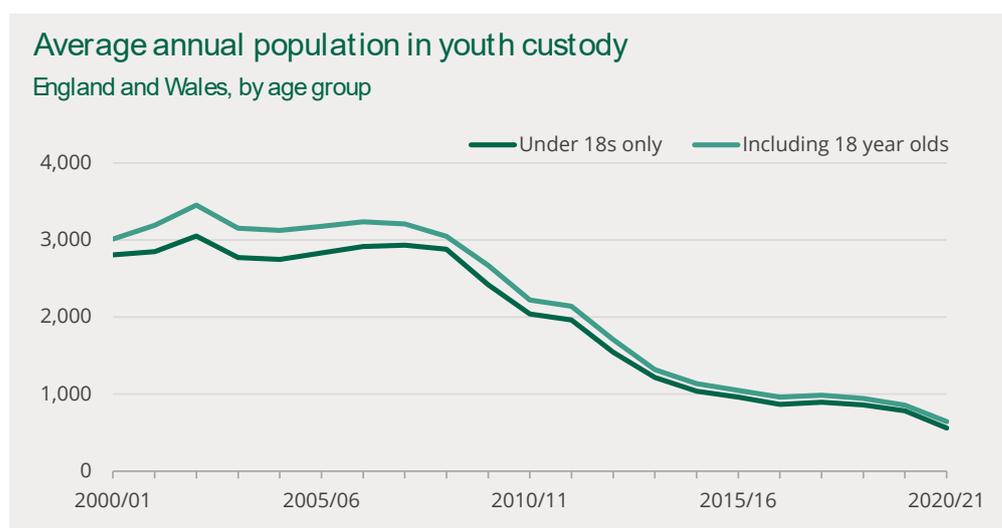
2.1

Child custody population

The MoJ takes a ‘snapshot’ of the population in custody at the end of each month and combines these to produce an average for the year.

In 2020/21, there were **560 under-18-year-olds** in youth custody on average at the end of any given month. This figure was less than one third of what it had been in 2000/01 (2,807). The decline in the youth custody population mainly occurred between 2008/09 and 2014/15, although it went into decline again in 2019/20, likely due to the Covid-19 pandemic.³⁵

The chart below shows the youth custody population over time, with an additional line to show the population including 18-year-olds.



Source: MoJ, [Youth custody report: January 2022](#), table 2.3.

³⁴ Ministry of Justice, [Youth custody data](#)

³⁵ Ministry of Justice, [Youth custody report: January 2022](#), table 2.3

As these figures are snapshots they don't reflect the total number of young people who spent any time in custody. There are separate figures on the number of individual children who were in custody each year. These show that:

- In 2020/21, **1,229 individual children** spent time in custody.³⁶
- This was the lowest annual number on record since the MoJ started publishing this data in 2015.

Type of custody

In 2020/21, on average 73% of the youth custody population was housed in Young Offender Institutions, 17% in Secure Training Centres, and 10% in Secure Children's Homes.³⁷

In 2020/21, 40% of the youth custody population was being held on remand. The remainder had been sentenced to custody under detention and training orders (DTO) or for serious offences (under Section 250 of the Sentencing Act 2020).³⁸ The proportion on remand was higher than in previous years (in 2019 it was just 28%).³⁹ This is because the number of children and young people in custody under DTO or Section 250 has been falling over time, while the number on remand has stayed more-or-less the same.

Offences and time spent in custody

In 2020/21, on average 61% of sentenced offenders in youth custody had committed 'violence against the person' offences.⁴⁰ This was followed by 11% for robbery, 8% for breach of a statutory order, and 6% for domestic burglary.

The proportion in custody for violence against the person has doubled since 2015, largely because the proportion of those in custody for robbery and domestic burglary has fallen. While in 2014/15, four in ten (43%) children and young people serving custodial sentences had committed robbery and burglary, this had reduced to around one in six (17%) in 2020/21.⁴¹

³⁶ This figure captures the number of children who ended an episode in custody during the year, so it is likely to be lower than the total number who were in custody in that year. Source: MoJ, [Youth justice statistics 2020/21, supplementary table 7.22](#)

³⁷ MoJ, [Youth justice statistics: 2020 to 2021](#), table 7.3.

³⁸ If a child is convicted of a certain "serious" offence other than murder for which an adult could receive at least 14 years in custody, they may be sentenced under Section 250 of the Sentencing Act 2020. Prior to the sentencing consolidation, this provision was previously located in section 91 of the Powers of the Criminal Courts (Sentencing) Act 2000. The length of the sentence can be anywhere up to the adult maximum for the same offence, which for certain offences may be life.

³⁹ Ibid.

⁴⁰ MoJ, [Youth justice statistics: 2020 to 2021](#), Table 7.6

⁴¹ Ibid.

The length of time spent in custody is now recorded by legal basis episode rather than the length of time a child spends in custody in total. This is not necessarily the same as the total time a child spends in custody because they could be held on different bases consecutively (for example, on remand and then, after sentencing, on a Detention and Training Order).

Data under this new methodology is only available from March 2018/19 onwards and is not comparable with previous publications on length of time spent in youth custody by custodial episode.⁴²

The length of each custodial episode is measured in nights.

In 2020/21:

- Half (50%) of legal basis custodial episodes were for one to 91 nights, or around three months or less.
- A small fraction (5%) of episodes lasted more than 18 months.
- The average (median) length of an episode was 91 nights or around three months.
- This average was slightly higher than in 2018/19, the earliest year for which we have comparable data, when it was 88 nights.⁴³

Age

In 2020/21, 3% of those in youth custody on an average day were aged 14 or younger (the total here excludes 18-year-olds still in youth custody).⁴⁴ Eleven percent were aged 15, 25% aged 16, and 61% aged 17.

Eighteen-year-olds can remain in the youth estate for a short period before transitioning to the adult estate. There were 67 18-year-olds in the youth secure estate on average at the end of each month in 2020/21.⁴⁵

Sex

In 2020/21, there were 18 girls out of 560 children and young people in detention, on average at the end of each month.⁴⁶

⁴² The previous series last appeared in the [2019/20 edition of Youth Justice Statistics](#).

⁴³ Ibid., table 7.25a

⁴⁴ This is the end-of-month average across the year. Source: MoJ, [Youth justice statistics: 2020 to 2021, Supplementary table 7.10](#)

⁴⁵ Ministry of Justice, [Youth custody report: January 2022](#), table 2.3

⁴⁶ MoJ [Youth justice statistics: 2020 to 2021, Supplementary table 7.10](#)

Ethnicity

In 2020/21, 53% of children and young people in custody were from ethnic minority groups and 47% were White.⁴⁷ In 2019/20, White children made up less than half of the youth custody population for the first time since the data series began.

This change has come about because the number of White children in custody has fallen more sharply than the number of Black, Asian, Mixed ethnicity and Other ethnic minority group children in custody. While the youth custody population has been declining in general for over 10 years, the number of White children in youth custody fell by 80% between 2010/11 and 2020/21 while the number of Black children fell by only 54%, and the number of Mixed ethnicity children fell by 37%.⁴⁸

The table on the following page summarises the characteristics of the youth custody population in 2020/21.

⁴⁷ Ibid, table 7.11.

⁴⁸ Ibid.

Average monthly youth custody population breakdown (under 18s only)

Year ending March 2021

	Population	%	
Sector			
Young Offender Institutions	409	73%	
Secure Training Centres	94	17%	
Secure Children's Homes	58	10%	
Legal basis for detention			
Remand	224	40%	
DTO	158	28%	
Section 91	133	24%	
Other sentences	44	8%	
Primary offence group			
Violence against the person	344	61%	
Robbery	59	11%	
Other offences(2)	48	8%	
Breach of statutory order	42	8%	
Domestic burglary	35	6%	
Sexual offences	18	3%	
Drugs	15	3%	
Age			
10-14	14	3%	
15	61	11%	
16	141	25%	
17	344	61%	
Gender			
Female	18	3%	
Male	542	97%	
Ethnicity			
Ethnic minority groups	292	52%	
Asian and Other	54	10%	
Black	161	29%	
Mixed	77	14%	
White	262	47%	
Unknown	6	1%	
Total	560	100%	

Source: MoJ, [Youth Justice statistics: 2020/21, supplementary tables](#), 7.3, 7.5, 7.6, 7.10, and 7.11

Notes: DTO = Detention and Training Order. Section 91: If a child is convicted of a certain “serious” offence other than murder for which an adult could receive at least 14 years in custody, they may be sentenced under Section 91 of the Powers of the Criminal Courts (Sentencing) Act 2000. The length of the sentence can be anywhere up to the adult maximum for the same offence, which for certain offences may be life.

2.2 Reoffending rates

The latest reoffending statistics from the MoJ show that:

- Just under two-thirds (64%) of children and young people released from custody reoffend within 12 months of release. They commit an average of four new offences per reoffender.⁴⁹
- Those who spent 6-12 months in custody are the most likely to reoffend (77%).
- The rate of reoffending among all young offenders (including those not sentenced to custody) was 34%. This rate has been declining each year since 2015/16, when the current data series started (when juvenile reoffending was at 42%).⁵⁰
- The rate for adult offenders who had been in custody was 42% and the rate among all adult offenders was 25%.⁵¹

In 2015/16 the method for calculating reoffending changed, so we cannot compare these figures with those from earlier time periods.

Proven reoffending means being cautioned for or convicted of a criminal offence within 12 months of having been released from custody or having been given a non-custodial sentence or caution.⁵²

2.3 Safety in custody

Self-harm

Across the whole youth custody estate, which includes children aged between 10 and 18, there were 121 incidents of self-harm per month, on average, in 2020/21.⁵³

Around 7% of children and young people in the youth estate were involved in a self-harm incident in 2020/21. The rate was much higher among girls, at 39% (compared with 6% for boys).⁵⁴

⁴⁹ MoJ, [Proven reoffending tables \(annual average\), January to March 2020](#), table C2b

⁵⁰ Ibid. table A1

⁵¹ Ibid., tables A1 and C2a

⁵² It also includes convictions within 18 months of the index offence, to allow time for cases to progress through the courts.

⁵³ MoJ [Youth justice statistics: 2020 to 2021](#), table 8.9

⁵⁴ Ibid., Table 8.10

Despite a fall in the youth custody population between 2014/15 and 2020/21, the number of self-harm incidents per month rose during this period. This was largely accounted for by a rise (+98%) in the number of self-harm incidents by children and young people from Black, Asian and Minority Ethnic groups.⁵⁵

Despite this rise, White children in custody are more likely to be involved in self-harm incidents (9% of White children compared with 4% of children from Black, Asian and Minority Ethnic backgrounds).⁵⁶

Assault

Figures on assaults in the youth secure estate show that, in 2020/21:

- There were, on average, 174 incidents involving assault incidents per month recorded in the youth custody estate, equivalent to around 27 per 100 children. Around 27% of children involved were recorded as being involved as assailants or fighters.⁵⁷
- The number of assault incidents per 100 children was highest in Secure Training Centres (60 per month) and lowest in Young Offender Institutions (19 per month).⁵⁸
- The proportion of those involved in assault was higher for girls and young women (38% of those in the youth custody estate, on average) than for boys and young men (25%). There were more assault incidents recorded per 100 female prisoners (104) monthly than per 100 male prisoners (36).⁵⁹

⁵⁵ Ibid., Table 8.2

⁵⁶ Ibid., Table 8.10

⁵⁷ Ibid., Table 8.14.

⁵⁸ Ibid.

⁵⁹ Ibid., table 8.15

3 Concerns about youth custody

3.1 Safety

The Youth Custody Improvement Board

The Youth Custody Improvement Board (YCIB) was established by the Ministry of Justice in 2016 to explore the state of youth custody and recommend improvements, focusing particularly on any risks to safety and wellbeing.

The YCIB's remit covered all under-18 YOIs and STCs in England and Wales, but not SCHs. The YCIB reported in February 2017, concluding [the safety of young people continued to be a key risk in youth custody](#) (PDF) and that every effort must be made to ensure effective action was being taken to deal with it.

HM Inspectorate of Prisons

HM Inspectorate of Prisons (HMIP) has repeatedly expressed concerns about safety. In his 2017 Annual Report the then HM Chief Inspector of Prisons, [Peter Clarke, said that no YOI or STC officially inspected in early 2017 was safe to hold children and young people](#) (PDF).⁶⁰ He described the speed of decline in safety as “staggering”.⁶¹

In the [2018 Annual Report \(PDF\)](#), HMIP again raised concerns about safety in YOIs, stating that children continued to feel unsafe and bullying was still a problem. The report noted that “rates of violence against staff and boys were higher than in previous years” and said poor behaviour and violence remained everyday features at all establishments.⁶²

Giving [evidence to the Joint Committee on Human Rights \(JCHR\) inquiry on youth detention in October 2018](#), Angus Mulready-Jones of HMIP said there had been some improvement since Peter Clarke's comments, but there were still some institutions that in HMIP's view were not sufficiently safe.⁶³

In the Chief Inspector's Annual Report 2019-20, Peter Clarke expressed [concerns at the delays in secure schools becoming a reality](#). He said that in

⁶⁰ [HM Chief Inspector of Prisons for England and Wales: Annual Report 2016–17](#)(PDF), p9

⁶¹ [HM Chief Inspector of Prisons for England and Wales: Annual Report 2016–17](#) (PDF), p9

⁶² [HM Chief Inspector of Prisons for England and Wales: Annual Report 2017–18](#) (PDF), p63

⁶³ Joint Committee on Human Rights, [Oral evidence: Youth detention: solitary confinement and restraint](#) (PDF), HC 994, 10 October 2018

the meanwhile “outcomes for many children had been appalling”⁶⁴. He said HMIP’s findings regarding the use of separation, and the situation at Feltham A were “indicative of strategic failure in the delivery and governance of children’s custody”.⁶⁵ He said it was “difficult to escape the conclusion that children’s custody has become far too closely aligned with the policies and practices of adult prisons”.⁶⁶

HMIP publishes an annual report which sets out what children surveyed in STCs and YOIs said about their experiences of custody. In the most recent report, published in 2021,⁶⁷ the current Chief Inspector, Charlie Taylor said:

It describes the grim reality of life in custody and mirrors closely our own findings, in which none of the STCs were good enough, and violence and self-harm in YOIs remained at or near an all-time high. Only one institution we inspected in 2019–20 was sufficiently safe.⁶⁸

Justice Committee

In February 2021, the Justice Committee published a report on the Youth Secure Estate.⁶⁹ The Committee said a substantial number of those who submitted evidence to its inquiry raised questions about the pace of improvements regarding safety.

The Committee noted that self-harm across the youth secure estate was alarmingly high. It said the Ministry of Justice and Youth Custody Service should set out what measures they have put in place specifically to address self-harm.

The Committee also noted that self-harm appeared to have reduced during the Covid-19 pandemic and called on the Ministry of Justice and Youth Custody Service to seek to understand why, and what can be learned from that.

In its response, the Government said in May 2020 the Youth Custody Service had commissioned [a Covid-19 Research and Evaluation Programme to enable learning from the experiences of dealing with Covid-19 to improve youth custody in the long-term](#).⁷⁰ This has not yet been published.

⁶⁴ HMIP, [Annual Report 2019-2020 \(PDF\)](#), October 2020, p16

⁶⁵ HMIP, [Annual Report 2019-2020 \(PDF\)](#), October 2020, p17

⁶⁶ HMIP, [Annual Report 2019-2020 \(PDF\)](#), October 2020, p17

⁶⁷ Based on data gathered between 2 April 2019 and 9 March 2020

⁶⁸ HMIP, [Children in Custody 2019–20: An analysis of 12–18-year-olds’ perceptions of their experiences in secure training centres and young offender institutions](#), February 2021
Safety was found to be reasonably good in an inspection of YOI Parc in 2019/20.

⁶⁹ Justice Committee, [Children and Young People in Custody \(part 2\): The Youth Secure Estate and Resettlement](#),

⁷⁰ [PQ130671 \(Youth Custody: Coronavirus\)](#), 14 January 2021

The Independent Inquiry into Child Sexual Abuse

The Independent Inquiry into Child Sexual Abuse (IICSA) investigation into [Sexual Abuse of Children in Custodial Institutions: 2009–2017](#), published in February 2019, found that children in YOIs and STCs were not safe from harm, either physical or sexual.⁷¹ The culture of these institutions, particularly their closed nature and focus on containment and control, has not, the inquiry's report said, provided an environment that protects children from either physical or sexual abuse.

In October 2019, HMPPS published an [internal review of safeguarding in the Youth Custody Service \(PDF\)](#). A foreword from the Executive Director of the Youth Custody Service referred to the IICSA report and stated the review “challenges the harmful cultures that have become inherent parts of the system, and provides a refreshing first look at what can be done to address them”.⁷²

In May 2021, the Government published a response to IICSA's recommendation that it undertake a full review of whether the practice of placing children for justice and welfare reasons together in SCHs increases the risk of sexual abuse to children.

The response said it was the Government's view, in light of research, that the practice does not create or exacerbate systemic risk and it was therefore not proposing to explore alternative models.⁷³

3.2

Restraint and use of force

There have long been concerns over the use of force and restraint on children in custody.⁷⁴

HMIP's [Annual Report, 2017-18](#) (PDF), said use of force remained high, mainly due to the level of violence in all YOIs. Inspectors said they continued to see staff acting to protect children from serious injury. However, there was also some disproportionate use of force, and inconsistent use of body-worn video cameras.⁷⁵

The [2018-19 Annual Report \(PDF\)](#) said the inspectorate found it concerning that half of the children it surveyed said that they had been restrained

⁷¹ Independent Inquiry into Child Sexual Abuse (IICSA), [Sexual Abuse of Children in Custodial Institutions: 2009–2017](#), February 2019, p VI

⁷² HMPPS/ YCS, [Youth Custody Service Safeguarding Review \(PDF\)](#), Sonia Brooks OBE, Paul Johnson, Shirley Clarke & Laura Morton, October 2019

⁷³ Department of Education, [The Government response to the Independent Inquiry into Child Sexual Abuse's investigation report, Sexual Abuse of Children in Custodial Institutions: 2009-2017 Recommendation 2 \(PDF\)](#), May 2021

⁷⁴ See for example, The Howard League, [Twisted: The use of force on children in custody \(PDF\)](#), 2011

⁷⁵ [HM Chief Inspector of Prisons for England and Wales: Annual Report 2017–18 \(PDF\)](#), p65

during their time in detention, which was the highest figure seen since the inspectorate started recording this issue in 2002.⁷⁶

The Joint Committee on Human Rights (JCHR) April 2019 report, [Youth detention: solitary confinement and restraint \(PDF\)](#), concluded there is substantial medical evidence of the physical and psychological effects of restraint particularly when used on children. The JCHR stated that restraint harms children, it harms staff, it undermines the objectives of detention, and contributes to a vicious circle of problems that can continue into the future. It found rates of restraint of children to be unacceptably high and said children's rights are being routinely breached.⁷⁷

Minimising and Managing Physical Restraint

In 2012 a new restraint system for STCs and under 18 YOIs was published. This new system, [Minimising and Managing Physical Restraint \(MMPR\)](#), was created in response to a 2008 independent review of restraint in juvenile secure settings which was set up in response to the death of two children. The review reported concerns about all restraint methods used in the youth custodial estate.⁷⁸

Roll out of MMPR began in 2012⁷⁹ and it has been implemented in all YOIs and STCs since summer 2017.⁸⁰ MMPR sets out physical restraint techniques and states the use of force must always be viewed as the last available option. There is particular concern that MMPR allows for pain inducing techniques to be used.

In 2015, HMIP published a [thematic inspection on the implementation of MMPR \(PDF\)](#). It cautiously concluded that it was an improvement on the previous system but said much remained to be done.

Its recommendations included:

- Restraint should not be used for reasons relating to good order or security, and children should not be strip searched under restraint.
- Pain-inducing techniques should not be used on children and, until this is agreed, all incidents of pain compliance⁸¹ should be reviewed by the MMPR national team.⁸²

⁷⁶ [HM Chief Inspector of Prisons for England and Wales: Annual Report 2018-19 \(PDF\)](#), p13

⁷⁷ Joint Committee on Human Rights, [Youth detention: solitary confinement and restraint, HC 994](#), 18 April 2019

⁷⁸ Smallridge, P. and Williamson, A. (2008). Independent Review of Restraint in Juvenile Secure Settings.

⁷⁹ [Secure Training Centres and Young Offender Institutions \(Physical Restraint\)](#), HC Deb 10 July 2012 c19WS

⁸⁰ [Secure Accommodation: Restraint Techniques: Written question - 209818](#), 22 January 2019

⁸¹ Pain compliance aims to force an individual to comply by use of pain

⁸² HMIP, [Behaviour management and restraint of children in custody \(PDF\)](#), November 2015, p13

Medway STC

A BBC Panorama programme broadcast in 2016 showed undercover footage from Medway STC which included what appeared to be unnecessary and disproportionate use of physical restraint. The Government set up the Independent Medway Improvement Board in the light of the broadcast. The Board's final report noted [all three STCs had been the subject of investigations and concerns in terms of the treatment of children](#) (PDF) over the years and, referring to the incident depicted in the Panorama programme, said:

The incidents, however, are tragically not new to establishments involved in the care of children, and there are notable similarities between them and previous scandals involving excessive use of restraint.⁸³

The Board commented on restraint in youth secure settings across the system:

...the Board feels that more needs to be done to look at the gap between how restraint and behaviour management is applied in youth secure settings and how it is applied in non-secure settings in other sectors. The Board feels that the culture across the youth secure estate tolerates a much harsher and more punitive approach to behaviour management in children than would be condoned in other settings.⁸⁴

A [serious case review on Medway STC \(PDF\)](#) published in January 2019, also raised the issue of the difference between restraint techniques in STCs/YOIs and SHCs, noting that pain inflicting techniques are not used in SCHs.⁸⁵

An [unannounced monitoring visit of Medway STC by HMIP, Ofsted and the Care Quality Commission in 2019](#) found physical restraint being used for passive non-compliance. An example given was forcibly taking a child to their bedroom when they refused to go to bed, although they were not presenting risks to themselves or others, or damaging property. The use of restraint for passive non-compliance was seen to cause significant and unnecessary distress to children and was said to be unacceptable and contrary to the Secure Training Centre Rules 1998.⁸⁶

Pain-inducing techniques

In its [evidence to the JCHR's inquiry into youth detention](#) (PDF), the Equality and Human Rights Commission (EHRC) noted that:

⁸³ [Medway Improvement Board Final Report of the Board's Advice to Secretary of State for Justice](#), 30 March 2016, para 4.2

⁸⁴ Ibid, para 4.40

⁸⁵ Medway Safeguarding Children Board: [Serious Case Review, 'Learning for organisations arising from incidents at Medway Secure Training Centre'](#) (PDF), Independent Reviewer: Alex Walters, January 2019

⁸⁶ HMIP, QCQ, Ofsted, [Monitoring inspection: Medway STC](#), 14 December 2019, published 14 January 2020

a. The UN Committee against Torture has asked the UK Government to ban all forms of restraint that inflict deliberate pain on children.

b. The UN Committee on the Rights of the Child (UNCRC) has called for the prohibition of all forms of pain-inducing restraint on children as well as the prohibition of Taser use and solitary confinement.⁸⁷

The EHRC said the MPR system needs to be reviewed to bring it in line with human rights standards and that, as a minimum, this should include prohibition of all forms of pain inducing restraint, as in SCHs. The EHRC also raised concerns about disproportionate use of physical restraint in criminal justice detention on the grounds of sex and race.⁸⁸

The Independent Inquiry on Child Sexual Abuse's [report into the sexual abuse of children in custodial settings](#) concluded that the use of pain compliance, currently permitted in YOIs and STCs (but not in SCHs), is particularly intimidating to children who have been sexually abused. It said use of pain compliance should be seen as a form of child abuse and must cease.⁸⁹

The JCHR said that the deliberate infliction of pain is unacceptable under any circumstances under rights legislation. It also stated using restraint to maintain 'good order and discipline' must be prohibited in all but the most exceptional of circumstances. The JCHR recognised the right of prison officers to act in self-defence.⁹⁰

In 2018 the Ministry of Justice commissioned a review of the use of pain-inducing techniques in the youth secure estate to be led by Charlie Taylor. The review was published in June 2020 together with the Government's response.⁹¹

In his introduction, Charlie Taylor said the issue is highly emotive and provokes strong opinions. He noted that in June 2016, the UN Committee on the Rights of the Child had expressed concern about "the use of pain-inducing techniques on children in institutional settings in England, Wales and Scotland" and urged the UK to "ban the use of any technique designed to inflict pain on children".⁹²

He also noted the concerns of UK human rights groups on the issue and that The Children's Rights Alliance for England (CRAE), the Howard League for Penal Reform, Article 39, the Children's Commissioners for both England and Wales, and the serious case review into Medway STC have all called for

⁸⁷ JCHR, [Written evidence from Equality and Human Rights Commission](#) (YDS0015)

⁸⁸ JCHR, [Written evidence from Equality and Human Rights Commission](#) (YDS0015), para 9

⁸⁹ The Independent Inquiry into Child Sexual Abuse, [Sexual Abuse of Children in Custodial Institutions: 2009-2017 Investigation Report](#), February 2019, Executive summary and Part E7

⁹⁰ Joint Committee on Human Rights, [Youth detention: solitary confinement and restraint, HC 994](#), 18 April 2019

⁹¹ Gov.uk, [A review of the use of pain-inducing techniques in the youth secure estate](#), June 2020

⁹² Gov.uk, [A review of the use of pain-inducing techniques in the youth secure estate](#), June 2020, p3

the use of pain-inducing techniques to be outlawed in all settings where under 18s are detained.

Charlie Taylor concluded:

Overall there is a substantial gap between the high-end needs of many of the children in YOI and STC and the ability of staff and leaders in the secure estate to meet them. It is this deficit that is the cause of so many of the challenges, especially the way in which children are handled and supported. This has led to completely unacceptable levels of violence in STC and YOI and the frequent use of inappropriate restraint on children that cannot be justified in any framework.⁹³

He said that, given the nature of the risk, it was right that staff in YOIs and STCs continue to have the option of using a pain-inducing technique, but not as part of the MMPR framework.⁹⁴ His report made fifteen recommendations.

The Government accepted all fifteen and said the Youth Custody Service had developed a programme of work to implement them.⁹⁵ The then Justice Secretary, Robert Buckland, said in June 2020, techniques that cause pain would not be taught alongside other methods to manage behaviour to “make it even clearer that these are a last resort designed only to protect children or staff from further injury”. He said a panel would also be established to scrutinise incidents in which a pain-inducing restraint has been used.⁹⁶

3.3 Segregation and solitary confinement

Under the rules for YOIs and STCs, in certain circumstances children can be removed from having contact with others (known as association).⁹⁷

In 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.

Children Commissioner’s report

The Children’s Commissioner for England published a [report examining the use of segregation in YOIs and STCs](#) in October 2018. It followed concerns raised to her during her visits to YOIs and STCs about the use of segregation.

⁹³ Gov.uk, [A review of the use of pain-inducing techniques in the youth secure estate](#), June 2020, p29

⁹⁴ Gov.uk, [A review of the use of pain-inducing techniques in the youth secure estate](#), June 2020, p29

⁹⁵ [HCWS302, 18 June 2020](#).

⁹⁶ [HCWS302, 18 June 2020](#).

⁹⁷ Rule 36 of the Secure Training Centre Rules 1998 and Rule 49 of the Young Offender Institution Rules

The report set out what segregation means in practice, describing the conditions experienced by children, including time in ‘segregation units’:

The conditions under which children are separated vary greatly across different settings. In STCs, children are segregated in their rooms, or other spaces such as empty classrooms, for a relatively short period of time. In YOIs however, most recorded periods of segregation refer to when the child has been formally removed to the segregation unit. (...) Children are often left in the segregation unit without any meaningful contact with their peers, in cells with very few – sometimes none – of their possessions or other stimuli such as books and radios. In theory, removal from free association should not prohibit access to legal advice, advocacy, exercise and education. In practice, however, these appointments are often not facilitated. In some cases, children are in their cells all day and are only allowed out to shower or to exercise for 30-60 minutes. Sometimes they also have access to ‘education packs’ while in their cells.

Practice varies significantly across establishments. Some YOIs carry out personalised risk assessments to decide what level of participation each teenager can engage in and regularly adjust this with a focus on reintegration. Others, however, adopt a more risk-averse approach, with too many children on the most basic regime limited to time out of cell for just one telephone call, a shower and 30 minutes’ exercise and limited education.⁹⁸

The Children’s Commissioner’s report noted an increase in the use of segregation while the number of children in custody had fallen:

The number of episodes of segregation in youth custody in England and Wales has increased in the past 4 years, even as the overall number of children detained has fallen. The average length of periods of detention has doubled, from 8 to 16 days, with seven out of ten episodes of segregation in Young Offender Institutions lasting over a week. The number of episodes of segregation in STCs has also risen and is now (on a pro rata basis) approximately 33 times higher, though it is likely this is influenced by changes in how data is recorded.⁹⁹

The report stated there is a “growing consensus that segregation is inherently unsuitable for children”:

In April 2018, the British Medical Association (BMA), the Royal College of Psychiatrists (RCPsych) and Royal College of Paediatrics and Child Health (RCPCH) released a joint statement condemning the ‘solitary confinement’ of children, warning that for children the risk of long-term psychiatric and developmental harm is increased. UN CRC [Convention on the Rights of the Child] has also held that using solitary confinement as a disciplinary measure for children is a violation of article 37 CRC and must be strictly prohibited.¹⁰⁰

⁹⁸ Children’s Commissioner, [A report on the use of segregation in youth custody in England](#), October 2018, p3

⁹⁹ Children’s Commissioner, [A report on the use of segregation in youth custody in England](#), October 2018, p1

¹⁰⁰ Children’s Commissioner, [A report on the use of segregation in youth custody in England](#), October 2018, p4

The Government has said that children are never subject to solitary confinement.

The safety and welfare of young people in our care is the core priority of the Youth Custody Service and children are never subject to solitary confinement. There are some occasions when it is necessary to remove children from association. On those occasions they will, as far as possible, have access to a regime that is comparable to the normal regime; including entitlements to social and legal visits, religious services, access to the phone, education, showers and exercise in the open air and, where possible, in association with other removed children.¹⁰¹

The Children's Commissioner responded to such assurances, saying:

Our research, however, suggests that the conditions some children are exposed to do fit the definition of solitary confinement.¹⁰²

The [UN Standard Minimum Rules for the Treatment of Prisoners](#) (the 'Mandela Rules' 2015 Rev) defines 'solitary confinement' as confinement of prisoners for 22 hours or more a day without meaningful human contact.¹⁰³

Joint Committee on Human Rights report

The JCHR, in its 2019 report, [Youth detention: solitary confinement and restraint \(PDF\)](#), said the use of separation from human contact is harmful to children if used for more than a few hours at a time and beyond that it can amount to inhuman or degrading treatment this is a breach of children's rights.

It states evidence has shown that incidents of separation can 'drift' so that children end up in what amounts to solitary confinement which may be prolonged. The JCHR used the term solitary confinement to describe isolation from normal human contact that exceeds 22 hours per day and prolonged solitary confinement for where this lasts for over 15 days.¹⁰⁴

The JCHR notes that many commentators, including all witnesses that gave evidence on the issue, disagreed with the Government's assertion that solitary confinement is not used for children. The Committee agreed with the Government that the guidelines do not permit solitary confinement and stated it did not suggest that ministers would allow children to be intentionally placed in solitary confinement. This breach of children's rights

¹⁰¹ [Written question 207582](#), 23 January 2019

¹⁰² Children's Commissioner, [A report on the use of segregation in youth custody in England](#), October 2018, p3

¹⁰³ United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), p18

¹⁰⁴ Joint Committee on Human Rights, [Youth detention: solitary confinement and restraint, HC 994](#), 18 April 2019, p23

is not a policy decision of the Government, the JCHR said, but it is within the power of the Government to prevent it.¹⁰⁵

The JCHR called on the Government to immediately take steps to ensure the separation of children from human contact never becomes solitary confinement. It recommended that every decision or review of a decision to extend a period of separation beyond 72 hours be reported to the Minister, who would lay such information before the Commons and Lords.¹⁰⁶

In its response to the Committee, [the Government said the Minister will be given details each month on all cases of separation over 21 days in public-sector YOIs \(PDF\)](#).¹⁰⁷

The JCHR acknowledged that some children choose to self-isolate due to fear of harm from other children, some are kept in isolation to contain violent behaviour, or to prevent harm. The Committee recommended these children be moved to an institution that is equipped to look after them, or that the institutions should be reconfigured to enable them to adopt responses other than solitary confinement.¹⁰⁸

HM Inspectorate of Prisons report

HMIP's thematic report, [Separation of children in young offender institutions](#) was published in January 2020. It concluded that the current arrangements for separating children in YOIs do not safeguard children's wellbeing. Then Chief Inspector, Peter Clarke, said:

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 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.¹⁰⁹

Mr Clarke said that children's experience of separation differed dramatically depending on the establishment they were held in and even between different units in the same YOI. The inspectorate found the regime offered to most separated children was inadequate. Nearly all spent long periods of time in their cell without any meaningful human interaction. In the worst cases children left their cells for just 15 minutes a day.

¹⁰⁵ Joint Committee on Human Rights, [Youth detention: solitary confinement and restraint, HC 994](#), 18 April 2019, p23

¹⁰⁶ Joint Committee on Human Rights, [Youth detention: solitary confinement and restraint, HC 994](#), 18 April 2019, p23

¹⁰⁷ Joint Committee on Human Rights, [Youth detention: solitary confinement and restraint: Government Response to the Committee's Nineteenth Report of Session 2017-19](#), HC 2547, 18 July 2019, p8

¹⁰⁸ Joint Committee on Human Rights, [Youth detention: solitary confinement and restraint, HC 994](#), 18 April 2019, p24

¹⁰⁹ HMIP, press release, [Chief Inspector calls for major overhaul of harmful separation of children in young offender custody](#), 21 January 2020

He reported significant failures of oversight both locally and nationally and said checks were inadequate:

The current system of daily checks by managers, nurses and chaplains gave an illusion of oversight. However, these checks were cursory, often took place through a locked door and sometimes did not happen at all. This was compounded by weak or non-existent reintegration planning which meant that some children were separated for far too long.¹¹⁰

He said, despite some areas of better practice, inspectors had found multiple and widespread failings. Because of these failings, he said, most separated children experienced a regime that amounted to the widely accepted definition of solitary confinement. For some children their solitary confinement was prolonged.

Government response

The Youth Custody Service (YCS) undertook a range of immediate actions in response to HMIP's report. These included:

- resources to “ensure robust management and improve national and local oversight”
- “a national single point of contact to review oversight arrangements for separation, ensuring local accountability is in place across establishments and feeding in centrally”
- a new approach to capture separation data for public sector YOIs centrally each month.¹¹¹

HMPPS then developed an action plan setting out its response to the recommendations in the thematic report.¹¹²

A Separation Taskforce was established by the YCS, with Sir Alan Wood as an Independent Advisor. The taskforce reported in June 2020.¹¹³ It noted:

... the thematic report from HMIP is the latest in a long line of reports which have highlighted similar serious problems with the management of separation in youth custody for some time. The scale of the change in practice which is required is clearly considerable.¹¹⁴

¹¹⁰ HMIP, [Separation of children in young offender institutions](#), January 2020, p5

¹¹¹ [PQ 114978 \[Youth Custody\]](#), 19 November 2020

¹¹² HMPPS, [Separation of Children in Young Offender Institutions action plan](#), 21 January 2020

¹¹³ See also, Alan Wood, [The separation of children in Young Offenders Institutions – time for improvement](#), June 2020

¹¹⁴ [Findings of the Separation taskforce](#), June 2020

The Government accepted the taskforce's findings and recommendations. It committed to establishing a new system and approach for separation. A new [Policy Framework](#) was published in April 2022.¹¹⁵

3.4 Time out of cell, education and purposeful activity

Before the pandemic, HIMP had repeatedly commented negatively on the provision of purposeful activity for children in custody, and the time spent out of cells.

[HMIP's 2018 Annual Report](#) found children in YOIs did not get as much time out of their cells as they should, education provision was not always good, and too few boys attended activities.¹¹⁶ HMIP's report [Children in Custody 2017–18](#) found a lack of time spent outside a cell was a barrier to the positive relationships between staff and children that are necessary for effective behaviour management.¹¹⁷ HMIP's [Annual Report for 2018-19](#) said the time spent outside a cell was still not good enough for most children in YOIs, but when they attended education or training, it was mostly of good quality.¹¹⁸

The Chief Inspector's [2020-21 Annual Report](#) covered a year of the pandemic. Referring to YOIs, Charlie Taylor said that, at the start of the pandemic, HMPPS gave too little attention to the distinct needs of children in custody.¹¹⁹

A briefing from the Howard League for Prison Reform in May 2020, [Children in prison during the Covid-19 pandemic](#), said:

In response to Covid-19, the regime in prisons has been severely restricted, with most children being placed in prolonged solitary confinement. There are no face-to-face visits, no face-to-face education in the majority of establishments and no therapy. Children are experiencing difficulties in accessing the support they need to plan for release. The usual safeguards that exist, including on-site advocacy services, are no longer present.¹²⁰

¹¹⁵ HMPPS, Policy Framework, [Minimising and Managing Separation and Isolation in the Children and Young People Secure Estate](#), 1 April 2022

¹¹⁶ [HM Chief Inspector of Prisons for England and Wales: Annual Report 2017–18](#), p63

¹¹⁷ HMIP, [Children in Custody 2017–18](#), 29 January 2019, p6

¹¹⁸ [HM Chief Inspector of Prisons for England and Wales: Annual Report 2018-19](#), p53

¹¹⁹ [HM Chief Inspector of Prisons for England and Wales Annual Report 2020–21](#), p70

¹²⁰ Howard League for Prison Reform, [Children in prison during the Covid-19 pandemic](#), May 2020, p1

The United Kingdom's National Preventive Mechanism annual report similarly found that children in YOIs and STCs were restricted to their cells for excessive periods of time for the first several months of the pandemic.¹²¹

The Chief Inspector found that the specific needs of children in custody were recognised as the pandemic progressed. He said:

The challenge for the Youth Custody Service (YCS) following the pandemic period will be to build on lessons learned during this time, while providing children with increasing hours of constructive time out of their cells.¹²²

The Children's Commissioner noted in February 2021 that the offer to children, particularly in YOIs remained inconsistent. The commissioner said many children were still spending long periods locked alone in their cells, which was likely to have a profound effect on their psychological wellbeing in the long term.¹²³

In a section commenting on the importance of leadership, [HMIP's 2020-21 Annual report \(PDF\)](#) singled out the time out of cells offered to children in YOI Parc, even through the pandemic, and questioned why it was not possible for this to be available elsewhere:

Throughout the pandemic, children at Parc YOI faced fewer restrictions than other YOIs, spending more than three hours a day out of their cells even in April 2020. When we visited again in April this year we found children at Parc (with the lowest per-place funding of any youth custody in England and Wales) were spending 10 hours out of their cells a day, more than double what is being offered to children in YOIs run by the Youth Custody Service (YCS). With the current spend at an average of more than £200,000 per child and very high staff ratios, it is hard to see why a similar regime has not been replicated by the YCS elsewhere in the youth estate.¹²⁴

3.5 Disproportionality and ethnic disparity

In 2017, David Lammy published an [independent review into the treatment of, and outcomes for Black, Asian and Minority Ethnic \(referred to as BAME in the review\) individuals in the criminal justice system \(PDF\)](#). He said his biggest concern was with the youth justice system, noting the proportion of youth prisoners from these ethnic backgrounds has risen from 25% to 41% in the decade 2006-2016.¹²⁵

¹²¹ [Twelfth Annual Report of the UK's National Preventive Mechanism: Monitoring places of detention during COVID-19](#), 22 February 2022.

¹²² [HM Chief Inspector of Prisons for England and Wales Annual Report 2020–21](#), p70

¹²³ Children's Commissioner, [Children in custody during lockdown](#), February 2021

¹²⁴ [HM Chief Inspector of Prisons for England and Wales Annual Report 2020–21](#), p10

¹²⁵ [The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System](#), p4

The review considered the possible reasons for this disproportionate representation of BAME children in youth custody:

In both the youth and adult systems, there is no single explanation for the disproportionate representation of BAME groups. (...) Arrests are disproportionate but this does not fully explain the make-up of our youth custody population.¹²⁶

David Lammy concluded that despite successes in reducing the overall number of first-time entrants into the criminal justice system and the number of children in youth custody, “progress in tackling differential outcomes for BAME young people has been alarmingly slow”.¹²⁷

He told the Justice Committee that [the UK is sitting at the extreme end of the developed world in relation to disproportionality](#) (PDF). He called for increased focus on this issue.

In 2018, the Government established a dedicated youth justice disproportionality team with the aim of ensuring there is not “unwarranted disproportionality of outcomes for BAME children”.¹²⁸

In answer to a parliamentary question in September 2021, the Ministry of Justice set out further actions being undertaken in the youth justice system:

The MoJ and the Youth Justice Board work closely together in seeking to tackle racial disparities in the youth justice system, including custody. Work in this area includes providing the tools and data to help frontline youth justice services to understand the needs of ethnic minority children, work with the Magistrates’ Association to build awareness of disparity among sentencers, securing over £1m in funding to use physical activity to improve outcomes for 11,000 ethnic minority children at risk of entering the criminal justice system and improving Youth Custody Service workforce diversity.¹²⁹

3.6 Distance from home

HMIP in its report, [The impact of distance from home on children in custody](#), September 2016, commented:

Overall, it was reassuring to find that being placed far from home was not a disadvantage to the child in many facets of their custodial experience. The

¹²⁶ [The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System](#), p5

¹²⁷ [The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System](#), p60

¹²⁸ [Youth Inmates: Solitary Confinement HC Deb 2 April 2019 c342WH](#)

¹²⁹ [PQ 37577](#), 8 September 2021

negative impact on family ties and the implications this has for successful resettlement and desistance cannot, however, be ignored.¹³⁰

In October 2018, NHS England published, [Secure Settings for Young People: A National Scoping Exercise](#). It noted that due to the geographical location of the units, children could be placed a long way from home and/or their families:

There is a paucity of STCs in the north of England and a lack of SCHs with YJB beds in the south of England. Some young people might be placed long distances from their families or homes; this is likely to have an impact both on the young people and their families.¹³¹

[In evidence to the JCHR, the Children's Commissioner raised similar concerns](#) (PDF), noting the size of the estate had reduced as the population had reduced and this had left "holes" in coverage, particularly in London:

The other thing is to make sure that some of these children are not dragged half way across the country to be held away from where they live. The estate is certainly smaller as the population has reduced, and the sites that were decommissioned leave some real holes in our estate. London sends children far afield because there are not enough places to hold them in London, and there are other areas of the country where it is the same.¹³²

The JCHR has said the Government must increase its efforts to coordinate and reconfigure resources to ensure there are enough specialised places so that each child can be placed in the most appropriate setting and as near as possible to home.¹³³

3.7 Should children be in custody at all?

Some argue the use of custody for children should be reduced further or ended entirely. A [campaign to end the imprisonment of children](#) was launched in November 2018 supported by a number of organisations including, Article 39, the Centre for Crime and Justice Studies, Howard League for Penal Reform, INQUEST, Just for Kids Law and the National Association for Youth Justice.

The campaign calls for "the closure of England's child prisons" and proposes "a welfare based and human rights compliant secure model for the small number of children who cannot be safely looked after in the community". It also wants responsibility for detained children to be moved out of the

¹³⁰ HMIP, [The impact of distance from home on children in custody - a thematic review](#), 28 September 2016,

¹³¹ NHS, [Secure settings for young people: a national scoping exercise](#), 2018, p13

¹³² Joint Committee on Human Rights Oral evidence: Youth detention: solitary confinement and restraint, HC 994, 10 October 2018 , Q56

¹³³ Joint Committee on Human Rights, [Youth detention: solitary confinement and restraint, HC 994](#), 18 April 2019, p4

Ministry of Justice and, at a local level for responsibility for detained children to lie with children's social care services.

In April 2019, the campaign published [Principles and minimum expectations for children deprived of their liberty](#). It states that children should only be deprived of their liberty as a last resort, when they pose a serious risk to themselves or others, and there are genuinely no alternative options for mitigating that risk in the community. Any episode of detention, the campaign argues, must be as short as possible and deprivation of liberty for an additional period must not be imposed as a sanction for challenging behaviour while in a secure setting.

In a blog post for the [Howard League for Penal Reform](#), considering the experience of previous reforms of youth custody, its then Chief Executive Frances Crook said:

...various iterations of prisons for children as places of education and rehabilitation, have simply never worked.¹³⁴

In [another post Frances Crook said there are still too many children incarcerated](#) and argued that the focus should be on reducing the numbers rather than finding a new model of custody. She said:

This could be achieved by addressing the over-representation of BME children, reducing the use of remand and scrapping the needless, and harmful, Detention and Training Order.

She stated that those children who do require custody should be held in SCHs, a model that is already known to work:

For the irreducible few who do require a period behind bars, we know what works: small, local secure children's homes have been working successfully for decades to provide the best care and rehabilitation. These homes are homes first, but they do provide excellent education and care too. They hold only a handful of children with a great many professionals providing education, psychology, mentoring, and substitute parenting.¹³⁵

The [National Association for Youth Justice](#) also argues for a minimum use of custody for children and the use of SCHs where it is necessary. It said:

... imprisonment should only be used as a last resort and for the shortest necessary period in those rare situations where a child's offending is such as to pose a demonstrable risk of serious harm to others and where, after thorough consideration, no other alternative is sufficient to mitigate that risk. Where deprivation of liberty is necessary, children should only be detained in child care establishments that promote their wellbeing and longer term development. This longstanding opposition to the use of custody is informed by a well-established, international evidence base which clearly shows that

¹³⁴ Howard League for Penal Reform, Frances Crook's blog, [Reinventing different ways of locking up children – a cautionary tale](#), 30 July 2018

¹³⁵ Howard League for Penal Reform, Frances Crook's blog, [Secure schools are the wrong answer to the wrong question](#), 13 July 2016

incarceration is extremely damaging to children in the short term and impedes their healthy development over the longer term.¹³⁶

In Scotland, the Chief Inspector has said no children should be held in prison. Wendy Sinclair Gieben said that sending children to prison, especially when they have not yet been convicted, is a breach of their human rights. She called on the Scottish Government to directly fund places in secure accommodation instead.¹³⁷

3.8 Remanding children to custody

Children on remand (awaiting trial or sentence) make up 40% of the children and young people in custody. Most children on remand do not end up being sentenced to immediate custody. In 2020/21, 74% of children who were on remand at any point during proceedings were not ultimately convicted and sentenced to custody.¹³⁸ This was a higher proportion than in recent year, when it has averaged around 65%.¹³⁹

The Independent Inquiry into Child Sexual Abuse (IICSA) in 2019 recommended that the Government examine the scale and appropriateness of youth custodial remand.¹⁴⁰

The Justice Committee in a November 2020 report noted the high number of children on remand and that two thirds of children remanded did not subsequently receive a custodial sentence. The Committee considered the factors that may be contributing to these numbers: an increase in serious violence; lack of credible community alternatives; and limited amount of time available to put together an alternative bail package.¹⁴¹

The Justice Committee also noted that children from Black, Asian and Minority Ethnic groups are disproportionately remanded to custody. The Committee found the disproportionate use of remand had not satisfactorily been explained and asked the Ministry of Justice to provide an explanation.¹⁴²

¹³⁶ National Association for Youth Justice, [Briefing: The state of youth custody](#), Dr Tim Bateman, University of Bedford, 2016

¹³⁷ [Under-18s should not go to jail, says prison chief](#), BBC, 2 March 2022

¹³⁸ Ministry of Justice, [Youth justice statistics 2020/21](#), supplementary table 6.6

¹³⁹ 2015 to 2020.

¹⁴⁰ The Independent Inquiry into Child Sexual Abuse, [Sexual Abuse of Children in Custodial Institutions: 2009-2017 Investigation Report](#), February 2019, Recommendation 1

¹⁴¹ Justice Committee, [Children and Young People in Custody \(Part 1\): Entry into the youth justice system](#), HC306, November 2020, para 89-99

¹⁴² Justice Committee, [Children and Young People in Custody \(Part 1\): Entry into the youth justice system](#), HC306, November 2020, paras 79-83

The Howard League has focussed on the issue of remand, publishing a briefing in September 2021, [What's wrong with remanding children to prison?](#)¹⁴³

The Ministry of Justice in January 2022 published a [Review of Custodial Remand for Children](#). It was carried out by MoJ's Youth Justice Policy Unit. The report said the review's findings "question a dominant narrative that the number of children on remand has increased significantly or that custodial remand is regularly 'overused'".¹⁴⁴ It concluded that the reality is more complex.

The report stated there is scope for "meaningful action to improve operational practice, and reduce instances where custodial remand is a default, rather than a necessity." It said the Ministry should "enhance accommodation and community provision to ensure robust alternatives to custody are available where risk can be managed effectively."¹⁴⁵

The review stated that racial disparities in remand are a known issue and need addressing. It said that after controlling for several factors, the disparity could not be fully explained.

The review noted that the Government is taking legislative steps with the Police Crime Sentencing and Courts Bill containing provisions aiming to reduce the use of remand for children by tightening the tests applied by the courts.¹⁴⁶

The review was welcomed by the Howard League.¹⁴⁷

3.9 Provision for girls

At the end of February 2022, 13 of the 480 children and young people (including 18 year olds) in the Children and Young Person's Secure Estate were female.¹⁴⁸ As with the overall youth custody population, the number of girls in custody has fallen considerably over the past 14 years, from a month-end average of 216 in 2007/08.¹⁴⁹ The rate of self-harm incidents among girls in custody is much higher than that for boys, with 39% of girls involved in such an incident in 2020/21 compared with 6% of boys.¹⁵⁰

¹⁴³ The Howard League for Penal Reform, [What's wrong with remanding children to prison? Remand briefing one: Emerging themes](#), 2021

¹⁴⁴ Ministry of Justice, [Review of Custodial Remand for Children](#), January 2022, p8

¹⁴⁵ Ministry of Justice, [Review of Custodial Remand for Children](#), January 2022, p9

¹⁴⁶ See Library briefing, [Police, Crime, Sentencing and Courts Bill: Parts 8 and 9 – Youth justice, secure children's homes and secure academies](#), 12 March 2021

¹⁴⁷ The Howard League blog, [A welcome review of custodial remand for children](#), 28 January 2022

¹⁴⁸ HMPPS, [Youth custody report: February 2022](#)

¹⁴⁹ MoJ, Youth justice statistics 2020/21, table 7.10

¹⁵⁰ Ibid., table 8.10

The Centre for Mental Health was commissioned by the YCS and NHS England & NHS Improvement to review the needs of girls in youth custody. The report, [Out of sight: Girls in the Children and Young People's Secure Estate](#), was published in October 2021. It provides an overview of the main concerns and issues for girls in youth custody and makes recommendations of changes needed to better support girls' needs.

Concerns have been raised recently as to whether there is sufficient appropriate accommodation for girls in the youth estate. This has partly been in response to the placement of girls at YOI Wetherby following the closure of Rainsbrook STC.

Girls in Wetherby Young Offender Institution

The APPG on Women in the Penal System has called for girls to be moved out of Wetherby, stating that girls should not be kept in YOIs.¹⁵¹

The Ministry of Justice has said that SCHs accommodate most girls in custody. It said in November 2021 that girls had been placed in the Keppel Unit at Wetherby while permanent options are reviewed.¹⁵²

In February 2022, the Prisons Minister wrote to the Justice Committee to provide further details about the placement of girls. Victoria Atkins said Wetherby had invested in accommodation for girls since the decision was made to place them at the site. A 12-bed unit had been refurbished, a programme was underway to build workforce capacity and bespoke guidance had been developed. She said the Government was intending to publish a Girls Care Strategy in the coming months.¹⁵³

Agenda, the Alliance for Women & Girls at Risk and the Alliance for Youth Justice have said the forthcoming strategy for girls in the children's secure estate is welcome. However, they have called for a comprehensive strategy addressing the needs of girls at all stages of the youth justice system stating that this remains a concerning gap.¹⁵⁴

¹⁵¹ Howard League for Penal Reform, press release, [APPG on Women in the Penal System calls for girls to be moved out of Wetherby prison](#), 16 March 2022

¹⁵² [PQ 71303](#), 8 November 2021

¹⁵³ Justice Committee, [Letter from Victoria Atkins, Minister of State for Justice, dated 24 February 2022, on youth secure estate follow up](#) (pdf)

¹⁵⁴ Agenda, the Alliance for Women & Girls at Risk and the Alliance for Youth Justice, ["We've not given up": Young women surviving the criminal justice system](#), 2022

4 Secure schools

4.1 The Taylor Review

In September 2015 [Charlie Taylor](#) was asked by the then Justice Secretary, Michael Gove, to lead a review of the youth justice system.¹⁵⁵ [An interim report of emerging findings](#) was published in February 2016 and a final report, [Review of the Youth Justice System in England and Wales](#), in December 2016.

Findings

The report noted that having fewer youth custodial establishments because of a decline in the youth custodial population, means that on average children are now accommodated further from home. This, it says, undermines efforts at resettlement.

The report stated that “many staff working in YOIs and STCs do not have the skills and experience to manage the most vulnerable and challenging young people in their care”.¹⁵⁶

It stated that health problems are particularly acute amongst those entering the secure estate and that more than a third of children in the youth custodial estate have a diagnosed mental health disorder.¹⁵⁷

Regarding education in custody, the report stated that teaching methods in the secure estate have not kept pace with changes in schools. Charlie Taylor said:

Children who are incarcerated must receive the highest quality education from outstanding professionals to repair the damage caused by a lack of engagement and patchy attendance”.

¹⁵⁵ Gov.uk, Written statement to Parliament, [Youth Justice: Announcement of a review into youth justice](#), 11 September 2015. See also the [Review of the Youth Justice System, Terms of Reference](#)

¹⁵⁶ Ministry of Justice, [Review of the Youth Justice System in England and Wales](#), by Charlie Taylor, December 2016, p36

¹⁵⁷ Ministry of Justice, [Review of the Youth Justice System in England and Wales](#), by Charlie Taylor, December 2016, p37

Proposals

The report proposed secure schools should be created to replace youth prisons, and described them as follows:

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, commissioned 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 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 work to rehabilitate children.¹⁵⁸

Head teachers in the secure schools would have the autonomy and flexibility to recruit and train their own staff, to commission support services and to establish the approach to managing behaviour. The report highlighted the importance of an improved health offer and high-quality staff:

In Secure Schools I would like to see behaviour management in the hands of skilful, well trained education, health and welfare support workers. I believe this would go a long way to preventing the risk of mistreatment of detained children, and would be more effective than, for example, introducing a duty of candour on staff.¹⁵⁹

Government response

Responding to the review in December 2016, [the then Government accepted the recommendation to 'put education at the heart of youth custody'](#) (PDF):

The Taylor Review makes a compelling case for change and, as this government response makes clear, we will be implementing his key recommendations 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.

The Government said it would develop two secure schools in line with the principles set out in the review.

¹⁵⁸ Ministry of Justice, [Review of the Youth Justice System in England and Wales](#), by Charlie Taylor, December 2016, p40

¹⁵⁹ Ministry of Justice, [Review of the Youth Justice System in England and Wales](#), by Charlie Taylor, December 2016, p41

4.2 Development of secure schools

In June 2018, the Ministry of Justice published its [Secure Schools Vision](#) and guidance setting out the expectations and requirements for prospective Secure School providers. The accompanying [press release](#) said:

This innovative approach to education in a secure environment will combine the ethos and best practice of schools with the structure and support of secure children's homes.

For the first-time ever - educators will be given the independence to run unique custodial establishments, shaping their own tailored curriculum with greater flexibility and control of their custodial environment.

In October 2018, [the Ministry of Justice announced the first secure school would be at Medway](#) where the current STC would be closed and the site used as a secure school. The Ministry of Justice invited providers to apply to run the new secure school and said that secure schools will be set up and run by secure academy trusts. A secure academy trust will be a new trust, set up separately from an existing academy trust. It will have a separate board to give strategic leadership to and have accountability for the performance of its secure school(s). See, [Secure Schools: How to Apply Guide](#), October 2018.

Asked in a parliamentary question (PQ) in June 2018 about plans to close other secure facilities when secure schools are opened, the then Minister, Rory Stewart said:

The Charlie Taylor review of the Youth Justice System proposed that Secure Schools are developed to replace Young Offender Institutions (YOIs) and Secure Training Centres (STCs). The government accepted the principles of Charlie's proposal, but in doing so noted that this new concept will need to be gradually tested before any decisions are made about the wide roll-out required to achieve this long-term vision. Any decisions to decommission places in the existing secure estate will need to be considered in this context and made on a case by case basis.¹⁶⁰

In a [PQ response in February 2019](#) then Minister Edward Agar confirmed that Medway STC would be repurposed to become the first secure school:

In addition, we are investing £5m to repurpose the Medway Secure Training Centre (STC) site into the first Secure School. Due to open in late 2020, this new provision will combine the ethos and practice of schools with the structure and support of secure children's homes. This is a first step towards our future vision for youth custody.¹⁶¹

¹⁶⁰ [PQ 150138, 13 June 2018](#)

¹⁶¹ [PQ 216398, 19 February 2019](#)

In July 2019 the Government announced that Oasis Charitable Trust had been chosen to run the first secure school.¹⁶² It was reported in late 2019 that the opening had been delayed until 2021.¹⁶³

The Justice Committee held [an evidence session on the future of STCs and secure schools](#) (PDF) in July 2021. This session took place after the decision to remove all children from Rainsbrook STC. Alex Chalk, then Prisons Minister and officials from HMPPS gave evidence. He said the Government was not abolishing STCs. He said it was a possibility, amongst others, that Rainsbrook could become a secure school. He also said that it was likely that the existing contract for Oakhill STC would “play out” until its end in 2029. Asked about a transition from STCs to secure schools he said the Government was waiting to see how things went with the first secure school at Medway. He said there may be a blend of provision for “a little while yet”.¹⁶⁴

In February 2022, Minister Victoria Atkins wrote to the Justice Committee and said she would provide a timeline for Medway secure school and secure schools generally before the end of April. She said she and the Justice Secretary were carefully reviewing the plans.¹⁶⁵

Commentary on secure schools

The Howard League for Penal Reform has called for secure schools to be small, comparable in size to SCHs, to be purpose built, provide excellent schooling and care, with experienced and qualified adults from both education and care backgrounds supporting and advocating for the child. The League called for clarity on the role of secure schools:

...there must be an acknowledgement that they are fundamentally not schools but penal establishments to be used as an absolute last resort by the courts.¹⁶⁶

Tom Gash, working with the charity and social business Catch22, argued that the current secure school approach is not sufficiently radical to make the difference it seeks.¹⁶⁷

The National Association for Youth Justice (NAYJ) also raised concerns, including over the size of secure schools . It pointed to past failures to ensure a focus on education in youth custody:

¹⁶² Ministry of Justice, press release, [Global education charity to run UK's first secure school](#), 1 July 2019, Q55

¹⁶³ [MOJ confirms delay to secure school opening](#), Children & Young People Now, 8 November 2019

¹⁶⁴ Justice Committee, [Oral evidence: The Future of Secure Training Centres and Secure Schools](#), (PDF) HC516, 13 July 2021

¹⁶⁵ <https://committees.parliament.uk/publications/9072/documents/159240/default/>

¹⁶⁶ [Howard League for Penal Reform's Response to the Ministry of Justice 'Secure Schools: How to Apply Guide' Consultation](#)

¹⁶⁷ Russell Webster blog, [Beyond secure schools](#), 12 September 2018

...a capacity to hold 60 -80 children – is not markedly different from that of STCs and significantly larger than even the biggest SCH. Research suggests that the size of establishment and staff-to-child ratio (in combination with a care based ethos) are fundamental to ensuring a child friendly provision. It should be remembered too, in this context, that the defining characteristic of STCs, at their inception, was to ensure a focus on education and training for younger children deprived of their liberty. History has recorded the failure of that endeavour.¹⁶⁸

Frances Crook, then Chief Executive of the Howard League, warned of a risk of repeating past failures with the introduction of secure schools:

Looking back on the rhetoric at the time the STCs were set up, it is exactly what Charlie Taylor is saying. STCs were originally intended to be smaller units than he is proposing but with the same focus on education. Even Borstals back in the day, were meant to be institutions that focussed on education and training young people. For over 100 years well-meaning people have reinvented penal institutions to educate children and they have always ended up in abuse.¹⁶⁹

Organisations including the NAYJ and the Howard League advocate SCHs as a preferred model of custody, based on a child care ethos:

...the provision of adequate funding to expand and develop SCHs - which at their best, have demonstrated that a model based on a child care ethos can provide a safe environment with the potential to minimise the damage of custody while preparing children for a positive future — may be preferable to ‘reinventing the wheel’.¹⁷⁰

The Prison Reform Trust said [the urgent notification at Oakhill STC showed that the whole approach to the imprisonment of children was in urgent need of a rethink](#), commenting:

As other governments have done before it, this administration has placed its faith in the invention of a new type of institution—on this occasion a ‘secure school’. But that looks dangerously like window dressing when the first example has yet to open nearly 5 years after the government announced this model as the way forward.¹⁷¹

The Alliance for Youth Justice has called for a long-term strategy for the children’s secure estate:

The government must publish a national strategy and improvement plan for the children’s secure estate, including clear timescales for fulfilling its commitment to close YOIs and STCs, how the introduction of Secure Schools

¹⁶⁸ National Association for Youth Justice, [The state of youth justice 2017: An overview of trends and developments](#), Dr Tim Bateman

¹⁶⁹ Howard League for Penal Reform, Frances Crook’s blog, [Secure schools are the wrong answer to the wrong question](#), 13 July 2016

¹⁷⁰ National Association for Youth Justice, [The state of youth justice 2017: An overview of trends and developments](#), Dr Tim Bateman

¹⁷¹ Prison Reform Trust, press release, [Oakhill STC Urgent Notification](#), 14 October 2021

fits into a long-term strategy, and how the government is ensuring children held in custody in the meantime have their needs met and rights upheld.¹⁷²

Reactions to the use of Medway

Interested groups reacted negatively to the use of the Medway STC site for the first secure school. The Standing Committee for Youth Justice, now the Alliance for Youth Justice, commented that the design, location and history of the Medway site make it unsuitable:

The news that Medway STC is to be converted into a secure school is highly disappointing, and sends a troubling message about the government's commitment to the reform. When Charlie Taylor recommended the creation of secure schools, he was clear they must offer a step change from current custodial provision in order to be effective. Re-purposing Medway STC as a secure school is a far cry from this intention.

The site itself is too far from London – where the majority of children held there are likely to live – to allow for supported reintegration into society. The building is designed to hold more children than we believe suitable for a secure school, and looks and feels far too much like a custodial institution. The thickness of the walls means remodelling to create a school rather than prison 'feel' will be difficult.

Medway STC has a long and problematic history that will be difficult to shake off. It is hard to have faith that the government is serious about a new, child-first approach to secure care if they insist on using such an unsuitable institution for the first, and currently only, pilot.¹⁷³

The Prisoners' Education Trust raised similar concerns:

Plans for the first school at Medway are still vague, but the site – which up to recently held male adults – is not the right location or environment. Medway Secure School looks and feels like a prison, and any prospect of creating a therapeutic and educational environment with a focus on welfare is going to be extremely difficult at this site.¹⁷⁴

¹⁷² Alliance for Youth Justice, press release, [5 years on from the Youth Custody Improvement Board – where are we now?](#), 3 March 2022

¹⁷³ Standing Committee for Youth Justice press release. [SCYJ responds to Secure School Pilot announcement](#), 2 October 2018

¹⁷⁴ Prisoners' Education Trust, [Stopping the neglect of children caught up in the criminal justice system](#), 15 March 2022

The House of Commons Library is a research and information service based in the UK Parliament. Our impartial analysis, statistical research and resources help MPs and their staff scrutinise legislation, develop policy, and support constituents.

Our published material is available to everyone on commonslibrary.parliament.uk.

Get our latest research delivered straight to your inbox. Subscribe at commonslibrary.parliament.uk/subscribe or scan the code below:



 commonslibrary.parliament.uk

 [@commonslibrary](https://twitter.com/commonslibrary)