

Khulisa welcomes the Justice Select Committee's latest report on Children & Young People in Custody

Last week the Justice Select Committee published the second report in their inquiry into Children and Young People in Custody. The [first report](#) focused on how people enter the youth justice system and how they are dealt with when they do. This [second part](#) considers the condition of the estate in which they live and learn, and examines what options are open to children and young people as they leave the youth estate.

Khulisa's position

Khulisa submitted a written response to the Justice Select Committee's (JSC) inquiry last year (read our full response [here](#)). We argued the following:

1. **The secure estate is not a suitable place for children.** For those who cannot be supported safely in the community, we called for a high quality child welfare based model of provision staffed by professionals who are developmentally aware and trauma-informed.
2. **The high reoffending rate persists because the secure estate has not changed to meet the needs of the vulnerable young people left in its care.** While the population of children in the secure estate has been significantly reduced, the justice system has failed to create new institutions centred on the needs of the young people it continues to house.
3. **Education provision in the secure estate needs to include social and emotional skills provision.** These young people have disproportionately experienced trauma and are more likely to have cognitive, emotional, behavioural and communicative difficulties as a result. This can, and often does, prevent them from engaging with traditional forms of education. Social and emotional skills education mitigates the effect of trauma on development, helps people manage behavioural difficulties and, for this cohort of young people, is proven to enable engagement with pro-social choices post release.
4. **There is an urgent need to prioritise staff training on the impact of trauma and how to respond appropriately to neurodevelopmental impairment.** 40% of prisons do not currently offer existing staff any mental health awareness refresher training. If we are to stem the flow of young people through the revolving (prison) door, prison staff need to understand how trauma impacts young people, otherwise they may misread behaviour and exacerbate an existing neurodevelopmental issue, rather than promote effective rehabilitation.
5. **The use of force in the secure estate is inappropriate and disproportionate.** The Human Rights Committee inquiry into Youth Detention identified instances of restraint being used as a response to insufficient staffing levels, insufficient staff training and experience and inappropriate facilities. These figures are incompatible with the threshold of 'last resort' & in breach of children's rights. Trauma informed training would allow professionals to provide appropriate responsive care required to effectively support young people in the secure estate minimising resort to the use of force.

The report's findings and recommendations

The report recognises and celebrates the decrease in the number of young people held in the secure estate - a 70% reduction in the last decade. However, it also highlights that those that it continues to house have significantly more complex needs. The report, as we did in our response, raises concerns about the suitability of the secure estate to this changing cohort.

1 Safety and the use of force and separation

The evidence submitted to the committee painted the picture of a “system at the edge of coping with the young people [it is] holding,” with repeated concerns about safety. In 2017, the Chief Inspector of Prisons reported that no YOI or STC inspected was safe to hold children and young people. While progress has been made since then, levels of violence still remain a concern.

One response to this has been an increased use of separation and Restrictive Physical Interventions (up by 16% in the last year and the highest in five years). The committee reported “significant concerns,” about this both on young people themselves and the institutions that hold them.

They found it “*unacceptable that data on separation in Young Offender Institutions is not gathered and published*” and recommended that the Ministry of Justice rectify this immediately.”

Having found inconsistent practices in the use of separation across different prisons, the JSC asked the MOJ and the Youth Custody service to set out what is being done to ensure coherent and consistent practice across the estate. They also welcomed the Government’s commitment to develop a new policy framework on separation and recommended that the Ministry of Justice and Youth Custody Service set out when this piece of work will be completed and implemented.

They concluded that “*techniques specifically designed to cause pain to children should never be used as routine methods of managing offenders.*” And asked the MOJ and the Youth Custody Service to set out why use of force is rising and the steps being taken to ensure that this use is necessary and proportionate. They also recommended a review of the monitoring and governance processes in place aimed at ensuring these are sufficiently robust.

Given our concerns about the inconsistent and often highly inappropriate use of separation and force, we welcome the recommendations to ensure more consistent and principled practice across the secure estate.

2 Mental health and self-harm

Around a third of children in custody report a known mental disorder and evidence submitted to the committee suggests that custody often acts as a barrier to obtaining appropriate mental health support for young people.

The committee welcomed the introduction of the Secure Stairs model (a whole-system approach to attachment and trauma-informed care led by the NHS) but noted their disappointment at the use of custody in cases where appropriate mental health treatment beds could not be found for children.

As a starting point, Khulisa believes that the secure estate is not a suitable place for children at all, let alone children who need mental health support. As such, we welcome the call for

the MOJ and Department of Health and Social Care to identify mechanisms to ensure appropriate placement for children so that they are in the right place to receive the treatment they need.

“What we found very clearly, and were told time and again by the boys in Feltham, was that they were self-harming out of frustration with the regime, out of frustration with restrictions, and they felt it was the only way in which they could gain attention, because other processes were not working” - Peter Clarke, former Chief Inspector of Prisons

Self-harm in prison is at the highest it has been in five years. The JSC called for the MOJ and Youth Custody Service to set out the measures they have put in place specifically to address self-harm.

Given our own concerns about the mental health of prisoners during the Covid-19 pandemic ([see here](#)), we welcome the Committee’s recommendation that the MOJ and Youth Custody service seek to understand why (and whether) self-harm appears to have reduced during the Covid-19 pandemic, and what can be learned from that.

3 Disproportionality in custody

The report found that not only are BAME children disproportionately represented in the secure estate, they are also disproportionately more likely to be subject to the use of force as well.

In our own written response to the inquiry we argued that the Lammy Review principle of “explain or reform” (aimed at addressing disparities in treatment and outcomes of ethnic groups) had not been appropriately or sufficiently adopted. **We welcome the government’s commitment to implement the full remainder of the recommendations in the Lammy Review. We also support the committee’s recommendations for a full and detailed timetable setting out how and by when those recommendations will be implemented to ensure that disproportionality is reduced and remains so.**

4 Youth Justice reform

Secure Schools

The committee welcomed the plans to develop secure schools but reported their concern with the pace and scale of this reform. There continues to be significant delays to the opening of the first one at the site of the Medway Secure Training Centre - which, given its own history, many of our sector peers found to be an inappropriate setting.

The committee asked for the MOJ to guarantee that the first school will open as planned in 2022, and set out what is being done to ensure that that opening is achieved on time. They also welcomed the Government’s long-term ambition to replace Young Offender Institutions and Secure Training Centres with Secure Schools.

In our own response to the inquiry, we submitted that we believed only Secure Children’s Homes (SCH) were suitable to house children securely. Staffed by qualified social workers and experts on child care, SCHs have a higher ratio of staff to children, provide tailored

support to those children and are characterised by a child care rather than a custodial ethos.

We welcome the Government's ambition to have a secure estate that consists only of secure schools and SCHs. Both are smaller, have a high staff to children ratio and are built around the needs of children. That being said, we would appreciate, as would many in the sector, more clarity about how the schools will work and the provisions that will be put in place to ensure children receive effective and appropriate support.

Staffing issues

The report includes mention of challenges in staff recruitment and retention with a high turnover across the youth custody service and gaps in the training of those who remain. In March 2020, the youth custody service had 14% fewer full-time staff than the year before.

While the MOJ has made a recent announcement that officers working in youth custody will become Youth Justice Specialists after completing degree-level training (something we and the JSC welcome), the committee still reported concerns about the high turnover of staff in the secure estate. They asked the MOJ to set out its strategy for providing and retaining a skilled and suitably trained workforce.

In our response, we highlighted our own experiences with prison staff who amidst cuts to funding are struggling with managing both the objectives of their role and the new cohort of young people they are having to work with. Many appear to be struggling with the effects of vicarious trauma and compassion fatigue as a result. **While we welcome the improved level of training being provided for prison staff, to tackle the high turnover, we would also recommend the roll-out of reflective practice for all staff to enable them to avoid the costly impact of compassion fatigue, toxic stress and vicarious trauma.**

5 Resettlement and reoffending

Evidence submitted to the committee suggests that while “a lot of hard work is done by staff in YOIs, YOTs and external agencies, too much of it is ineffective and so does not deliver good resettlement outcomes for children.” A joint HM Inspectorate of Prisons and HM Inspectorate of Probation inspection found that over 60% had an identified health need in custody but there was evidence in only 26% of cases that the Youth Offending Team (YOT) provided support or intervention for these needs after release. **We support the committee's call for better planning around post-release support.**

As for those still in custody, the report includes evidence of children being referred to interventions “without enough consideration being given to whether they would benefit from or engage with them.” In our own response we questioned the suitability of certain interventions for young people with complex needs.

Without building their social and emotional skills, children who have sustained trauma or adversity will struggle to engage with many forms of educational provision. As such we welcome the call for clearer commitments on the education, training and other meaningful activity being provided to children and young people in custody with the intention of aiding their transition back into wider society.

We also support the recommendation that the Ministry go further in ensuring that young people who move from the youth justice estate and into adult prisons do not fall off a 'cliff edge' as the extra services and care provided in the youth estate are removed.

Conclusion

This report highlights the hard work being done across the system to support children, and provides a clear picture of the landscape of the children's secure estate. It also recognises that many of the practices used in the secure estate are unsuitable for the children it holds.

We welcome the committee's report in whole and believe it's recommendations have the potential to help create a secure estate that better pursues its objective to reduce reoffending.

If you are interested in reading about what a criminal justice system that effectively achieves its aims looks like, read our new book, '*Humane Justice: What role do kindness, hope and compassion play in the criminal justice system?*' [here](#).

You can read the committee's report in full [here](#).

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