

Beyond
YOUTH CUSTODY

**RESETTLEMENT
OF YOUNG PEOPLE
LEAVING CUSTODY
LESSONS FROM THE LITERATURE**

UPDATE: March 2014



In April 2013, Beyond Youth Custody published an extensive review of the literature on the resettlement of young people from custody (Bateman et al, 2013a). New publications are constantly added to the literature so that the shape of the evidence base is changed incrementally over time. Beyond Youth Custody is accordingly committed to publishing regular supplements that take account of the latest developments in resettlement policy and practice and disseminate the most recent research findings in the field. The current paper is the third in a series of updates providing an overview of relevant publications appearing in the period since the literature review was originally published. It aims to ensure that resettlement practitioners with young people have access to the latest available lessons from research, policy and practice.

Continued falls in the imprisonment of young people and challenges for resettlement

The literature review noted that following a rapid rise in the use of custody for young people from the early 1990s onwards, there had more recently been a substantial decline. The under 18 population of the secure estate in December 2012 stood at 1,372 – 49% below that in the equivalent month in 2008. That general pattern has continued in the interim period: at March 2013, there were 1,290 children in the secure estate and by August 2013 that number had fallen to 1,239. The latest data, for December 2013, show a further decline to 1,168. It should be acknowledged that population figures for that month tend to be lower than for the rest of the year, perhaps indicating a reluctance of courts to impose custodial sentences that would require the imprisonment of children over the Christmas period. Nonetheless, the population at December 2013 is almost 14% below that in the same month for the previous year, suggesting that the continuing decline is a real one (Ministry of Justice, 2014a).

The young adult prison population is also falling, albeit at a slightly slower rate. As noted in the literature review, the number of young adults aged 18-20 in custody fell by 16% between 2008 and 2012. Over the past 12 months, the reduction has been more rapid, although still not as pronounced as that for children below the age of 18. At the end of December 2013, 5,915 young adults were detained in custody, representing a decline of 11.5% compared to the equivalent date in 2012 (Ministry of Justice, 2014b). There was a smaller reduction for young prisoners aged 21-24 over the same period of 6.5% (Ministry of Justice, 2014b). By contrast, the number of older prisoners aged 25 and above has continued to rise by almost 4% over the past 12 months. One possible way of understanding these figures might be to speculate that the earlier and sharper decline in the use of custody for children has progressively fed through to older groups.

It has been suggested that, while the continued falls in the number of young people detained within custodial institutions are obviously to be welcomed, recent trends nonetheless pose additional challenges for resettlement services (Bateman et al, 2013a). As children and young people whose offending is of a less serious or persistent nature are increasingly diverted from prison, so the residual population is correspondingly more likely to display an entrenched pattern of offending behaviour and to have a higher concentration of problems.

For example, so far as children are concerned, whereas robbery and violence against the person accounted for 49% of custodial sentences in 2008/9, by 2012/13, that figure had risen to 54% (Ministry of Justice/Youth Justice Board, 2014). In consequence, the proportion of children receiving long-term sentences for what are known as 'grave crimes' (Nacro, 2007) has increased from 8.7% in the former year to 10.5% in the latter (Ministry of Justice/Youth Justice Board, 2010 and 2014). Such children are more likely to have suffered experiences of a traumatic nature that may need to be addressed as part of the resettlement process (Wright and Liddle, 2014).

A number of potential contradictory dynamics arise for this group. Firstly, the lengthy period of detention provides an opportunity for work to address the considerable need that many of them display, but unless resettlement planning commences early the impact of long-term removal from the community can make reintegration more difficult (Bateman et al, 2013a). Secondly, such children are subject to commensurately longer periods of statutory supervision in the community, affording time to establish meaningful relationships with resettlement staff, thereby enhancing the prospects of desistance (Bateman and Hazel, 2013) but also increasing the chances of non-compliance and a return to custody unless services are able to engage this particularly vulnerable group in resettlement activities over the longer term (Bateman and Hazel, 2013).

If children in custody are increasingly characterised by having committed relatively serious offences, they are also more likely to have an extensive history of previous offending. Latest figures published by the Ministry of Justice and the Youth Justice Board, for instance, show that the proportion of the custodial population who have 15 or more previous convictions or cautions rose from 11% to 15% between 2008/9 and 2012/13 (Ministry of Justice/Youth Justice Board, 2014). Where an offending lifestyle is this entrenched, total desistance from crime in the short term is clearly less likely, and in some instances, unrealistic. Evaluation of resettlement interventions might accordingly wish to consider more finely nuanced indicators of success than binary ('yes/no') reoffending such as changes in the pattern or frequency of criminal involvement or measures of 'distance travelled'.

Further evidence that the fall in custody is associated with a concentration of disadvantage and vulnerability among those who continue to be deprived of their liberty is derived from an analysis of the experiences of 15-18 year olds detained in young offender institutions (YOIs) (Kennedy, 2013). Drawing on an annual survey, it shows that during 2012/13, boys within juvenile YOIs were older by comparison with the YOI population four years earlier – a pattern consistent with an increasing use of community based sanctions for younger children. Whereas in 2008/9, 39% of the detained male population report being either 15 or 16 years of age, in the most recent study the proportion had fallen to one in four (Kennedy, 2013; Tye, 2009). As a consequence, resettlement services are likely to come into contact with fewer young children than hitherto, suggesting that a focus on vocational training and enhancing opportunities for employment are more likely to be relevant than school based education.

Over the same period, boys detained in YOIs were also increasingly likely to come from a minority ethnic background. Black and minority ethnic (BME) children accounted for 33% of the total YOI population in 2008/9 but 43% in 2012/13, suggesting that the decline in imprisonment for BME children has been less marked. Although the numbers sampled are significantly smaller, reflecting the fact that at the time of the latest survey only 17-year-old females were detained in juvenile YOIs,¹ a similar pattern was displayed among the girl population, with a rise from 21% to 35% in the proportion who identified themselves as coming from a BME background (Kennedy, 2013; Tye, 2009).

Other research has confirmed that black and mixed heritage children within the youth justice system have increased levels of need as measured by Asset, the Youth Justice Board's assessment tool, by comparison with their white counterparts (May et al, 2010). Breach rates for non-compliance with statutory orders and bail conditions are also slightly higher for these two groups (Ministry of Justice/Youth Justice Board, 2014). Resettlement services will accordingly have to pay attention to ensuring that they are able to meet the particular needs of BME young people.

Over the same period, 2008/9-2012/13, the proportion of boys who reported that they had spent time in local authority care rose from 24% to 33%. For girls, the respective figures were higher at 49% and

¹ As reported in the previous update of the literature review, in the period since the survey was undertaken the three remaining dedicated units for girls within YOIs have been closed.

61%. There was also an increase from 8% to 11% in the proportion of boys who said that they had children of their own (Kennedy, 2013; Tye, 2009).

No separate data of this kind are published for young prisoners aged 18-24, but it would not be unreasonable to suppose that a similar process of a concentration of disadvantage may have occurred among this population as the overall level of incarceration has reduced.

One might anticipate that if young people in custody have become increasingly vulnerable, that would be reflected in rising rates of reoffending. That does not seem to have occurred however. As shown in table 1 below, the one year recidivism rate for children who were released in 2012 was 69.3% compared with 74% four years previously (Ministry of Justice/Youth Justice Board, 2014). Moreover, it would appear that the extent of further offending declines in line with sentence length, as indicated in table 2 below. Reoffending rates for adult prisoners are not broken down by age but, while adult recidivism is substantially lower than that of children, a similar pattern of decline has been observed (Ministry of Justice, 2014c).

Table 1

Proven reoffending within 12 months of release from custody 2008-2012

	March 2008	March 2009	March 2010	March 2011	March 2012
Children aged 10-17	74.0%	71.2%	69.7%	72.6%	69.3%
Adult prisoners aged 18+	49.2%	48.7%	46.9%	47.2%	45.8%

Table 2

Proven reoffending by children within 12 months of release from custody by sentence length

Sentence length	6 months or less	6 months-12 months	12 months-4 years
Percentage reoffending	75.2%	72%	62.2%
Average number of re-offences	4.66	4.3	3.37

Changes to the custodial estate and developments in resettlement

Such high level reductions in the youth population subject to imprisonment inevitably impact on the configuration of the custodial estate as the required capacity shrinks. As noted in the previous update to the literature review, so far as children are concerned, the Youth Justice Board has withdrawn from Ashfield YOI and Warren Hill YOIs (a total of 552 beds) and reduced capacity at Wetherby and Hindley by a combined total of 378 places. The three dedicated YOI units with places for 41 17-year-old girls are also to be re-rolled as adult provision. In February 2014, the Youth Justice Board announced that the total number of places it commissions in secure children's homes would fall in the re-contracting process from 166 to 138, representing withdrawal from two units (Youth Justice Board, 2014a).

Following consultation on the Green Paper *Transforming Youth Custody* (Ministry of Justice, 2013a), the government has now confirmed plans to reconfigure the custodial estate for children over the longer term (Ministry of Justice, 2014d). Secure colleges will constitute 'a new model of youth custody' that 'puts education at the heart of detention' with a single lead provider delivering all the services within the establishment rather than educational input being commissioned separately

(Ministry of Justice, 2014d: 5). It is anticipated that secure colleges will replace secure training centres and YOIs, accommodating the large majority of children – boys and girls aged 12-17. Clause 17 of the Criminal Justice and Courts Bill, currently before Parliament, will legislate to make secure colleges one of the forms of institution in which children deprived of their liberty can be detained. Some specialist provision will remain in the form of secure children's homes to cater for a 'small number of the very youngest, most vulnerable and most challenging young people who will be unsuited to the mainstream provision in a secure college' (Ministry of Justice, 2014d: 10).

A purpose-built pathfinder secure college will be developed adjacent to Glen Parva YOI and it is anticipated that the establishment will open in spring 2017. If the pilot proves successful, a network of secure colleges will be developed over the longer term, allowing withdrawal from YOIs and secure training centres. The feasibility of developing a secure college on the site of Feltham in West London is currently under consideration and a decision is expected in the summer of 2014.

The government's response to the consultation makes it clear that one of the aims is to reduce the average per capita annual cost of detaining a child in custody to 'significantly below' the current £100,000 (Ministry of Justice, 2014d: 5). It would appear that a considerable part of these savings is to be delivered through economies of scale so that at least some children will be detained in substantially larger institutions than at present. The pathfinder secure college is projected to hold 320 children, equivalent to just over one quarter of the current custodial population (Ministry of Justice, 2014d). Assuming a pro-rata distribution, girls would find themselves in a very small minority with, on one estimate, around 16 females housed alongside more than 300 boys. The ratio of younger children below the age of 15 to those aged 15-17 would be similar (Bateman, 2014a). Such considerations have led some commentators, such as the Deputy Children's Commissioner for England, to caution that such large, predominantly male institutions might put girls at risk (Puffett, 2014).

Analysis of surveys conducted in secure training centres and young offender institutions that explore the experiences of children detained in those institutions (Ellwood, 2013; Kennedy, 2013) allows some comparison of those experiences. Secure training centres are significantly smaller in size than YOIs (and the proposed secure colleges) holding, at the time of the survey considering the former, populations that ranged from 74 at Medway to 33 at Hassockfield. When considered in the context of an equivalent survey of children detained in larger institutions (Kennedy, 2013) the findings indicate that children in the smaller units were more likely to report that they had a personal officer/key worker, that staff treated them with respect, that they had a sentence or remand training plan, and that in the event of them having a problem, they would have someone to turn to. While one in three of those held in YOIs had felt unsafe at some point during their stay, the equivalent figure for children in secure training centres was one in five (Ellwood, 2013; Kennedy, 2013). It has been suggested that such comparisons might point to some of the difficulties associated with larger custodial establishments (Bateman, 2014b).

Another potential area of concern is that the Bill would allow staff within secure colleges to use reasonable force to search children to, among other things, 'ensure good order and discipline' (Part 1, schedule 4). This provision might be considered to be in tension with a Court of Appeal decision in 2008 which determined that the use of restraint to ensure good order and discipline in secure training centres would constitute a breach of Article 3 of the European Convention in Human Rights – the prohibition on torture, degrading treatment or punishment – unless the government could show that the use of force was necessary for this purpose. The court took the view that the government had not been able to demonstrate such a necessity (*R (C) v Secretary of State for Justice [2008]*).

It was reported in the previous update to the literature review that, within the existing custodial estate, routine strip searching of children had been discontinued in secure children's homes and secure training centres and was no longer mandatory in YOIs unless there was deemed to be a significant risk of drugs, weapons or other contraband being concealed. At the time, Jeremy Wright, government minister with responsibility for youth justice, announced the government's intention to implement a three month pilot of 'entirely risk and intelligence based searches' (Wright, 2013).

In the interim period, the pilot which operated at Werrington and Parc YOIs has been completed and evaluation has shown no increase in the level of proscribed items brought into the institutions. As a consequence, the initiative has been extended to Wetherby and Hindley YOIs and, depending on the outcome, routine strip searching may be discontinued across the whole of the secure estate for children and young people (Lepper, 2013; Crook, 2013).

Given that no secure college will open for at least three years, the government's plans for transforming youth custody also make provision for changes in the interim period. On the expiry of the current YOI education contracts during 2014, new commissioning arrangements will seek to double the number of hours of educational provision offered to children detained in those settings. The person responsible for managing educational delivery in each establishment will become part of the senior management team to ensure the better integration of education within the broader custodial regime. The Youth Justice Board which currently commissions custodial services will also take over responsibility for education provision (Ministry of Justice, 2014d). Given that a lack of integration between education within the secure estate and that in the community has frequently been identified as a barrier to successful resettlement (Bateman et al, 2013a), such changes might be thought to offer the potential to improve the transition for children into and out of custody.

The government's response to the consultation also contains a section that focuses specifically on resettlement. It recognises the evidence that planning for resettlement from the beginning of the custodial episode is essential to effective practice and acknowledges the need for arrangements for the child to commence education, training or employment in the community to already be in place prior to release. To this end, the government proposes that a greater emphasis will be placed on requiring custodial providers to 'instil in young people a commitment and desire for continued engagement in learning' (Ministry of Justice, 2014d: 11). This will in part involve a 'more effective use' of release on temporary licence to improve preparation for children to return to the community (Ministry of Justice, 2014d: 11).

The government also expects that youth offending teams will develop their partnership work with education providers, local authorities and employers to improve the provision of appropriate services available at the point of release. Perhaps aware that previous research has pointed to the difficulties of implementation rather than a lack of understanding of good practice (Bateman et al, 2013a), the document indicates that consideration will be given to what mechanisms may be required to hold partners to account to ensure that they meet their statutory obligations in this regard. While no details are given as to what such mechanisms might consist of, the government indicates that it will aim to build on the best of existing practice.

Statutory support within custody and on release will, on implementation of the legislation, be enhanced for certain categories of children and young people up to the age of 25 by the Children and Families Act 2014 which received Royal Assent on 13 March 2014. The Act places a duty on local authorities to identify all children and young people in its area with special educational needs and those with a disability and to ensure the integration of 'educational provision and training provision with healthcare provision and social care provision' where this would promote the well-being of those children or improve the quality of special education provision (Great Britain, 2014:

section 25). In the light of assessment, where it appears that special educational provision is required, the local authority must ensure that an education, health and care (EHC) plan is produced that specifies among other things:

- The child/young person's special educational needs and the provision required by him or her.
- Any healthcare provision reasonably required to meet the learning difficulties and/or disabilities which result in him or her having special educational needs.
- In the case of a child or a young person aged under 18, any social care provision reasonably required by the learning difficulties and disabilities which result in the child or young person having special educational needs (Great Britain, 2014: section 37).
- The authority, in conjunction with relevant partners, must secure the educational, health and care provisions identified in the plan.

When the legislation was introduced to Parliament, the Bill specifically excluded children and young people in custody from the above provisions. Following lobbying, the government introduced amendments to ensure that duties in relation to EHC plans continued to apply within the custodial estate. Under the amended statute, local authorities and health commissioners must arrange appropriate special educational provision for children in custody and ensure that the provision is consistent with that in the plan, or where that is impracticable that it corresponds as closely as possible with what is specified in the plan (Standing Committee for Youth Justice, 2014). From a resettlement point of view, these legislative requirements ought to facilitate the delivery within the custodial estate of appropriate educational and health services for the disproportionately high numbers of children and young people with the requisite needs, complementing services to which they have access prior to incarceration and anticipating provision that will again be in place on release.

The importance of support to children deprived of their liberty is highlighted by the publication of a review of the deaths of 16 children in custody since 2000 when the Youth Justice Board assumed responsibility for the secure estate (Youth Justice Board, 2014b). The review – which does not deal with three children who died in 2011 and 2012 because investigations on the circumstances surrounding their deaths have yet to be completed – outlines how the Board has responded to recommendations made by inquiries into the incidents leading to the fatalities. It notes that all but one of the deaths were self-inflicted and that 14 out of the 16 children who died were placed in YOIs, with the remaining two detained in secure training centres. (There were no deaths in this period in secure children's homes.)

The custodial estate for young adults aged 18-20 is also inevitably subject to reconfiguration as capacity exceeds demand. Thus in March 2014, the Ministry of Justice announced that Littlehey and Lancaster Farms would both change function to hold only adult male prisoners aged 21 and over (Ministry of Justice, 2014e). Consideration is moreover being given to more fundamental change. In November 2013, the government declared that it intended to close young adult YOIs and relocate all young adult prisoners who are currently held in such accommodation into mainstream adult provision. The rationale given was that the presumption that young adults should automatically be kept together, regardless of length of sentence or resettlement needs, undermined the capacity of the custodial estate to best address their needs.

'Young adults on long sentences, who have committed serious crimes and have longer term rehabilitation needs, are accommodated together with young adults on relatively short sentences, whose needs are more about resettlement and whose risks to the public are lower' (Ministry of Justice, 2013: 7).

In addition, the government noted that levels of violence in the young adult estate were significantly higher than those in prisons more generally: in 2012, while young adults accounted for just 7.5% of the

prison population, they were responsible for more than a quarter of assaults within the custodial estate (Ministry of Justice, 2013). Effecting the change would require abolition of the sentence of detention in a YOI. This could be given effect through implementation of section 61 of the Criminal Justice and Court Services Act 2000, which received Royal Assent under the New Labour government (Great Britain, 2000).

The proposals were subject to a short, six-week consultation and they provoked considerable opposition. The Howard League, for instance, contended that there was insufficient evidence to justify the changes, pointing out that the rate of suicide is higher in the adult estate and noting that:

‘if young adults are dispersed into the adult prison system, expertise that currently exists, for example, in probation, offender management units or with wing staff, will be lost’
(Howard League, 2013: 6).

Nacro also questioned the robustness of the evidence base for the proposals, particularly the efficacy of intergenerational peer mixing in curbing violent behaviour perpetrated by young adults. In addition, it argued that if the government adopted ‘a one-dimensional approach which simply concentrates on the custodial accommodation aspects, [it] may not address the complex problem of reoffending among the young adult population’. (Nacro, 2013).

The Standing Committee for Youth Justice (2013) expressed concern over the implications for children on long-term sentences who, under the plans, would be required to transfer directly from the secure estate for children and young people to an adult prison. The committee argued that girls in particular, all of whom are currently placed in secure children’s homes or secure training centres up until their 18th birthday, would be particularly affected by the abrupt transition from one regime to another. The Transition to Adulthood Alliance (2013: 4) also opposed the changes, maintaining that the government should instead aim to develop a ‘comprehensive set of policies for dealing appropriately and effectively with young adults throughout the criminal justice system’ including custody. According to an article in the Guardian (Travis, 2014) opponents of the measures included the Youth Justice Board who feared that ending distinct provision for young adults would put at risk much recent progress in work with this age group and doubted that dispersing them among the wider adult prison population would ‘provide the protection and support required to rehabilitate 18-20 year olds at the peak age of offending’.

The consultation period closed in December 2013. On 6 February 2014, Chris Grayling, Minister of Justice, announced in a written ministerial statement a review of suicide by young people aged 18-24 in custody to be conducted by the Independent Advisory Panel on Deaths in Custody. The Minister confirmed that any decision on the abolition of a distinct young adult estate would now await the outcome of that review, which is due to report in the spring of 2015 (Grayling, 2014).

So far as the adult estate more generally is concerned, the pattern is to increase capacity. Since April 2010, an additional 3,700 places for male adult prisoners have come on stream. New blocks are being built at four prisons, totalling an extra 1,260 places and a new 2,100 place prison in Wrexham is also under construction (Ministry of Justice, 2014e).

Having a criminal record can impede access to education, employment and accommodation, thereby acting as an obstacle to resettlement and undermining prospects for desistance (Ministry of Justice, 2013; Bateman et al, 2013a). The period before a conviction becomes ‘spent’ – at which point there is no longer a requirement to declare it other than for certain forms of exempted employment, such as working with children or other vulnerable young people – is governed by the Rehabilitation of

Offenders Act 1974. The period varies according to the sentence imposed and, in most cases, is halved for children below the age of 18. The Act was amended to shorten some rehabilitation periods via the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and the new provisions came into force on 10 March 2014 (Ministry of Justice, 2014f). The changes are summarised in table 3.

Table 3

Rehabilitation periods before and after implementation of the relevant provisions of the Legal Aid, Sentencing and Punishment of Offenders Act 2012

Sentence	Children aged 10-17		Adults aged 18+	
	Prior to implementation	Post implementation	Prior to implementation	Post implementation
Custody: over 4 years	Never spent	Never spent	Never spent	Never spent
Custody: 30-48 months	Never spent	Sentence+3.5 years	Never spent	Sentence+7 years
Custody: 6-30 months	Age 15-17: 5 years from conviction	Sentence+2 years	10 years from conviction	Sentence+4 years
	Age 12-14: sentence+1 year	Sentence+2 years		
Custody: less than 6 months	Age 15-17: 3.5 years from conviction	Sentence+1.5 years	7 years from conviction	Sentence+2 years
	Age 12-14: sentence plus 1 year	Sentence+1.5 years		
Community order/ YRO ²	The longer of 1 year from conviction or length of order	Sentence+6 months	5 years from conviction	Sentence+1 year
Fine	2.5 years from conviction	6 months from conviction	5 years from conviction	2.5 years from conviction
Compensation	2.5 years from conviction	Date compensation paid in full	5 years from conviction	Date compensation paid in full
Referral order	On completion of order	On completion of order	N/A	N/A
Conditional discharge	The longer of 1 year from conviction or length of order	End of order	The longer of 1 year from conviction or length of order	End of order

In terms of resettlement, the most relevant changes are those that relate to custody and they are, for the most part, welcome. For children and young people serving sentences of up to four years, rehabilitation periods will, in most circumstances, be shorter. However, for children aged 12-14 subject to a detention and training order, rehabilitation periods will actually increase as indicated in the table above.

Research findings

As noted in the previous update, the authors of the Beyond Youth Custody literature review have recently become aware of differences in terminology between jurisdictions that may need to be taken into account when identifying research that is relevant to working with young people leaving custody. What is referred to as 'resettlement' in the UK is, at least on some occasions, known as 're-entry' or

² Youth rehabilitation order

'aftercare' in the United States. While the latter does have the advantage of focusing attention on that fact that 'care' is generally a pre-requisite of successful intervention with young people (see for instance, Bateman et al, 2013b and McNeil, 2009) it also tends to suggest an emphasis on what happens following release into the community rather than a process that commences at the point of incarceration. 'Re-entry' similarly tends to imply that relevant intervention occurs after the custodial episode. Nonetheless, literature from the United States can provide important lessons for resettlement work within England and Wales in spite of the different context.

A recent meta-analysis of aftercare programmes in the United States interrogates results from 30 primary research studies to ascertain whether such interventions impact positively on recidivism with 'juvenile offenders' (Weaver and Campbell, 2014). In this context, aftercare – notwithstanding the comments in the previous paragraph – is defined as an intervention where:

'during incarceration there is a major programmatic focus on preparation for re-entry and upon re-entry there is a follow-up period that is characterized [*sic*] by both community supervision and the provision of services' (Weaver and Campbell, 2014: 1).

The review notes that there has been a marked increase in the number of such programmes over the past 20 years, in large part as a consequence of a recognition that of the 80,000 juveniles released from custody each year in the US, more than half are rearrested within three years. Nonetheless, the research evidence of effectiveness has, to date, been mixed. Aggregating results from all of the 30 studies in the review indicated that there was a modest overall positive effect of intervention on recidivism, but not at a level that was statistically significant.

Significant reductions in further offending were, however, shown for programmes where the mean age of participants was above 16.5 years. The authors speculate that older teenagers may be more likely to:

'exhibit the intellectual capacity to participate in and enjoy society's activities of production, culture and leisure so the educational, skill building and therapeutic aspects of aftercare programs [*sic*] may be particularly effective for older youth' (Weaver and Campbell, 2014: 9).

From an England and Wales context, this finding may be important given the rising age profile of children in YOIs noted above.

Other meta-analyses (see, for instance, Latimer, 2001) have pointed to the importance of family involvement in resettlement work with younger children. Such findings are confirmed by a recent study conducted by the Vera Institute in America which explored the relationship between family visits to children in custodial establishments and their behaviour and educational performance within the institution (Agudelo, 2013). Ninety-six percent of children within the sample had some form of contact with their families during incarceration, but for many this predominantly took the form of telephone calls and letters: almost one third reported no personal visits from family members and just one in four received weekly visits.

Children who received regular visits had significantly fewer 'behavioural incidents' than those who were never visited – an average of four a month compared to 14. More frequent visitation was also associated with improved or higher educational grades even where age, race, school attendance and number of schools attended were controlled for (Agudelo, 2013). While the research did not seek to establish the impact on reoffending on release, one might reasonably speculate that improvements on these measures also enhance the prospects for effective engagement in resettlement activities.

Returning to the meta-analysis of aftercare provision, the review also established that where programmes were reported as being ‘well implemented’, young people were 18% less likely to reoffend than those in control groups who did not receive the intervention. Indicators of good implementation included having staff who demonstrated positive commitment to the well-being of the young people with whom they worked in a variety of ways such as:

‘energetically engaging in supervisory and mentoring activities, providing referrals to service providers within the educational and occupational enhancement realms, and regularly participating in organizational [*sic*] activities’ (Weaver and Campbell, 2014: 10).

Conversely, weak implementation was associated with high staff turnover, lower levels of contact between staff and young people than originally anticipated and young people feeling that there was insufficient contact with staff. In interpreting this latter finding, it is important to be clear that this was not a question of the intensity of the intervention per se. Indeed, the analysis suggested that variations in the frequency of contact had little impact on reoffending; problems arose, however, where levels of contact were lower than young people had been given to expect. As the authors argue:

‘regular contact between professional aftercare workers and youth may be a necessary condition for an effective aftercare program [*sic*], it is apparently not sufficient [Program [*sic*] planners and administrators should place primary emphasis on the quality rather than quantity of contacts between youth and professional staff’ (Weaver and Campbell, 2014: 10).

An earlier report published in 2009 but not previously identified in searches for the Beyond Youth Custody literature review provides further evidence on what it describes as ‘essential components of youth reentry services’ (Nellis, 2009). The report notes that the process of incarceration tends to exacerbate pre-existing disadvantage among the youth custodial population by instigating ‘delays in positive youth development, social skills and learning’. At the same time, children returning to the community face difficulties in terms of accessing appropriate ‘education, employment, healthcare [and] housing’ (Nellis, 2009: 17). Whereas early models of aftercare in the US were dominated by a focus on surveillance and supervision, there has been a more recent shift to a view that positive interventions which seek to overcome the challenges faced by young people on release generate better long-term outcomes. Moreover, evidence suggests that programmes with a broad focus that aims to respond to young people in the context of the environment to which they will return – including the school, the family, peers and the community – tend to yield better outcomes than those which are centred on the deficits of the individual child.

In this context, the minimum requirements necessary for effective resettlement providers are that they should:

- ‘Be located in the community where returning youth live;
- Be individualized [*sic*] to assist with developmental deficits;
- Concentrate heavily on ensuring school re-enrolment, attendance and success;
- Focus on permanent family/guardianship connections;
- Include access to mental health and substance abuse treatment;
- Recognize [*sic*] the diverse needs of returning youth;
- Include a structured workforce preparation and employment component; and
- Include housing support and assistance for youth who cannot live with relatives and are transitioning to adulthood’ (Nellis, 2009: 6).

Primary research conducted in Boston and Chicago with 23 young people who have experienced custody highlights the contradictory nature of the process of incarceration and release and, in so doing, provides evidence of both the potential for, and barriers to, successful resettlement (Soyer, 2014). On the one hand, young people within custodial institutions frequently rationalise their period of confinement as a positive turning point that allows them to pause and make changes for the future. It offers the prospect of a shift in identity whereby young people can determine that they no longer wish to see themselves, and be seen by others, as offenders. In this sense, the study confirms that deprivation of liberty can provide what others have called a 'window of opportunity' (Bateman et al, 2013a).

At the same time, the punitive framework within which custodial facilities are located and the stigmatising nature of the imprisonment operate to constrain young people's ability to 'exercise creative agency' in a consistent fashion, thereby limiting the likelihood that they will be able to develop realistic strategies for desistance on release and increasing the risk of reoffending (Storey, 2014: 91). In this context, the importance of the support of resettlement practitioners within the custodial environment who are able to nurture a positive sense of agency is apparent (Bateman et al, 2013b). High quality intervention that commences while the young person is in custody and plans for what will happen on release accordingly has the potential to capitalise on the opportunities afforded by the custodial episode. Conversely, as noted in the literature review, the window for doing so can close relatively quickly when the young person returns to his or her community unless requisite support mechanisms are already in place at that juncture (Bateman et al, 2013).

The importance of focusing on identity is reflected in an evaluation of a re-entry programme for Native American young people (McKay et al, 2013). While previous studies have identified higher rates of youth offending, mental ill health, substance misuse and other difficulties among American Indian young people by comparison to their white counterparts, relatively little research has focused on American Indian specific risk and protective factors and how these might be related to contact with the criminal justice system. The Office of Juvenile Justice and Delinquency Prevention's 'tribal green reentry program'*[sic]*, which awarded funding to three American Indian tribes in 2009, operates on the hypothesis that cultural identity, spirituality and family and social connections might function as particularly powerful protective factors for indigenous young people. This hypothesis is derived from studies that appear to show that cultural and spiritual practices among American Indian people are negatively correlated with suicides, suggesting that 'traditional American Indian ways [may] be related to resiliency' (McKay et al, 2013: 2). While little research has explored the role of family and other social connections with American Indian young people in conflict with the law, parental involvement has been found to be a protective factor in relation to both victimisation and violent youth offending.

The programme is designed to improve the resettlement of American Indian children on release from detention 'through the incorporation of green technologies and environmentally sustainable activities' (McKay et al, 2013: 3). It does so by combining such activities with more conventional resettlement interventions including counselling, education and individualised programming. The green activities include gardening and skill development within sustainable technologies and the programme incorporates traditional tribal culture through cultural education, activities and ceremonies. The evaluation considers qualitative evidence of perceptions of change among participants as reported by staff, stakeholders, parents and young people themselves.

All three groups of respondents reported a 'transformation in character' among programme participants, noting a new sense of responsibility, a new sense of personal pride and self-worth and a greater focus on long-term life goals (McKay et al, 2013: 5). These changes were accompanied by a range of improvements in perceived health and emotional well-being, including the development of an enhanced capability to deal with anger and an increased emotional openness and capacity to trust in

others, particularly among those young people whose previous experiences were marked by having had limited positive adult support. Participants demonstrated a better knowledge of traditional teachings and experienced a sense of pride in having achieved a stronger cultural identity, which was manifested in better relationships with elders, both within the family and the wider community. Participation in the programme was also reflected in an increased take-up and involvement of young people in other community based activities in their reservations. This contributed in turn to participants feeling that they were more respected by adults in their communities. Soft outcomes of the type considered by this evaluation are not directly related to reoffending. As noted in the Beyond Youth Custody literature review, within England and Wales at least, successful resettlement is clearly predicated on reductions in reoffending (Bateman et al, 2013a). McKay et al's report (2013) is, in this context, a helpful reminder that resettlement activities may also have wider benefits. Further, while no data on recidivism are provided, the evaluation did find considerable improvements in educational engagement among programme participants with increased school attendance, fewer episodes of lateness and progress towards accredited qualifications. Such educational factors are themselves associated with improved prospects for desistance (Smith, 2006).

References

- Agudelo SV (2013) *The Impact of Family Visitation on Incarcerated Youth's Behavior and School Performance: Findings from the Families as Partners project* New York: Vera Institute
- Bateman T (2014a forthcoming) 'Government in England and Wales announces plans for a pathfinder "secure college" as next step forward in the "Transforming youth Custody agenda"' *Youth Justice* 14(1)
- Bateman T (2014b forthcoming) 'Children imprisoned in England and Wales less likely to feel safe in young offender institutions than in secure training centres' *Youth Justice* 14(1)
- Bateman T and Hazel N (2013) *Engaging Young People in Resettlement* London: Beyond Youth Custody
- Bateman T, Hazel N and Wright S (2013a) *Resettlement of Young People Leaving Custody: Lessons from the literature* London: Beyond Youth Custody
- Bateman T, Melrose M and Brodie I (2013b) *'Nothing's Really That Hard – You Can do it': Agency and fatalism: the resettlement needs of girls* Luton: University of Bedfordshire
- Crook F (2013) 'Ending routine strip-searching of children' Frances Crook's blog, 31 October 2013
- Elwood C (2013) *Children and Young People in Custody 2012–13: An analysis of 12–18 year olds' perceptions of their experience in secure training centres* London: HM Inspectorate of Prisons
- Grayling C (2014) *Deaths in Custody*. Written ministerial statement, 6 February 2014
- Great Britain (2000) *Criminal Justice and Courts Services Act 2000, Elizabeth II*: Chapter 43 London: The Stationery Office
- Great Britain (2014) *Children and Families Act 2014, Elizabeth II: Chapter 6* London: The Stationery Office
- Howard League (2013) *The Howard League for Penal Reform's Response to the Consultation on Transforming Management of Young Adults in Custody* London: Howard League for Penal Reform
- Kennedy E (2013) *Children and Young People in Custody 2012–13: An analysis of 15–18 year olds' perceptions of their experiences in young offender institutions* London: HM Inspectorate of Prisons
- Latimer J (2001) 'A meta-analytic examination of youth delinquency, family treatment and recidivism' *Canadian Journal of Criminology* 43(2): pp.237–253

- Lepper J (2013) 'Government extends strip-search pilot' *Children and Young People Now* 05 November 2013
- May T, Gyateng T and Bateman T (2010) *Exploring the Needs of Young Black and Minority Ethnic Offenders and the Provision of Targeted Interventions* London: Youth Justice Board
- McKay T, Lindquist C, Pecos Melton A and Martinez R (2013) *Stories of Change Among Justice-Involved American Indian Youth: From the cross-site evaluation of OJJDP's tribal green reentry program* North Carolina: RTI International
- McNeill F (2009) 'Supervising young offenders: what works and what's right' in Barry M and McNeill F (eds) *Youth Offending and Youth Justice* London: Jessica Kingsley
- Ministry of Justice (2013a) *Transforming Youth Custody: Putting education at the heart of detention* London: The Stationery Office
- Ministry of Justice (2013b) *Transforming Management of Young Adults in Custody* London: Ministry of Justice
- Ministry of Justice (2013c) *Analysis of the Impact of Employment on Reoffending Following Release from Custody Using Propensity Score Matching* London: Ministry of Justice
- Ministry of Justice (2014a) *Youth Custody Report – December 2013* London: Ministry of Justice
- Ministry of Justice (2014b) *Offender Management Statistics Quarterly Bulletin – July to September 2013 – England and Wales: Prison population tables* London: Ministry of Justice
- Ministry of Justice (2014c) *Proven Reoffending Statistics Quarterly Bulletin – April 2011 to March 2012: England and Wales* London: Ministry of Justice
- Ministry of Justice (2014d) *Transforming Youth Custody: Government response to the consultation* London: Ministry of Justice
- Ministry of Justice (2014e) 'Change in function for two prisons to help create a fit for purpose prison estate' Press release, 14 March 2014 London: Ministry of Justice
- Ministry of Justice/Youth Justice Board (2010) *Youth Justice Annual Workload Data 2008/09* London: Ministry of Justice
- Ministry of Justice/Youth Justice Board (2014) *Youth Justice Statistics 2012/13* London: Ministry of Justice
- Nacro (2007) *Grave Crimes, Mode of Trial and Long-Term Detention* London: Nacro
- Nacro (2013) *Response to MOJ Consultation on Transforming Management of Young Adults in Custody* London: Nacro
- Nellis A (2009) *Back on Track: Supporting youth re-entry from out-of-home placement to the community* Washington DC: The Youth Reentry Taskforce
- Puffett N (2014) 'Secure colleges would put girls at risk, warn campaigners' *Children and Young People Now*, 13 March 2014
- R (C) v Secretary of State for Justice* [2008] EWCA Civ 882 [2008]
- Smith D (2006) *School Experience and Delinquency at Ages 13 to 16* Edinburgh: University of Edinburgh
- Standing Committee for Youth Justice (2013) *Transforming Management of Young Adults in Custody* London: Standing Committee for Youth Justice
- Standing Committee for Youth Justice (2014) *Children and Families Bill – Third Reading (House of Lords): Update on Government amendments to clause 70 – children and young people with SEN in custody* London: Standing Committee for Youth Justice

Storey M (2014) 'The imagination of desistance: a juxtaposition of the construction of incarceration as a turning point and the reality of recidivism' *British Journal of Criminology* 54(1): pp.91-108

Transition to Adulthood Alliance (2013) *Ministry of Justice Consultation on Transforming Management of Young Adults: Response by the Transition to Adulthood Alliance* London: Transition to Adulthood Alliance

Travis A (2014) 'Youth justice chiefs attack plan to move young adult offenders to prisons' *Guardian*, 3 February 2014

Tye D (2009) *Children and Young People in Custody 2008–09: An analysis of 15–18 year olds' perceptions of their experiences in young offender institutions* London: HM Inspectorate of Prisons

Weaver RD and Campbell D (2014) 'Fresh Start: A meta-analysis of aftercare programs [sic] for juvenile offenders' *Research on Social Work Practice*, available at <http://rsw.sagepub.com/content/early/2014/02/07/1049731514521302>

Wright J (2013) 'Full searching in the youth secure estate' Letter to Frances Crook, 7 June 2013

Wright S and Liddle M (2014 forthcoming) *Experiences of Trauma Among Young Offenders: Beyond Youth Custody practitioner briefing 2* London: Beyond Youth Custody

Youth Justice Board (2014a) 'New contracts for secure children's homes' in *Youth Justice Bulletin: Secure estate* Issue 91, 13 February 2014

Youth Justice Board (2014b) *Deaths of Children in Custody: Action taken, lessons learnt* London: Youth Justice Board

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