

Beyond
YOUTH CUSTODY

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

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Dr Tim Bateman



Introduction

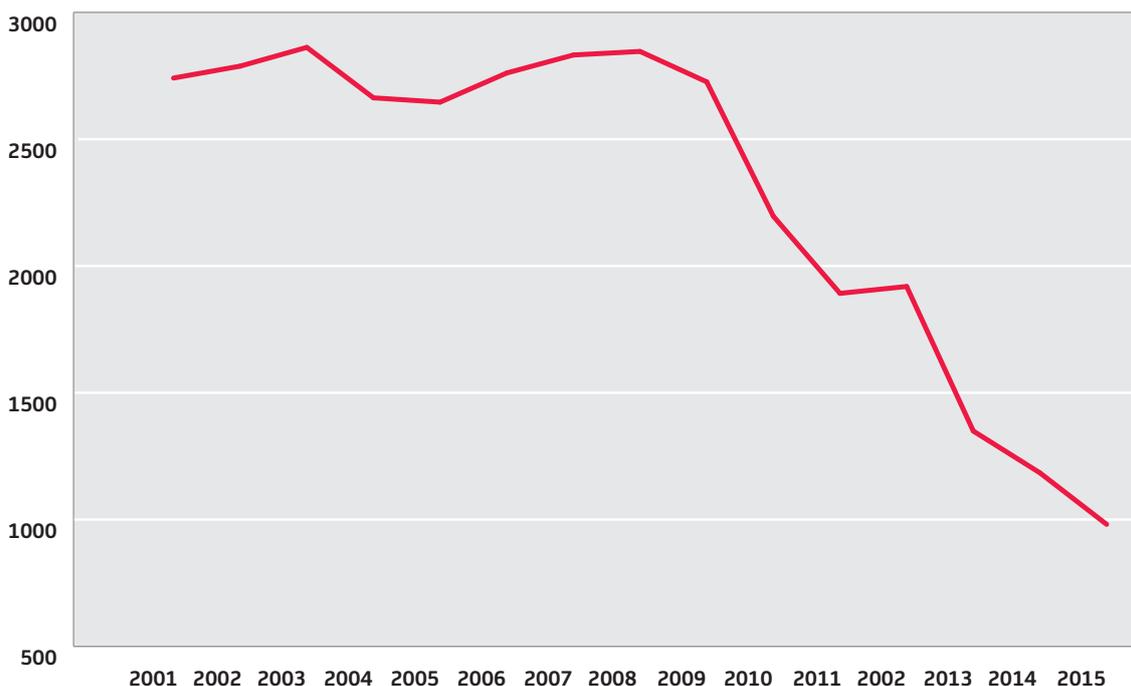
In April 2013, Beyond Youth Custody (BYC) published an extensive review of the literature on the resettlement of young people from custody (Bateman et al, 2013). New publications are constantly added to the literature, so that the shape of the evidence base is changed incrementally over time. BYC is committed to publishing regular supplements that take account of the latest developments in resettlement policy and practice, and disseminating the most recent research findings in the field. This is the latest in a series providing an overview of relevant publications that have appeared since the most recent update was published in November 2014. It aims to ensure that practitioners and policy makers involved with the resettlement of young people have access to the latest available lessons from research, policy and practice.

Trends in imprisonment and challenges for resettlement

Since 2000, the overall number of prisoners in England and Wales has risen sharply. Between 2002 and 2014, for instance, the prison population grew by 20% to a total of 84,485 on 10 October of the latter year (Prison Reform Trust, 2014). That increase has continued into 2015; on 20 March the prison population stood at 85,376 (Ministry of Justice, 2015a). By the end of June 2020, the government projects that the number of people in custody will rise to 90,200 (although estimates range from a low of 81,400 to a possible high of 98,900) (House of Commons Justice Committee, 2015).

This pattern, however, contrasts markedly with that for young people. While the youth custodial population grew during the early part of the 2000s, it has declined sharply since 2008. For children below the age of 18, there has been a further fall since BYC published its last literature review update in November 2014. In August 2014, there were 1,068 children detained in custody. In January 2015, the latest date for which figures are available at the time of writing, this number had reduced to 981; the first time that the population has fallen below 1,000 since April 2000 when the Youth Justice Board (YJB) began to collect figures in their current form. This latest figure represents a fall of 17% since January 2014 and a decline of 68% compared with the highpoint reached in May 2008 (Ministry of Justice, 2015b). The scale of the change is shown in figure 1.

Figure 1
Child custodial population 2001-2015: January of each year



The young adult prison population has also fallen, but the trajectory has not been so marked as that for children. As noted in the literature review, the number of 18 to 20 year olds in custody fell by 16% between 2008 and 2012. Since then, the rate of decline appears to have accelerated. As shown in table 1, on 31 December 2014, the number of young people in custody aged between 18 and 20 stood at 5,202, 12% lower than twelve months earlier and 22% lower than in December 2012. Over the same period, the number of young people in custody aged between 21 and 24 has also fallen, although the decline is more modest than that for children or for younger adults, at just over 9% (Ministry of Justice, 2015c and 2015d).

Table 1
Young adult custodial population: December 2012-December 2014 (31st of each month)

Age range	Gender	Dec 2012	Dec 2013	Dec 2014
18-20 years	Male	6,447	5,727	5,030
	Female	236	188	172
	Total	6,683	5,915	5,202
21-24 years	Male	12,788	12,014	11,614
	Female	504	420	406
	Total	13,292	12,434	12,020

As noted in a previous update (Bateman and Hazel, 2014a), it is possible to understand these different trends, according to age, as a consequence of the sharper reductions in relation to children in custody filtering through to young adults. Such an account would be consistent with the fact that the decline in custody began earlier for those aged between 10 and 17. Further support for this hypothesis might be argued to derive from the fact that, for all three groups, the reduction in imprisonment has been higher for females than for males, as shown in table 2 (Ministry of Justice, 2015b; 2015c; 2015d).

As far as children are concerned, it has been suggested that the more rapid decline in the use of custody for girls can be explained – at least in part – by the differential effect of the introduction of a target for youth justice to reduce the number of first time entrants to the system, and other diversionary measures. It is argued that girls have benefited more from such measures because their offending is less serious in nature and less persistent than that of boys and is accordingly more likely to attract an out-of-court, or informal, disposal (Bateman, 2014). There is, moreover, a relationship between the number of children prosecuted and the child custodial population (Bateman, 2012). Accordingly, as girls have been filtered out of court at a faster rate than boys, the fall in custody has been correspondingly greater for the former group. To the extent that this explanation is convincing, the similar pattern shown for older females – but with a less pronounced decline – might be thought consistent with a ‘knock on’ effect from the reduced incarcerated child population to young adults.

Table 2
Decline in custodial population for children and young adults by age group and gender

Age range	Gender	Period measured	Percentage fall in population
10-17 years	Male	Jan 2013-Jan 2015	27%
	Female		34%
18-20 years	Male	Dec 2012-Dec 2014	22%
	Female		27%
21-24 years	Male	Dec 2012-Dec 2014	9%
	Female		19%

It is frequently acknowledged that while the reduction in incarceration of young people is obviously to be welcomed, it nonetheless poses additional challenges for those responsible for resettlement (Bateman et al, 2013). As children and young people whose offending is of a less serious or persistent nature are increasingly diverted from custody, the residual population is correspondingly more likely to display entrenched patterns of offending and higher concentrations of complex needs. No relevant data are published disaggregated for young adults aged between 18 and 24. However, given the more rapid reductions in the size of the children's estate, one would, in any event, anticipate that manifestations of any such pattern would be more pronounced in the younger age range.

A previous update summarised some of the evidence in this regard (Bateman and Hazel, 2014b). Further indications of this effect are given in a survey of children in prison conducted annually by HM Inspectorate of Prisons (HMIP) and the YJB (Prime, 2014). Almost one in four (23%) 15 to 17-year-old boys in young offender institutions (YOIs) in 2013/14 reported having emotional problems or mental ill health, a four percentage point increase from the previous year.

The Young Review on improving outcomes for black and minority ethnic (BME) young men in the criminal justice system (Baroness Young, 2014) notes that young people from minority ethnic communities suffer from a range of broader structural disadvantages that result in them having reduced 'social capital' when compared with their white peers which in turn tends to make desistance less likely and the provision of resettlement support for this group more challenging. This finding is of particular import given that the decline in custody has not benefited this particularly vulnerable population to the same extent as their white counterparts. Thus, while the white child custodial population fell by 70% between January 2008 and January 2015, the equivalent figure for minority ethnic children was just 48% (Ministry of Justice, 2015b). As a consequence, over that period, the BME population of the children's secure estate grew from 25% to 39%.

While their vulnerabilities have increased, it would appear that the experience of incarcerated children has deteriorated. For instance, fewer boys in YOIs said that they felt safe on their first night in 2013/14 than in 2012/13 (78% against 82%) and more indicated that they had had problems with gangs on arrival at the institution (16% against 10%). Particularly concerning, from a resettlement perspective, is a reduction, from 84% to 76%, in the proportion of children, who reported having a personal officer upon arrival at the institution. Moreover, where respondents did have a personal officer, less than half considered that he or she had helped them to prepare for release (representing a decline from 52% in 2012/13 to 45% in 2013/14).

This rather unsettling picture is reinforced by figures showing a relative increase in 'restrictive physical interventions' (RPIs) by staff to manage behaviour, assaults and episodes of self-harm within custody which have hit a 'five year high' (Puffett, 2015). As shown in table 3, the number of each type of incident, per 100 children in the secure estate, was considerably higher in 2013/14 than in 2009/10 (Youth Justice Board, 2015a).

Table 3
Number of RPIs, assaults and self-harm incidents per 100 children in the secure estate

Years	RPI	Assault	Self-harm
2009/10	17.6	9.1	5.3
2010/11	20.5	10.1	4.1
2011/12	25.1	10.0	5.1
2012/13	23.8	10.1	5.2
2013/14	28.4	14.6	6.6

Indeed, management of behaviour in some institutions had become so problematic that the YJB confirmed it was considering placing police officers at Feltham YOI to 'cut violent incidents inside it and reoffending rates among young people upon release' (Hayes, 2015).

These increases have not, however, been uniform across the whole of the secure estate but have been particularly marked in YOIs. Moreover, the worsening of children's experiences in custody recorded by the HMIP survey (Prime, 2014) in YOIs was not replicated in secure training centres (STCs). While, in the former establishments, all but five of the 44 responses generating a significant difference over the previous year registered a deterioration, there were some improvements in STCs. (The survey does not include secure children's homes (SCHs) – the third type of establishment in the secure estate for children – and there are no comparable data for these establishments.) The better performance of STCs in this respect and the reduced level of violence, by comparison with the larger YOIs, might be thought to have a broader policy relevance given the government's plans to develop a network of large custodial institutions in the form of secure colleges (see the next section for more detail) since SCHs and STCs are both substantially smaller than YOIs (and the proposed secure colleges) and enjoy higher staff to child ratios.

That the vulnerability evident in the child custodial population extends to young adults is confirmed by a recent report published by Inquest and the Transition to Adulthood (2015) which analyses the deaths of the 62 young adults and three children who died in custody between January 2011 and December 2014. Many of these young people had:

backgrounds and experiences of family discord, bereavement, substance misuse, self harm, mental health difficulties, learning disabilities, exploitation, abuse, trauma underpinned by poverty and inequality [compounded by] a further deterioration in the conditions and regimes as evidenced by overcrowding, poor prisoner-staff relationships and long lock up hours (23 hours per day locked in a cell is not uncommon in some of the young adult estates).

Inquest and Transition to Adulthood, 2015

From a resettlement perspective, the process of preparing increasingly vulnerable young people for release is inevitably more difficult where they are detained in an environment in which they feel unsafe, where levels of violence are enhanced and where their day-to-day experiences are less positive than those they have previously experienced.

Changes to the custodial estate

The falls in youth incarceration described above have inevitably been associated with a restructuring of the secure estate in line with reduced requirement for custodial capacity. This has resulted in a significant reduction in the size of the secure estate for children. The YJB decommissioned 905 custodial places during the course of 2013/14 (Youth Justice Board, 2014a); during the latest Spending Review period, these and earlier reductions represented savings to the public purse of £317 million (House of Commons Justice Committee, 2015). In October 2014, the YJB announced that it would withdraw a total of 248 places from Hindley YOI and 58 places from Hassockfield STC (Youth Justice Board, 2014b). All children from Hindley YOI had been transferred by 27 February 2015.

The impact of the changes on SCHs, the smallest of the three sectors within the secure estate for children which provides accommodation for children detained in welfare proceedings as well as those through the youth justice system, has been particularly marked. Between April 2005 and January 2015, while the population of children held in STCs fell by 10%, the population held in SCHs declined by 58% (Ministry of Justice, 2015b). The smaller size of the latter units makes them more vulnerable to closure. In 2003, the YJB contracted with 22 SCHs; by 2012, that had fallen to 10 (Howard League, 2012). There were two further closures during 2014 (Abrams, 2015). In evidence to the Justice Committee, the Standing Committee for Youth Justice suggested that 'custodial provision for young people had been decommissioned in a haphazard manner, pointing out, for example, that there were no SCH places in London and the South East' (House of Commons Justice Committee, 2015).

The reduction in capacity has generated a severe shortage in secure provision for children in need of care and protection, leading to an announcement by the minister for children that secure accommodation should be commissioned nationally, although the mechanics of this process have yet to be determined (Timpson, 2015).

Provision for 18 to 21 year olds would appear to be increasingly piecemeal. The decommissioning of some of the dedicated provision for males in this age group, and their integration into the broader prison estate has, according to the House of Commons Justice Committee (2015), 'had a destabilising impact on the prisons concerned, including through increased violence'. At present, young adults are held across a wide range of establishments, including YOIs that hold young adults only, adult prisons where young adults are held in separate young adult wings, and those where all prisoners over the age of 18 are totally integrated (HM Chief Inspector of Prisons, 2014).

There is no separate custodial YOI provision for women aged 18 to 21, as there is for young men. Instead, this group is officially held in 'designated accommodation' within adult female prisons where, dependent on risk assessment, they mix with older women (Ministry of Justice, 2012). In practice, the extent to which this accommodation is distinct is questionable, with reports by HMIP finding little evidence of any differential provision for young adult women (Bateman and Hazel, 2014c).

The longer-term position in relation to custodial accommodation for young adults remains unclear. The government has previously proposed to abolish the distinct sentence of detention in a YOI for 18 to 21 year olds, but a final decision has been put on hold pending publication of the Harris Review into young adult deaths in custody which was scheduled for spring 2015 (House of Commons Justice Committee, 2015). In evidence to the Justice Committee, Michael Spurr, Head of the National Offender Management Service, indicated that while this option is still under consideration, abolition of a separate disposal would not 'necessarily mean moving away from having specialist establishments for younger people'. He further noted that he would:

like the flexibility to address the needs of the population that arise. At the moment we have a mixture of different arrangements for young adults, and what we are trying to do is evaluate the evidence for the best approach for what is...a more challenging young adult population than we have had previously.

Spurr, 2014

His response again confirms the increasingly difficult and volatile climate in which resettlement services are delivered.

The longer-term reconfiguration of custodial provision for those aged under 18 is also currently uncertain. The government is wedded to plans, first outlined in the Green Paper *Transforming Youth Custody*, to establish a network of 'secure colleges', which would aim to put education 'at the heart of detention' (Ministry of Justice, 2013). Criticism of the proposal has tended to focus on the size of these establishments, drawing on evidence – such as that cited in the previous section of this update in relation to STCs and the most recent annual report of the HM Chief Inspector of Prisons (2014) – which suggests that small units may provide a safer environment and deliver a better experience for vulnerable children. The first purpose-built secure college, scheduled to open in April 2017, is projected to hold 320 children, equivalent to more than 30% of the current child custodial population.

As noted in a previous literature review update, particular concerns have been expressed in relation to the position of children aged under 15, and girls, both of whom would constitute very small minority groups within such a large establishment (Bateman and Hazel, 2014b). The Criminal Justice and Courts Act 2015, which received Royal Assent on 12 February 2015, establishes – in Section 38 – that secure colleges are one of the institutions which may be used for the custodial detention of children aged under 18. Following an amendment, moved by the government in the House of Lords on 21 January 2015, those powers of

detention can only be implemented in the case of girls or children aged between 10 and 15 following approval by both Houses of Parliament (Great Britain, 2015). Lord Faulkes, on behalf of the government, affirmed that he was:

confident that secure colleges will be able to meet the needs of these vulnerable groups and achieve improved outcomes for them [and that the government did not] want to prevent girls and under-15s in future being able to benefit from the pioneering approach and enhanced provision that secure colleges will offer.

Hansard, 2015

In this context, the amendment was an acknowledgement of widespread concerns that would allow Parliament to consider the issue further in due course rather than an acceptance that these groups would not be placed in secure colleges.

The future of secure colleges as a whole remains uncertain since it may depend upon the outcome of the general election in May 2015. According to an article in the Guardian newspaper, the contract for the first secure college will not be signed before the election and Labour has confirmed its opposition to the proposals. Sadiq Khan, Shadow Secretary of State for Justice, is quoted in the article as saying that Labour has a long standing commitment to cancel the secure college (Travis, 2015).

Within the existing estate as currently configured, however, more immediate plans to improve educational provision for children in custody have seen some progress with the government announcing that it has awarded contracts to commence in March 2015 in four YOIs – Cookham Wood, Feltham, Werrington and Wetherby – that will double the number of hours young people spend receiving educational provision (Ministry of Justice, 2014).

Developments in resettlement

Other legislation with significant implications for the resettlement of young people was implemented on 1 February 2015. From that date, contracted Community Rehabilitation Companies assumed many of the functions – including resettlement – previously exercised by probation in respect of all offenders other than those assessed as posing the highest level of harm. At the same time, the statutory requirements in relation to post-custody supervision were amended to ensure that all young people, over the age of 18, returning to the community receive at least 12 months of supervision irrespective of the length of their sentence (Great Britain, 2014).

The consequences of these legislative changes are detailed in table 4 on page 8.

Table 4

Who	Sentence length	Prior to changes	After changes
Adult prisoners aged 18 or over	Two years or longer	Released at midpoint of sentence, subject to licence conditions until end of sentence	
Adult prisoners aged 21 or over	Between 12 months and two years	Released at midpoint of sentence, subject to licence conditions until end of sentence	Subject to an additional period of statutory supervision that begins at end of sentence and ends 12 months after release from prison
	Less than 12 months	Released at midpoint of sentence unconditionally with no licence conditions or statutory supervision	Subject to licence conditions until end of sentence, subject to an additional period of statutory supervision that ends 12 months after release from prison
Adult prisoners aged 18-20		Released at midpoint of sentence, subject to licence conditions for three months	
Children	Between four months and two years	Released at midpoint of detention and training order (DTO). Half is served in a secure estate and half in the community	If they turn 18 during their time in custody they will be subject to a period of statutory supervision for 12 months after release from prison

Some examples of how the changes will affect different groups of young people are given in table 5 below.

Table 5

Who	Prior to changes	After changes
24 year old serving a six-month prison sentence	Released after three months unconditionally with no licence conditions or statutory supervision	Released after three months, subject to licence conditions for three months after release, followed by nine months of statutory supervision
19 year old serving eight months detention in a YOI	Released after four months, subject to licence conditions for three months	Released after four months, subject to licence conditions for four months after release, followed by eight months of statutory supervision
Child serving a four-month DTO who turns 18 during the custodial phase of the sentence	Released after two months, followed by two months of statutory supervision	Released after two months, subject to licence conditions for two months, followed by ten months of statutory supervision
15-year-old child serving a four-month DTO	Released after two months, followed by two months of statutory supervision	No change

The underlying intention of the legislative change is to ensure that young people (and adults) serving short-term custodial sentences receive a minimum period of resettlement support and there is evidence, outlined in the earlier literature review update (Bateman and Hazel, 2013a), that post-custody supervision can contribute to reduced recidivism. However, while the benefits of resettlement support for young people on their release to the community are relatively uncontroversial, some commentators have argued that the compulsory nature of the provisions considerably extends the period during which young people are at risk of breach for non-compliance with conditions of supervision and potential return to custody (see for instance Prison Reform Trust, 2013). From a resettlement perspective, this poses something of a dilemma since the BYC literature review noted the prevalence of breach of licence conditions as one of the challenges for resettlement providers. There is, in other words, a tension between enhancing support to vulnerable young people leaving custody without increasing the risk of non-compliance and return to court and custody (Bateman et al, 2013).

In practice, guidance to youth offending teams (YOTs), the YJB implicitly recognises the challenge in the case of children who turn 18 during the custodial phase of a DTO. The guidance notes that:

The focus of the extended supervision will be on resettlement and support, not compulsion and YOTs should devise packages of support for over 18s which meet their needs, engage their interests and offer support which will contribute to their rehabilitation.

Youth Justice Board, 2015b

However, the possibility of breach and a subsequent custodial episode as a consequence is acknowledged. In this context the guidance encourages practitioners to make every effort to explore potential reasons for non-compliance. Nevertheless, supervisors must consider initiating breach proceedings where:

- the failure to comply is indicative of a serious, gross, wilful or fundamental failure to comply or;
- a significant rise in the risk of serious harm or likelihood of re-offending is presented by the young adult.

Youth Justice Board, 2015b

Research findings

The rate of complaints made by young people

The vulnerable nature of young people in custody is exacerbated by the fact that they appear less likely (as do women) to complain than the general prison population. Thus, during 2013/14, while children aged under 18 constituted 1% of all those in custody, they accounted for just 0.1% of complaints to the Prisons and Probation Ombudsman (PPO), indicating a significant underrepresentation (Prisons and Probation Ombudsman, 2015).

Research conducted by the PPO with focus groups in dedicated and split-site YOIs and STCs aimed to explore how young people currently resolve any grievances and why they may not make formal complaints. The most common immediate response from young people was that they would attempt to resolve potential complaints themselves, which frequently involved them 'kicking off' or venting their anger in other ways (Prisons and Probation Ombudsman, 2015). Children in STCs indicated that they might talk to custodial staff, but those based in YOIs were more likely to look to their YOT worker whom they regarded as being separate from the prison system, revealing a potential mistrust of the institution. Moreover, boys in YOIs solely for under 18s were more likely than their young adult counterparts to report positively on interactions with staff and particular reference was made to the benefits of having access to advocate services in these establishments. Nonetheless, there was a general perception that these services were focused on resettlement issues rather than for advocacy in relation to problems within the custodial establishment.

Most participants were aware of the internal complaints procedures, although some did not appreciate that they had the right to appeal decisions. However, respondents across the board displayed a lack of confidence in the process and this perception was frequently based on previous negative experiences. The timescale for resolving issues was a particular feature since young people receive shorter sentences than their adult counterparts and may accordingly see less merit in a process if they might have been released before they receive a response. Young people were inclined to focus on immediate issues and were less likely to complain once something had blown over. Fear of reprisal frequently inhibited young people from making complaints and some were concerned that they might lose privileges as a consequence or that their complaint might influence decisions in relation to their release date. Some young people considered that, since custody was a punishment, they had effectively lost their right to be well treated, particularly if their grievance was relatively minor. Knowledge of the PPO function was considerably less widespread in comparison with procedures within the institution and few participants recalled the possibility of referring a complaint to the PPO being discussed at induction.

From a resettlement perspective, the lack of trust in the penal system explains the underrepresentation of complaints from young people and might be thought to impede the development of effective relationships with resettlement staff that is required for effective intervention (Bateman and Hazel, 2013b). The study conducted by the PPO also highlights the importance of advocacy services based both within and outside of the custodial environment in ensuring that young people consider that their concerns are listened to and fairly addressed; a prerequisite of meaningful engagement (Bateman and Hazel, 2013b).

Levels of disadvantage

A study of the experiences of children in the Northern Irish youth justice system provides an insight into the disadvantage suffered by most children deprived of their liberty for offending (McAlister and Carr, 2014). Many of the respondents viewed their term of incarceration as 'a period of respite' (McAlister and Carr, 2014) during which their basic welfare needs were met, thereby drawing attention to the fact that these were not being adequately met elsewhere. In interpreting this finding, it should be noted in this context that children deprived of their liberty in Northern Ireland are accommodated in the Woodlands Juvenile Justice Centre, a small establishment for 48 young people that, according to the Youth Justice Agency Custodial Services which manage the provision, has been:

designed to support positive interactions between staff and children within a safe and secure environment devoid of the expected features of a secure facility. Staff are empowered to utilize their skills in enabling young people to develop and achieve within an integrated 24 hour curriculum.

In terms of size and staff to child ratio, Woodlands Juvenile Justice Centre is accordingly closer to a SCH or a STC than a YOI.

While children experienced deprivation of liberty as a punishment in and of itself, they recognised that they had access to resources within the establishment that were not necessarily available to them in the community. One young person expressed the paradoxical nature of confinement by contrasting his desire for liberty, with a welcoming of the opportunity to become free from drugs, on the one hand, and with anxieties about whether he would have a place to live on release and whether he would be able to sustain abstinence in the community, on the other.

An unusual intervention: auricular acupuncture

If the youth custodial population as a whole is characterised by high levels of vulnerability, this is particularly true of children held in the Keppel Unit, a 48-bed high-dependency facility at Wetherby YOI, designed to provide an enhanced level of care and support to vulnerable boys aged between 15 and 18, over 95% of whom report some kind of substance misuse prior to incarceration (Townshend, 2014). One

of the less usual interventions delivered within the unit is auricular acupuncture, involving the insertion of fine needles into the ear, delivered as part of an integrated care planning approach, tailored to meet individual needs. Auricular acupuncture has traditionally been used within Western culture for people requiring support to reduce substance use, but its use has more recently been expanded to reduce stress, as a mechanism for reducing anxiety and to support relaxation among young people with behavioural disorders. Within the Keppel Unit, approximately a quarter of children are completing a programme of acupuncture at any one time, supported by a range of psychosocial interventions that run concurrently. The intervention is available to all, not just those with a substance dependency. The programme consists of six weekly 45-minute sessions.

A recently published evaluation, undertaken at the request of the governor of the Keppel Unit, is based on an analysis of self-assessment questionnaires filled in by 37 boys who had completed the programme (Townshend, 2014). The boys were asked to identify whether 13 issues had improved, stayed the same or worsened since having the treatment. At least one third of respondents reported improvements in all 13 issues. Moreover, as indicated in table 6, more than three quarters of children reported improvements in anxiety, craving for drugs and depression.

Table 6
Improvements reported by boys aged 15-18 undergoing a programme of auricular acupuncture

Issue	Percentage of children reporting improvement
Anxiety	84%
Craving for drugs	83%
Depression	77%
Anger	72%
Cravings for alcohol	71%
Concentration	69%
Sleep	65%
Relationships	57%
Energy	52%
Pain	50%
Appetite	40%
Self-esteem	40%
Confidence	35%

Townshend, 2014

Of the 33 respondents who rated the intervention in terms of how well it addressed their needs, the mean average rating was eight out of ten.

The evaluation showed that children who had taken part in the auricular acupuncture programme were less anxious and depressed and had reduced cravings for substances. They were also more receptive to resettlement services, and more prepared to contemplate making changes to their future which was likely to reduce the risk of non-compliance.

Resettlement services

The issue of breach is picked up in a joint thematic inspection of resettlement services for children, as one of a range of identified concerns (HM Inspectorate of Probation, 2015). Conducted by HM Inspectorate of Probation, the Care Quality Commission and Ofsted, the inspection tracked 29 children aged under 18

from custody to the community, exploring the provision available to support their resettlement, and thereby offering an overview of the present state of resettlement in England. Just one quarter of this sample of children had fully complied with the expectations of post-custody supervision, five had been returned to custody as a consequence of breach proceedings and nearly half had been arrested for further offending, many within weeks of being released. The inspection team, while acknowledging the complexities associated with this population of young people, suggests that such poor outcomes should be understood, at least in part, as a product of weaknesses in the delivery of resettlement provision.

The inspection criteria were drawn explicitly from the existing evidence base on the resettlement of young people as outlined in BYC's literature review (Bateman et al, 2013) and earlier research conducted for the YJB (Hazel and Liddle, 2012). Accordingly, effective resettlement is predicated on the following:

- Custodial sentences should be regarded as a seamless whole wherein interventions within the custodial environment are future orientated, rather than focused on behaviour management, should take account of previous experience and achievements and anticipate what will happen to the child when he or she is released.
- Preparation for release should start at the initial point of deprivation of liberty (or before where custody is an anticipated outcome) and community services which meet the individual needs of the child should be in place and coordinated well in advance of release.
- Release on temporary licence (ROTL) should be an integral part of preparing for the transition back to the community and should be used to help young people plan for their future.
- Successful desistance from offending is a process that involves the child 'thinking about themselves differently' (HM Inspectorate of Probation, 2015). Effective resettlement involves, at least in part, promoting that shift in identity and should 'involve all adults working with the child at every interaction, believing in them and reinforcing to them that life can be different' (HM Inspectorate of Probation, 2015).

Assessed against this template, while there were some examples of good practice within the secure estate (and in this regard STCs fared much better than YOIs) and from YOTs, this was the exception, and the findings of the inspection could not be considered encouraging.

Formal processes were in place that could in principle facilitate seamless resettlement provision, but they were frequently regarded as 'tick box' exercises that could accordingly become an obstacle to good practice. For instance, national standards oblige YOTs and custodial staff to 'ensure that resettlement planning takes place from the beginning of the sentence'. A meeting is required within ten days of admission to custody to agree a plan that draws on existing assessments, 'builds upon strengths in the young person's life, including those who will be supporting his or her resettlement into the community' and 'contains actions to address resettlement/transfer issues in accordance with identified resettlement needs and opportunities' (Youth Justice Board, 2013). However, the inspection found that, in most cases, children did not know they had a sentence plan or were unaware of its contents. Planning within the institution tended to focus on constructive activities and managing the child's behaviour while they were in detention. Conversely, much community provision took no account of interventions delivered in custody. YOT staff were not sufficiently active during the custodial phase of the sentence and rarely visited the child between formal planning meetings. Hardly any plans 'contained objectives recognisable as specifically relating to the individual child' and they tended instead to be tailored to fit what was readily available within the establishment (HM Inspectorate of Probation, 2015).

There was considerable distrust – and consequently a lack of communication – between YOT caseworkers and their equivalents within the secure estate, leading in some instances to an acceptance that accommodation would not be arranged within necessary timescales or that education, training or employment (ETE) would not be in place by the time of release. As the report puts it, 'neither set of staff seemed prepared to challenge each other on behalf of the child' (HM Inspectorate of Probation, 2015). Nor was this necessarily a resource issue, linked to staff shortages – in the case of one child 17 different professionals were counted. The problem was that practitioners were often not clear of their own and others' roles, and in some cases they were not known to the child.

The inspection cites 'numerous examples' (HM Inspectorate of Probation, 2015) of children not knowing where they were going to live until shortly before their release, including six children who were looked after by the local authority. The lack of a definite address made other forms of planning extremely difficult, so that arrangements for ETE, support for emotional or mental health and substance misuse interventions could not be arranged. There were tentative plans for a number of children to take up educational provision but none had attended interviews or visited the college and few had submitted applications prior to release.

In this context, it was disappointing that 'even in the best' planning meetings there was little sense that children were encouraged to be actively engaged in working towards identified future goals. Moreover, given the poor performance of professional agencies against the standards, it was telling that:

while every meeting that we saw held the child to account, we saw none that held professionals to account where there had been a lack of action or progress on their part.

HM Inspectorate of Probation, 2015.

National standards require that planning should include:

consideration of, and progress towards, suitability for the DTO early release scheme, home detention curfew, Release on Temporary Licence (ROTL), Parole, and release on licence.

Youth Justice Board, 2013.

However, just two of the 29 children in the sample had been granted ROTL or (within STCs) mobility. There was no evidence of work to prepare children or their families or carers for the emotional impact of release, which BYC research suggests can be considerable (Bateman and Hazel, 2015). Frequently, there was little explicit acknowledgement or understanding demonstrated on the part of professionals of the impact of forced separation from families and friends on the children deprived of their liberty. As one young person quoted in the inspection report put it:

Nobody has talked to me about when I get out. Apart from people on the wing and they just say 'Get your head down and stay away from your friends'...The YOT worker mentioned in a review that it will be different for me [but that's all].

HM Inspectorate of Probation, 2015.

The above shortcomings tended to undermine the potential to help promote a shift in identity among the children in receipt of resettlement services, and were reflected in the poor outcomes recorded. Almost three quarters of children did not maintain ETE and in more than two thirds of cases, there was no improvement in the child's emotional wellbeing. As the authors put it:

The combination of a lack of suitable, settled and supported accommodation; a deficiency in the services to meet mental health and substance misuse issues and an absence of meaningful ETE or other constructive activities did not give them an opportunity to make a success of that transition.

On the contrary, it made it more likely that they would fail.

HM Inspectorate of Probation, 2015.

The inspection report contains a wide range of recommendations for different agencies. They include a provision for the YJB to provide accommodation retainers, where necessary, for at least two months prior to the earliest release date; amending the procedures so that eligible children leaving custody are able to receive benefits on the day of release; and a shift in the default, risk-averse, position so that ROTL is a routine part of resettlement rather than an exception.

References

- Abrams F (2015) *Lack of places warning in secure children's homes* BBC News (Accessible at <http://www.bbc.co.uk/news/education-31659495>)
- Baroness Young (2014) *Improving outcomes for young black and/or Muslim men in the criminal justice system* London: Barrow Cadbury Trust
- Bateman T (2012) 'Who pulled the plug? Towards an explanation of the fall in child imprisonment in England and Wales' *Youth Justice* 12(1) pp36-52
- Bateman T (2014) *Children in conflict with the law: an overview of trends and developments – 2013* London: National Association for Youth Justice
- Bateman T and Hazel N (2013a) *Resettlement of young people leaving custody: lessons from the literature leaving custody. Update: October 2013* London: Beyond Youth Custody
- Bateman T and Hazel N (2013b) *Engaging young people in resettlement: research report* London: Beyond Youth Custody
- Bateman T and Hazel N (2014a) *Resettlement of young people leaving custody: lessons from the literature leaving custody. Update: August 2014* London: Beyond Youth Custody
- Bateman T and Hazel N (2014b) *Resettlement of young people leaving custody: lessons from the literature leaving custody. Update: March 2014* London: Beyond Youth Custody
- Bateman T and Hazel N (2014c) *Resettlement of girls and young women: research report* London: Beyond Youth Custody
- Bateman T and Hazel N (2015) *Custody to community: how young people cope with release* London: Beyond Youth Custody
- Bateman T, Hazel N and Wright S (2013) *Resettlement of young people leaving custody: lessons from the literature* London: Beyond Youth Custody
- Great Britain (2014) *Offender Rehabilitation Act 2014* Elizabeth II: Chapter 2 London: The Stationery Office
- Great Britain (2015) *Criminal Justice and Courts Act 2015* Elizabeth II: Chapter 11 London: The Stationery Office
- Hansard (2015) *Criminal Justice and Courts Bill* House of Lords: 21 January 2015 Column 1333
- Hayes, D (2015) *YJB considers police presence at troubled Feltham YOI* Children and Young People Now (Accessible at <http://www.cypnow.co.uk/cyp/news/1149120/yjb-considers-police-presence-troubled-feltham-yoi>)
- Hazel N and Little M (2012) *Resettlement in England and Wales: key policy and practice messages from research* London: Youth Justice Board
- HM Chief Inspector of Prisons (2014) *Annual Report 2013-14* London: HMIP
- HM Inspectorate of Probation (2015) *Joint thematic inspection of resettlement services to children by youth offending teams and partner agencies* London: HM Inspectorate of Probation
- House of Commons Justice Committee (2015) *Prisons: planning and policies. Ninth Report of Session 2014-15* London: House of Commons
- Howard League (2012) *Future insecure: secure children's homes in England and Wales* London: Howard League for Penal Reform
- Inquest and Transition to Adulthood (2015) *Stolen lives and missed opportunities: the deaths of young adults and children in prison* London: Inquest
- McAlister S and Carr N (2014) 'Experiences of youth justice: youth justice discourses and their multiple effects' *Youth Justice* 14(3) pp.241-244
- Ministry of Justice (2012) *Women prisoners Ministry of Justice* (Accessible at <http://www.justice.gov.uk/offenders/types-of-offender/women>)
- Ministry of Justice (2013) *Transforming youth custody: putting education at the heart of detention* London: The Stationery Office

- Ministry of Justice (2014) *30 hours education a week for young offenders* Ministry of Justice (Accessible at <https://www.gov.uk/government/news/30-hours-education-a-week-for-young-offenders>)
- Ministry of Justice (2015a) *Population bulletin: weekly 20 March 2015* London: Ministry of Justice
- Ministry of Justice (2015b) *Youth custody report: January 2014* London: Ministry of Justice
- Ministry of Justice (2015c) *Prison population: 31 December 2013 to 31 December 2014* London: Ministry of Justice
- Ministry of Justice (2015d) *Prison population: 31 December 2012 to 31 December 2013* London: Ministry of Justice
- Prime R (2014) *Children in custody 2013-14: An analysis of 12-18-year-olds' perceptions of their experience in secure training centres and young offender institutions* London: HMIP
- Prison Reform Trust (2013) *Offender Rehabilitation Bill* House of Lords second reading: Monday 20 May London: Prison Reform Trust
- Prison Reform Trust (2014) *Bromley Briefings Prison Factfile* London: Prison Reform Trust
- Prisons and Probation Ombudsman (2015) *Why do women and young people in custody not make formal complaints?* London: Prisons and Probation Ombudsman
- Puffett N (2015) *Self-harm, restraint and assaults in youth custody hit five-year* Children and Young People Now (Accessible at <http://www.cypnow.co.uk/cyp/news/1149404/self-harm-restraint-assaults-youth-custody-hit>)
- Spurr M (2014) *Oral evidence to the Justice Committee: Prisons: planning and policies, Tuesday 2 December 2014* London: House of Commons
- Timpson E (2015) *Commissioning welfare placements in secure children's homes: Letter to David Simmonds, Chair of the Children and Young People Board, Local Government Association and Alan Wood, President, Association of Director of Children Services, 11 March 2015* London: Department for Education
- Townshend D (2014) *An evaluation of auricular acupuncture on the Keppel Unit* (Accessible at: <http://www.justice.gov.uk/downloads/youth-justice/effective-practice-library/acupuncture-evaluation.pdf>)
- Travis A (2015) *Britain's first titan-sized prison gets green light* Guardian (Accessible at <http://www.theguardian.com/society/2015/mar/27/britains-first-titan-sized-prison-gets-green-light>)
- Youth Justice Agency Custodial Services *The New Juvenile Justice Centre for Northern Ireland* Youth Justice Agency Custodial Services (Accessible at http://www.youthjusticeagencyni.gov.uk/custodial_services/the_new_juvenile_justice_centre_for_ni/)
- Youth Justice Board (2013) *National Standards for Youth Justice Services April 2013* London: Youth Justice Board
- Youth Justice Board (2014a) *Annual report and accounts 2013/14* London: Youth Justice Board
- Youth Justice Board (2014b) *YJB to withdraw from Hassockfield STC and Hindley YOI* London: Youth Justice Board (Accessible at <https://www.gov.uk/government/news/yjb-to-withdraw-from-hassockfield-stc-and-hindley-yoi>)
- Youth Justice Board (2015a) *Youth justice statistics 2013/14: England and Wales* London: Ministry of Justice
- Youth Justice Board (2015b) *Extended supervision: practice note for youth offending teams* London: Youth Justice Board

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Authors: Dr Tim Bateman

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Website: www.beyondyouthcustody.net

Email: beyondyouthcustody@nacro.org.uk

Twitter: @BYCustody