

Custody



Youth Justice Board
Bwrdd Cyfiawnder Ieuentid

This brochure is an introduction to the work of the YJB within the secure estate.

It describes:

- what the secure estate is
- our role within it
- what custody is like for children and young people
- what we think about custody
- the improvements we are making
- monitoring performance
- life after custody
- how we want to see the secure estate develop in the future.

Secure estate for children and young people

The 'secure estate for children and young people' is the collective term for secure children's homes, secure training centres and young offender institutions.

The 'secure estate for children and young people' is the collective term for the three types of establishment in which 10 to 17-year-olds sentenced or remanded to custody in England and Wales can be placed:

- secure children's homes
- secure training centres (STCs)
- young offender institutions (YOIs).

Secure children's homes

Secure children's homes are run either by local authority social services departments or by private companies, overseen by the Department of Health and the Department for Education and Skills in England, and Social Services for Wales and Estyn in Wales.

Out of the three types of establishment, secure children's homes have the highest ratio of staff to young people, and are generally smaller, ranging in size from six to 40

beds. They are usually used to accommodate younger children (those aged 12 to 14), young women up to the age of 16, and 15 to 16-year-old young men who are assessed as needing extra care.

Secure training centres

STCs are purpose-built centres for young people up to the age of 17. They are run by private operators under Youth Justice Board for England and Wales (YJB) contracts, which set out detailed operational requirements. There are four STCs in England:

- Oakhill in Bedfordshire
- Hassockfield in County Durham
- Rainsbrook in Northamptonshire
- Medway in Kent.

The typical staff-to-young people ratio in an STC is 3:8.



About 81% of young people in custody are held in YOIs.

Young offender institutions

YOIs are run either by the Prison Service or by the private sector, and can accommodate 15 to 21-year-olds. The YJB commissions and purchases the places for under-18s (i.e. 15 to 17-year-old boys and 17-year-old girls), who are held in units that are completely separate from those for 18 to 21-year-olds. About 81% of young people in custody are held in YOIs.

YOIs have lower ratios of staff to young people than STCs and secure children's homes, and accommodate larger numbers of young people. Consequently, they are less able to address the individual needs of young people, and are generally considered to be less suitable accommodation for those who have been assessed as more vulnerable.

What's the YJB's involvement?

The YJB works to prevent offending and reoffending by children and young people under the age of 18, and to ensure that custody for them is safe, secure and addresses the causes of their offending behaviour. While we do not work directly with young people or sentence young people to custody, we are involved in the secure estate in several ways, including:

- commissioning places
- overseeing escort services
- deciding in which establishment each young person should be held ('placing' him or her)
- setting standards and monitoring.

Commissioning places

In April 2000, we were made responsible for commissioning and purchasing all places for young people sentenced or remanded to custody by the courts.

We spend around three-quarters of our budget on providing custodial places.

Escort services

We commission, set standards for and manage the services that transport young people to and within the secure estate (for instance, from courts to custody).

Placing a young person

After a young person has been sentenced or remanded to custody by the courts, the YJB Placements Team decides in which part of the secure estate he or she should be held. The decision is based on:

- an assessment of the young person's individual risks and needs, provided by the youth offending team (YOT) responsible for him or her
- trying to keep the young person as close to home as possible



We have established a national placement system that matches placements to need.

- the availability of places
- the age, gender, maturity, and risks associated with the young person.

We have established a national placement system that matches placements to need (although this is subject to resource constraints).

Setting standards and monitoring

We set the performance standards that the secure estate is required to meet. In addition, we monitor whether each establishment both meets the requirements set out in its contract or service level agreement and complies with the *National Standards for Youth Justice Services*. Set by the Home Secretary on advice from the YJB, these set out the minimum level of service required of those working in the youth justice system. Available from www.yjb.gov.uk.

Secure estate population

Young people who are being held in the secure estate have either been remanded or sentenced to custody by the courts.

Remanded to custody

If the court adjourns a case (moves it to another date), it will usually decide to remand the young person, particularly if he or she is charged with a serious offence. It can choose to remand the young person:

- on conditional bail
- on unconditional bail
- to local authority accommodation
- to custody (secure remand).

Young people under 17 who are charged and not released on bail will generally be remanded to local authority accommodation (and unless it is a condition of the remand, the local authority can then choose what type of accommodation it provides

for the young person). If secure remand is required (because the offence is particularly serious or the young person has offended frequently), the young person will usually be placed in a secure children's home or STC.

Sentenced to custody

If no alternative community-based punishment is appropriate (due to the seriousness of the offence, the significant offending history of the young person or the risk to the public), young people who have offended will be sentenced to custody.

The Detention and Training Order (DTO) is the main custodial sentence for young people aged 12 to 17 years. The length of the sentence is between four months and two years. The first half of the sentence is spent in custody, and the second in the community, under the supervision of the YOT.



For details of the other custodial sentences available, see the *Youth Justice System* brochure.

Discrimination

Black and Minority Ethnic young people are still over-represented in the youth justice system as a whole.

The YJB's report, *Differences or Discrimination?*, found:

- a greater proportion of Black and Asian males had been remanded in custody before sentencing
- a slightly greater use of custody for Asian males
- a much higher probability that a Black male would, if convicted at a Crown Court, receive a sentence of 12 months or longer
- a much greater proportion of mixed-parentage females who were prosecuted.

Money from the YJB's intensive supervision and surveillance programmes is channelled to target young people in high custody areas to reduce over-representation in custody.

Numbers of young people in custody

For details of the number of young people in custody each month, see the 'Custody' section of the Youth Justice System area of www.yjb.gov.uk.

DAILY ROUTINE

- WAKE-UP 7:30 ^{am},
- SHOWER, CLEAN ROOM,
- MAKE BED + OUT BY 8:00 ^{am},
- BREAKFAST + CHORES FINISHED BY 8:30 ^{am},
- MORNING MEETING,
- MORNING EDUCATION 9:00 ^{am},
- DINNER TIME 12:00-2:00 ^{pm},
- AFTERNOON EDUCATION 2:00 ^{pm},
- 4:00 ^{pm}, RETURN TO UNIT + AFTERNOON MEETING,
- CRIME AVOIDANCE,
- OUTSIDE ACTIVITIES (½ HOUR)
- FREE TIME (POOL, PHONE ^{etc})
- EVENING MEAL + CHORES,
- BED-TIME 9:30 ^{pm}
- SHOWER + SLEEP

What we think about custody

We think that:

- custody should only be used as a last resort
- punishment should lie in the loss of liberty itself, and not in the toughness of the regime
- custody should engage the young person in positive activities proven to reduce the likelihood of reoffending
- the rights young people hold in the community should be respected and upheld in custody.

These principles underpin all our work with and within the secure estate.

Custody should only be used as a last resort

Young people are vulnerable, dependent and still developing. We think that in most cases, custody is not the right way to make young people accountable for their actions,

or to lower the chances of their reoffending, because it involves:

- removing them from any positive factors that are present in their lives, which could be built on to help them stop reoffending (such as a positive family relationship)
- cutting their access to mainstream services (like education or training) – and it can then be very difficult for them to resume contact after release.

Therefore, we think that to lower rates of reoffending, we should be reducing the number of young people sent to the secure estate, while dealing with their offending behaviour through community-based methods wherever possible.

Community-based alternatives to custody

We need a robust, community-based alternative to custody that protects the public but also allows young

people who have persistently and seriously offended to build on the protective factors in their lives and maintain their access to mainstream services (such as schools).

We want sentencers and the community to have more confidence in community-based sentences. This will gradually help them to use custody less.

There are a number of community-based sentences (such as the Intensive Supervision and Surveillance Programme) that can be used instead of custodial sentences (more details are available on our website, www.yjb.gov.uk).

Intensive Supervision and Surveillance Programme

The Intensive Supervision and Surveillance Programme (ISSP) is the most rigorous non-custodial intervention available for young people who have offended. It combines:

- community-based surveillance (which can include an electronic tag, or monitoring a young person's whereabouts over the phone)
- a comprehensive and sustained focus on tackling the factors that

contribute to a young person's offending behaviour.

ISSP is now operating across all of England and Wales. There are 74 ISSP schemes and the intervention is available in all 156 youth offending teams (YOTs).

Punishment should lie in the loss of liberty itself, and not in the toughness of the regime

The secure estate should keep young people safe from harm, and sentences and the resettlement of young people into the community must be planned in order to help them avoid reoffending on release. We also think that restrictions placed on a young person's liberty should be in proportion to the actual risk they present to themselves and others.

Custody should engage the young person in positive activities proven to reduce the likelihood of reoffending

Education, training and employment

Young people who are not engaged in education, training or employment are much more likely to reoffend



'You have to spend a minimum of 25 hours a week doing things that will help in the future. It leads you away from a life of crime.'
(Young person, ISSP programme)

than those who are. Those in custody receive compulsory education and training (for between 25 and 30 hours a week), which is monitored by Ofsted like all other schools.

The YJB's *National Specification for Learning and Skills* (2004) describes the education, training and employment that we require secure children's homes and STCs to provide. We monitor how well establishments are complying with this, and Ofsted report regularly on the quality of what is provided.

In YOIs, the responsibility for funding and commissioning education has recently been taken over by the Learning and Skills Council, which also monitors the quality of the provision. All of the education providers used by this new Offender Learning and Skills Service (OLASS) are further education colleges, or registered training partners.

Working in partnership with the Department for Education and Skills, we have developed better custodial education throughout the secure estate, by overseeing the introduction of key specialist staff (like learning support assistants), putting a new focus on literacy and

numeracy and quadrupling the funding available.

Substance misuse and mental health

Research indicates that young people who have offended have very high levels of mental health disorder, substance misuse and general health problems.

Young people in custody should have the same access to services to address these problems as any child or young person in the community; accordingly, we have introduced 24-hour health care, and the transfer of health provision responsibility from the Prison Service to primary care trusts.

We are also working with the Department of Health, the Prison Service and the National Treatment Agency on a comprehensive health screening tool for the secure estate, which includes health, mental health and substance misuse assessments, and is completed within five days of a young person's arrival. The results of this assessment can then link in to each young person's sentence plan.

The YJB's *National Specification for Substance Misuse Services for Juveniles in Custody* was implemented

on 1 April 2004. Its requirements have now been added to:

- service level agreements between the YJB and the Prison Service
- contracts between the YJB and secure children's homes and STCs.

There are substance misuse teams in all YOIs to deliver the *National Specification*, as well as provision in STCs and secure children's homes. There is also a programme in place to introduce over 90 new staff and to provide one-to-one and group work on substance misuse in YOIs; and the YJB is piloting detoxification and clinical management guidance (the first of its kind for under 18s) for young people in five secure establishments.

For more information, see the *Health* brochure.

Sport and art

These subjects are embedded in the English National Curriculum, which informs the *National Specification for Learning and Skills* and the *Offenders' Learning Journey* (OLASS's equivalent), and so are a key part of secure establishment life. The YJB is working with the Home Office's Positive Futures programme and the Arts

Council England to pilot improved diversionary activities using sport and art.

Rights of children and young people held in custody should be respected and upheld

Young people held in custody have historically been excluded from the mainstream services most children in our country are entitled to by law. However, in 2002, Mr Justice Munby judged that:

- the Children Act (1989) should apply to children detained in YOIs
- duties owed by local authorities continue to be owed to children in YOIs
- human rights legislation, particularly the Human Rights Act (1998), applies to children in custodial facilities.

There are substance misuse teams in all YOIs.



Safety in the secure estate

We are committed to minimising the likelihood of harm to young people in the secure estate through rigorous safeguarding measures, whatever the establishment.

Safeguards and safety

We do all we can to ensure that young people involved in the youth justice system are kept safe, and that their welfare is promoted. We implement strict safeguards in order to minimise the likelihood of harm occurring to young people in custody. These include:

- establishing a code of practice for behaviour management arrangements (especially physical restraint)
- well-developed self-harm, suicide and bullying prevention programmes
- practices to prevent harm from adults, including separate accommodation wherever possible

- provision of independent support services
- initial funding for 25 local authority staff in YOIs to undertake duties in accordance with the Children Act 1989
- investing to improve the quality and safety of accommodation across the secure estate.

Restraint

Using physical interventions with children and young people in secure settings is sometimes necessary, but only ever as a last resort. When behaviour is so challenging that it presents an assessed risk to others, to the young person him or herself or to staff, minimum force may be used by trained staff, for the shortest possible duration.

Restraint is never used as a punishment or to make young people comply with staff instructions.

Work is underway with the Prison Service to see whether their system of restraint can be modified so that it relies less on the controlled use of pain; and we have also completed a review of Physical Control in Care (PCC), the system used in secure training centres. We are working with all providers of custody for children to develop more consistent information on restraints, so that any necessary improvements are put in place.



Monitoring performance in the secure estate

We monitor the secure estate in order to:

- ensure that it is meeting the high standards we require of it
- assess its impact on the youth justice system
- make sure that young people are kept in a safe, stimulating environment
- ensure that it does all that it can to reduce the likelihood of young people reoffending
- make sure we are obtaining value for money.

Effective regimes

We monitor how well every establishment in the secure estate performs against what it has agreed to do, as well as against our own standards. We do this using our *Effective Regimes* framework.

Effective Regimes monitors every stage of a young person's passage through custody, including:

- their arrival in custody
- what happens to them while in custody (the quality of the services they receive).

Based on what we find out, we can act, if necessary, to improve how things are done in the secure estate.

Inspections

In addition to this monitoring framework, regular inspections of YOIs are carried out by Her Majesty's Inspectorate of Prisons (HMIP).

HMIP inspects YOIs on the basis of the following criteria:

- safe custody
- good order
- race relations

- healthcare
- work.

Their reports can be found at www.inspectorates.homeoffice.gov.uk

Commission for Social Care Inspection reports

In England, annual STC and secure children's home inspections are carried out by the Commission for Social Care Inspection (CSCI), and reports from October 2003 onwards are on their website (www.csci.org.uk). Earlier reports can be found on the Department of Health website, (www.dh.gov.uk). In Wales, inspections are carried out by the Care Standards Inspectorate for Wales.

We monitor how well every establishment in the secure estate performs against what it has agreed to do.

Life after custody

It is important that when young people are released, resettlement activities complement the work done with them in custody.

Getting resettlement right is vitally important in ensuring that young people leaving custody, whatever their background or circumstances, are given the support they need. Planning should begin at the pre-court stage, and continue through custody, into the community and beyond the end of a young person's contact with the YOT.

The YJB's *Youth Resettlement: A Framework for Action* (available from www.yjb.gov.uk) sets out what needs to be done nationally, regionally and locally to develop work in this area. This plan highlights the following areas as being central to effective resettlement:

- Case Management and Transitions
- Accommodation

- Education, Training and Employment
- Health
- Substance Misuse
- Families
- Finance, Benefits & Debt

Helplines available to young people, who are in or have just left custody, are listed on our website www.yjb.gov.uk on our 'Advice for Young People in Custody' page.

Resettlement and Aftercare Provision

We place particular emphasis on resettlement and aftercare for those young people who entered custody with substance misuse problems. The Resettlement and Aftercare Provision (RAP) programme, which is run by YOTs, aims to:

- engage young people while they are in custody





The aim is to prepare young people for a law-abiding life after release.

- provide a continuing high level of support during the community part of their Detention and Training Order
- offer up to six months' support after their sentence.

The core RAP provision offers up to 25 hours of planned support and activities each week, including:

- access to substance misuse and mental health treatment
- support to find accommodation
- education, training and employment
- positive use of leisure time
- peer and family support work

What we've achieved so far

The secure estate for children and young people has improved significantly since the YJB was formed.

- We have established a national placement system that matches placement to need.
 - We have introduced national standards and targets, against which performance is monitored.
 - There are better education facilities and regimes, with young people spending more time out of their rooms.
 - Safeguarding arrangements have been improved, including rigorous screening for risk and need, and improved and safer physical environments.
 - More places are available for vulnerable and younger children outside the Prison Service establishments.
 - There are improved healthcare arrangements, including provision of 24-hour health care.
- STC provision has expanded by 144 places.
 - All girls under the age of 17 years have been removed from Prison Service accommodation, and housed in secure children's homes or STCs; 17-year-olds are housed in dedicated units separate from adult women.
 - Rainsbrook STC has provision for three dedicated mother-and-baby places which means, for the first time, that young mothers under 18 years of age have dedicated provision outside of the Prison Service to meet their needs and those of their babies.
 - We have funded RAP programmes in 50 YOTs, which work with at least 960 children and young people per year.

All girls under the age of 17 years have been removed from Prison Service accommodation.

Looking forward

Our *Strategy for the Secure Estate for Children and Young People* (available from the website, www.yjb.gov.uk) sets out the steps that the YJB intends to take in the next three years to develop the secure estate within the available resources. We propose working closely with the Prison Service and private contractors to improve regimes, while looking for opportunities to improve, diversify and modernise the secure estate.

The speed with which we will be able to achieve this strategy will depend on the sentencing trend over the next three years, and the availability of resources.

Three major areas that these improvements will focus on are discussed below.

Improving the physical structure of the secure estate

To take forward the *Strategy for the Secure Estate for Children and Young People*, we are focusing on how the secure estate will be developed over the next ten years. Changes include:

- the reduction of 'split sites' (where young people are kept in the same establishments as adult offenders, although in completely separate units)
- the creation within establishments of smaller units that can offer more specialised support to young people who are assessed as having particular needs (for instance, as being more at risk of self-harm).





We aim to work with sentencers so that the number of young people in custody is reduced by 10%.

Reducing the numbers of young people in custody

We aim to work with sentencers so that the number of young people in custody is reduced by 10% between March 2005 and March 2008.

Proposals to achieve this include the following:

- strengthening community alternatives to custody
- the ability to place young people who are assessed as suitable for it in non-secure establishments
- the more flexible use of planned temporary release, sometimes supported by electronic monitoring, so that young people in custody can take advantage of training and employment opportunities in the community.

Meeting the needs of young people in custody in Wales

Because of a lack of secure places in Wales, the overwhelming majority of Welsh young people in custody are held in establishments in England. We need to work closely with the Welsh Assembly Government to address this issue, and will decide the best way to develop provision in Wales on the basis of the recommendations of the YJB/Welsh Assembly Government working group.



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The YJB has published a series of corporate brochures. The following titles are available to order from the YJB website or its order line:

Tel: 0870 120 7400

Fax: 0870 120 7401

Stock code	Title
B281	The Youth Justice Board for England and Wales
B282	Wiring Up Youth Justice
B306	Education, Training and Employment
B307	Custody
B308	Accommodation
B309	Working with Victims
B310	Health
B312	Monitoring Performance and Improving Practice
B313	Prevention
B314	Parenting
B315	Getting Involved

For more information on the processes and organisations of the youth justice system as a whole, see the Youth Justice System publication (B311)

**Youth Justice Board for
England and Wales
Bwrdd Cyfiawnder
Ieuencid Cymru a Lloegr**
11 Carteret Street,
London SW1H 9DL
Tel: 020 7271 3033
Fax: 020 7271 3030
www.yjb.gov.uk