

## **Submission by the Prison Reform Trust to the Children's Residential Care Review by Sir Martin Narey**

December 2015

### **About the Prison Reform Trust**

1. The Prison Reform Trust is an independent UK charity working to create a just, humane and effective penal system. It does this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. We welcome the opportunity to make a submission on behalf of the Prison Reform Trust to this important review of children's residential care.

### **Out of Trouble programme**

2. From 2007 to 2012 the Prison Reform Trust's Out of Trouble programme, generously supported by the Diana, Princess of Wales Memorial Fund, worked with some success to help reduce the numbers of children in custody in England and Wales. As part of that programme, we commissioned research into the views of looked after children on the links between care, offending and custody, entitled 'Care - a stepping stone to custody?'<sup>1</sup> Published in 2011, this qualitative study includes the following recommendations for change made by children and young people:
  - Children need to feel that they are fully informed and involved in the decisions which affect their lives, whether that be planning for a change of placement or release from custody.
  - Children need stable placements so that they can feel settled and secure.
  - Most children prefer placements that are as similar as possible to a family environment. If they are placed in a children's home, this is more likely to be achieved when the home is small, as children described larger homes as being more chaotic.
  - Younger children generally prefer to be placed with children of a similar age. Placement alongside older children, especially in children's homes, can be a negative influence and increase the risk of offending.
  - Ongoing contact with family, especially siblings, often contributes to children's emotional wellbeing during their time in care or custody.
  - Children in care want social workers to spend more time with them, and to keep in regular contact, so that they know they are available if needed.

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<sup>1</sup> Blades, R. et al (2011) Care - a stepping stone to custody? London: Prison Reform Trust:  
<http://www.prisonreformtrust.org.uk/Portals/0/Documents/caresteppingstonetocustody.pdf>

- Children need positive relationships with at least one trusted adult who can be relied upon to provide practical and emotional support wherever they are placed (including when in custody).
  - Children in care would benefit if society as a whole had a better understanding of the care system.
3. Drawing on these recommendations and the findings from the research, the authors of the study outlined a seven-point plan for policy makers and practitioners designed to enhance those aspects of the care system which have been identified as protective factors in offending, thus ensuring that children's experiences of being in care are positive, nurturing and supportive. These were:
- (1) Proactive care planning
  - (2) Getting the placement right
  - (3) Recognising the importance of relationships with adults
  - (4) Being aware of family influences
  - (5) Nurturing children's aspirations
  - (6) Working across agencies
  - (7) Being a good parent.
4. In determining the most suitable placement for a child, the report authors recommended thinking about the possible effect this might have on their behaviour. The study found that the number, ages and profile of other children in the placement and the track record of carers in managing problematic behaviour without unnecessary police involvement were important factors which should be taken into account. Placement teams were urged to use their commissioning power to ensure that children's homes use restorative approaches to resolve conflict in the home.

### **Lord Laming's review of looked after children in the criminal justice system**

5. After the Out of Trouble programme came to an end, Lord Laming accepted the Prison Reform Trust's invitation to chair an independent review of looked after children in the criminal justice system, 'Keeping children in care out of trouble'. The review was launched in June 2015 with the initial support of the J Paul Getty Junior Trust. Its central question is:

*"to consider the over representation of children in care, or with experience of care, in the youth justice system - why, for example, when only fewer than 1% of children and young people are committed to the care of local authorities<sup>2</sup>, yet a third of boys and 61% of girls in custody are, or have been, in care<sup>3</sup> - and to make recommendations as to how the life opportunities for children and young people in care or with experience of care, who are at risk of being avoidably drawn into the youth justice system, can be transformed."<sup>4</sup>*

<sup>2</sup> Department for Education (2013) Children looked after in England year ending 31 March 2013, London: DfE, StatsWales website, and Office for National Statistics (2013) Population estimates total persons for England and Wales and regions Mid-1971 to Mid-2012, London: ONS

<sup>3</sup> 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 and Youth Justice Board.

<sup>4</sup> These terms of reference were drawn from the statistics referred to above, which were the most recent available at the time of the review's launch. In its findings from 774 surveys completed by children at every secure training centre and young offender institution which were all inspected between 1 April 2014 and 31 March 2015, HM Inspectorate of Prisons has since reported that over half the children in STCs (52%) and almost two-fifths of boys in YOIs (38%) told the Inspectorate that they had been or were in local authority care. Redmond, A. (2015) Children in Custody 2014-15: An analysis of 12-18-year-olds' perceptions of their experience in secure training centres and young offender institutions, London: HMIP, YJB.

6. The review does not aim to criticise, but rather to help constructively to spread good practice. The review team is formed from a broad cross-section of senior policymakers and practitioners, including social workers, police, magistrates, academics and other experts, as well as children and young people who have been in care and been in trouble with the law (see Annex 2). Over 200 written submissions have been received from a wide range of agencies, as well as individuals with personal or professional experience of care and the criminal justice system. The review panel aims to publish its findings in Spring 2016. Lord Laming will be meeting with Sir Martin Narey in January to discuss their respective reviews.

### **Children in custody**

7. We note the statistics recently published by HM Inspectorate of Prisons which show a worrying disparity between the experiences of looked after children and young people in custody and their non-looked after counterparts.<sup>5</sup> Some of these facts are reproduced in Annex 1 below.
8. As you are aware, the secure estate for children in its current form has evolved across nearly 30 years, and consists of at least four discernibly different types of establishment (Secure Children's Home, Secure Training Centre, Young Offender Institution, and Young Offender Institution with additional smaller specialist units). In the Prison Reform Trust's view, rather than being logical, this evolution has been driven more by pragmatic responses to the perceived issues of the day and less by any coherent overall philosophy or set of objectives. In a recent presentation to the Standing Committee for Youth Justice, Di Hart reported back on her experiences in Europe and North America as a Churchill Scholar, and commented on the absence of any clear articulation of what custody for children is 'for' in England and Wales. We have made both of these points to Charlie Taylor in our representations to him concerning his review of youth justice. Now is an ideal moment, with numbers of children in custody at an all-time low, to develop a fresh strategy for the secure estate, and within it, to state the ideal characteristics of new secure and custodial establishments.
9. So far as Secure Children's Homes are concerned (we understand these fall within the specific scope of your review), we welcome the 'small home' size and geographic spread of the current estate (as well as some of the specialisms of particular homes, such as working with children who have abused others), while expressing concern that the disestablishments of the past eight years appear to have been driven more by the need to reduce commissioning costs rather than any objective assessment of the needs of the children in secure accommodation (we could develop this point for you if that would help). We are not convinced that the current security specifications (which both add cost, and detract from the ability to create a more therapeutic atmosphere within the estate) are justified by the threat of escape (either in public or individual safety terms). We would welcome a review of the thinking on this point.
10. We are also aware that the number of 'welfare' beds in Secure Children's Homes has reduced at least as rapidly as the number of 'criminal justice' beds. Practitioners regularly tell us that it is all but impossible to find a secure bed when it is needed. From a criminal justice perspective this has an immediate consequence in the large number of children held in police cells overnight, and from a welfare perspective may

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<sup>5</sup> Redmond, A. (2015) Children in Custody 2014-15: An Analysis of 12-18-year-olds' perceptions of their experience in secure training centres and young offender institutions, London: HMIP, YJB

also explain the apparent growth in the number of 'single bedded' children's homes as well as the continued use of 'non secure' premises in remote locations, both of which on most grounds we consider to be undesirable.

11. Alongside Secure Children's Homes, there is an equally small sector of secure residential adolescent mental health units. We are not experts on this type of provision. However, while it would not be appropriate for criminal justice agencies to take the lead in developing secure mental health provision for children, we believe the crossovers in both the needs of children in both types of establishment, and in the type and style of home/unit, are sufficient to suggest that there should be closer working between the Department of Health, Ministry of Justice and National Offender Management Service in planning and developing such provision (Secure Children's Homes and Secure Adolescent Mental Health Units). It is not apparent that this happens at the moment.
12. Our conclusion, therefore, is that a new national strategy is needed for secure children's homes, covering provision for children referred both through a welfare and through a criminal justice route; that this strategy ought also to include close joint working with the Department of Health to ensure that the provision of secure adolescent mental health units is planned and developed in a closely coordinated manner; and that the whole ought to be seen as a part of a cross-government, national plan for secure accommodation for children, covering not only these types of home/unit but also any other types of custodial or secure accommodation for children that the government deems necessary. Within such an overarching national plan we can see the case for more local commissioning of provision, perhaps by consortia of local authorities and local health authorities, although we concede that developments towards greater localism are going to be dependent on the level of local appetite.

We would be happy to provide any further information that may be helpful to this review.

## ANNEX 1 - FACTS ON LOOKED AFTER CHILDREN IN CUSTODY<sup>6</sup>

- A. In its findings from 774 surveys completed by children at every secure training centre and young offender institution which were all inspected between 1 April 2014 and 31 March 2015, HM Inspectorate of Prisons reported that over half the children in STCs (52%) and almost two-fifths of boys in YOIs (38%) told the Inspectorate that they had been or were in local authority care.
- B. Children in STCs who said they were or had been in local authority care were:
- Less likely than their peers to say that they had visits from family, carers or friends at least once a week (34% compared with 61%)
  - Less likely than their peers to say that they knew where they would be living when they left the centre (52% compared with 89%)
  - More likely than their peers to say that they had been physically restrained during their time at the STC (45% compared with 29%)
  - More likely than their peers to say that they had felt threatened or intimidated by other children while at the centre (25% compared with 10%).
- C. Boys in YOIs who said that they were, or had been, in local authority care:
- Were less likely to have been from a black and minority ethnic background (37% compared with 46%)
  - Were twice as likely to have dependent children (14% compared with 7%)
  - Were twice as likely to consider themselves to have a disability (26% compared with 13%)
  - Were less likely to say that the different levels of the rewards scheme encouraged them to change their behaviour (39% compared with 48%)
  - Were significantly more likely to have been placed on a minor report (59% compared with 40%), been adjudicated against (74% compared with 61%) and been physically restrained (48% compared with 36%)
  - Reported higher rates of emotional or mental health problems (37% compared with 16%)
  - Were more likely to have drug problems on arrival (42% compared with 32%)
  - Were more likely to say they felt unsafe at the time of the inspection (17% compared with 11%) and that they had experienced victimisation by a member of staff (29% compared with 22%)
  - Were significantly less likely to have had one or more visits per week from family and friends (23% compared with 43%).

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<sup>6</sup> All facts in this section taken from Redmond, A. (2015) Children in Custody 2014-15: An Analysis of 12-18-year-olds' perceptions of their experience in secure training centres and young offender institutions, London: HMIP, YJB.

## **ANNEX 2 – MEMBERSHIP OF LORD LAMING’S REVIEW OF LOOKED AFTER CHILDREN IN THE CRIMINAL JUSTICE SYSTEM**

### **Chair**

Lord Laming

### **Prison Reform Trust staff and pro bono assistance**

John Drew (Secretary)

Katy Swaine Williams (Co-ordinator)

Dr Pamela Storey (Pro bono researcher) (formerly of Thomas Coram Research Unit, Institute of Education, University of London)

Grace Wyld (Volunteer)

### **Review members (in alphabetical order)**

Caroline Adams – Staff Officer for National Children & Young Persons Portfolio - National Police Chiefs Council

John Bache – Deputy Chairman – Magistrates Association

Sally Bartolo – Peer Outreach Team Manager – Education and Youth Team – Greater London Authority

Tim Bateman - Principal Policy Advisor - Office of the Children’s Commissioner.

Ben Byrne – Association of Youth Offending Team Managers (England)

Stuart Carlton – Board Member – Association of Directors of Children’s Services

Teresa Clarke – Governor – HM Young Offender Institution, Swinfen Hall

Jeremy Crook – Director – Black Training and Enterprise Group

Darren Coyne – Project Manager – Care Leavers’ Association

Natasha Finlayson – Chief Executive – Who Cares? Trust

Shauneen Lambe – Executive Director – Just for Kids Law

Juliet Lyon – Director – Prison Reform Trust

Lord McNally – Chair – Youth Justice Board for England and Wales

Mary O’Grady – Chair – YOT Managers Cymru

Elizabeth Rantzen – Director - J Paul Getty Junior Trust; Trustee – Prison Reform Trust

Nigel Richardson - Director of Children’s Services -Leeds City Council

Councillor David Simmonds – Chair of Local Government Association’s Children and Young Persons’ Board

Enver Solomon – Director of Evidence and Impact – National Children’s Bureau

Dr Jo Staines – Director BSc Childhood Studies Programme – Hadley Centre for Adoption and Foster Care Studies, Bristol University

Chris Stanley – Trustee – Michael Sieff Foundation

Professor Mike Stein – Research Professor - Social Policy Research Unit, University of York

Baroness Lola Young – Crossbench Peer - House of Lords

### **Young people’s consultation group**

The review is supported by a group of children and young people who have experience of care and the criminal justice system. Their insights will inform the work of the review throughout its duration.