

Briefing

Children in custody

May 2020

Lockdown has brought with it many challenges for us all, not least restrictions on our freedoms. But for children in custody, this time has been particularly hard, as it has curtailed even the very limited freedoms they once had. Some children in custody have been spending all but 40 minutes of the day locked in their cells during lockdown.¹ As lockdown slowly eases for many of us, and we are encouraged to spend as long as we want outside because of the benefits to our well-being,² children in custody are still spending the majority of the day in their cells. In these difficult times, children told us they have found comfort in the feeling that we - those in custody and the community alike- are all in it together. The easing of restrictions on people in the rest of the country will undoubtedly make the restrictions on children in custody more difficult. These children are often highly vulnerable and need significant additional support, which is necessarily limited by the restrictions in place. Time in custody should be focused on education and rehabilitation. This support is being disrupted during this pandemic with potentially serious consequences for children's rights, well-being and long-term outcomes.

Children in custody have been on restricted timetables for the past ten weeks, with establishments striving to comply with Public Health England and Government guidance on social distancing. Staff in establishments have had the unenviable job of trying to modify timetables of activity to adhere to the guidelines, all the while constrained by the physical limitations of the estate and the cessation of in-person education sessions at most prisons. In this time, access to time out of cell, education, activities and family and professional visits have been severely curtailed. This briefing note sets out the situation in custodial institutions for children, based on data received from the Youth Custody Service (YCS) over the lockdown period, supplemented with evidence gleaned from conversations with children in the youth custodial estate about their experiences of lockdown.

¹ It is our understanding from the Youth Custody Service that children are now getting more time out of cell but this improvement has not yet been quantified.

² Anne-Sophie Dybdal, Senior Child Protection Advisor at the Mental Health and Psychosocial Support Unit of Save the Children, said: "People who are outside regularly have a lower activity in the part of the brain that focuses on repetitive negative emotions. This is one of the reasons children can slide into negative feelings or even depression during the circumstances they are living in now.": <https://reliefweb.int/report/world/children-risk-lasting-psychological-distress-coronavirus-lockdown-save-children>

Access to normal routines

During lockdown, children have had to spend significantly more time locked up alone in their cells. In the main this has been because of the need to adhere to social distancing guidelines which has led to limited access to in-person education, exercise in the open air, gym-based activities, and the decision to deliver most meals in cells. These guidelines only allow for children to associate in groups of 3 or 4, and most custodial institutions do not have the physical space nor the staffing levels to supervise this many small groups for long periods of time, particularly without the use of education buildings and the support of education staff. This is severely curtailing children's access to daily routines and particularly time in the fresh air.

For the majority of lockdown, children in Young Offenders Institutions (YOIs) and Secure Training Centres (STCs) have been spending **between 40 minutes and just over 3 hours out of their cells** each day.³ We have been informed by the Youth Custody Service that this is beginning to increase, though it is unclear to what degree and how quickly.

Children have limited interaction with staff (or other young people) while in their cells so are spending large amounts of the day without face to face interaction. Though generally understanding about the need for some restrictions, children reported the current arrangements were having significant impact on their wellbeing. One boy told us:

"I know it's completely relevant because it's a lockdown and we need to keep people safe but at the same time it's a bit like... I don't know... I feel like a bit of a dog in a cage to be fair."

The recent HMIP report on short scrutiny visits to three YOIs reported that relationships between staff and children were good, and that staff interacted with children in a 'caring, patient and professional way'.⁴ Children we spoke to were also generally positive about relationships with staff, and felt they were doing their best in trying circumstances. One boy told us:

"Yeah I get on with most staff in here anyway so if I did feel that bad...I've had conversations with them before you know what I mean, I've spilled my heart to them and they've listened...that's why I appreciate some staff in here"

He also told us that in his prison, this could depend on which staff were on rotation every few days:

"A couple of days you might not get a staff member you would spill your heart to and you could have a staff member that you don't really speak to for a couple days...that's why I'm really glad the phones are there."

Positive relationships with staff are very important, particularly at this time. With children spending so much time behind locked doors, however, these interactions are more fleeting, or infrequent than they might otherwise be, which undermines the positive effect of these relationships. As another boy said, ***"sometimes they do come to your cell and check on you ...like I have a good relationship with the staff."***

The restricted regimes offered across the secure estate have the potential to harm the long term emotional wellbeing and mental health of young people currently in custody, the impacts of which they could continue to experience for the rest of their lives. The Youth Custody Service (and establishments themselves) are maintaining oversight of key indicators about the situation across the estate, for example assaults, self-harm, use of force and separation, to monitor the impact of current arrangements on children. These show a reduction in assaults and use of force. These measures, however, do not reflect the current context that the

³ <https://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020.pdf>

⁴ [Ibid.](#)

children are living in. For example, physical assaults and use of force incidents are often related to time out of cell, when they are most likely to occur. The Youth Custody Service should introduce additional metrics, such as wellbeing measures and surveys of children's views to give a true indication of children's welfare.

During scrutiny visits HMIP also found that there have been reductions in bullying and violence.⁵ Some of this, will undoubtedly be related to the long periods of time children are spending in their cells – which reduces the time in which negative interactions with others can occur. However, some of this may also be linked to the smaller groups that children are associating in, which can allow for enhanced relationships between children and staff and is likely to make children feel safer. The smallest youth justice establishments – Secure Children's Homes – have also managed to maintain a close to full timetable for children during this period, with full access to in-person education. There may well be a lesson in this finding for the future configuration of the youth estate, for smaller units where children can build trusted relationships with staff and other children.

Nevertheless, while they understood the necessity of some restrictions, the top priority for children we spoke to was to spend more time outside of their cells. They reported that spending so much time alone with their thoughts is hard and can lead to spiralling negative thoughts and increased levels of anxiety.

“...when you've got nothing to do so you've got a lot more time to think and then you can start thinking about bad things and that's how it escalates. And if you've got nothing to do you're just watching telly and sleeping all day it just ruins you.”

Establishments have put additional support in place for the most vulnerable children in custody – for example those who are isolating, with mental health difficulties or at risk of self-harm.⁶ This support includes increased face to face time for those who are suffering most with the restrictions. These measures are welcome and demonstrate the efforts of establishments to mitigate some of the most acute effects of the restricted timetables. The fact remains, however, that children in custody are spending too much time alone in their cells, and this should be urgently addressed by reducing the numbers in custody or increasing staffing levels.

⁵ [Ibid.](#)

⁶ Although HMIP's report raised concerns about the lack of secondary mental health support at establishments.

Time in the fresh air

Time out of cell, and time in the fresh air in particular is vitally important to maintain the mental health and welfare of children in the secure estate.

Time in the fresh air is limited in all establishments because of the combination of social distancing, limited space to take children out to exercise, the number of children in establishments and the ratios of staff to children. As one boy put it: ***“There’s that many people on the wing, everyone needs a fair amount of time [out on the exercise yard]...it’s just not possible [to have more exercise time].***

Some establishments are delivering extra activities to supplement the normal exercise time. At Feltham YOI, for example, staff are running additional sport sessions outside to give children more time in the fresh air. For the week commencing 20th April 2020, 95 boys took part in the extra sessions which amounted to an additional 103.6 hours out of cell across the establishment.

Estimated time out in fresh air

Establishment	Time out in fresh air	Increase since 28 March
Cookham YOI	‘at least’ 20mins per day plus 1 hour of PE per week and 1 hour family group sports sessions per week on rotation.	Increased PE and group sports offer since 25/05
Feltham YOI	45 – 90 mins per day plus additional PE activities of varying duration	Increased PE activities since 25/05
Parc YOI	30 mins per day	Stayed the same
Werrington YOI	45 mins per day (once a week with PE staff for a formal session)	Increase of 15 minutes per day since 11/05
Wetherby YOI	30-45mins exercise per day ⁷	Increase of up to 15 minutes.
Oakhill STC	20 - 40mins activity per day	Stayed the same
Rainsbrook STC	45-60 minutes exercise per day offered	Data prior to 19/05 unavailable

Table 1 - Estimated time out in fresh air, data from 28/03 - 29/05

⁷ Wetherby YOI reported that children are spending 60 minutes out of their cells per day, though this includes time for a range of activities including time in the fresh air, a shower and time to clean their rooms. We have estimated this equates to 30-45 mins time in the fresh air.

Additional activities

In order to combat the boredom children feel when spending time alone in cells, some institutions have been working to deliver additional activities for children to complete in their cells. Werrington, Cookham, Feltham and Parc YOIs for example have provided children with games consoles and DVD players to keep them occupied, and others have made additional TV channels available to young people.

Youth workers contracted by the Youth Custody Service and some establishments have also been doing direct work with children in some institutions including some education activity. In Feltham YOI Kinetic Youth have been running some wing-based competitions and delivering activity packs for young people as well as working directly with children on the exercise yard. In Werrington YOI, Kinetic Youth are also visiting children every day to offer them education and activity materials. Youth workers from an organisation called CXK have been delivering a similar service in Cookham Wood YOI since the 4th May

Other examples of the kind of additional activities institutions have arranged are:

- > The gym at Parc YOI is open daily, boys have access to games consoles and wing-based competitions are happening weekly.
- > Feltham YOI has given boys radios and games consoles and exercise plans for use in their cells to keep them occupied. They are also running in-cell bingo which they report is very popular.
- > At Werrington YOI all boys have either a DVD player or a games console in their cells.
- > The PE department at Cookham Wood YOI are taking small groups to the 5-A-Side pitch to play a variety of sports outside on a landing rotation basis.
- > Oakhill STC are developing a horticulture project for small groups of young people to take part in on the main green.
- > At Wetherby YOI some family units are able to participate in additional activities within the establishment i.e. grass cutting, painting, repairing aviary on a rota basis to assure access whilst maintaining social distancing.

The activities arranged for children to complete in their cells are welcome, and institutions are clearly working innovatively to improve the current situation for young people. The offer to children is not, however, universal across establishments and nor do local arrangements adequately remedy the long periods they are spending locked up.

Children we spoke to were pleased to have some additional in-cell activities, and were grateful to staff for their efforts, but many expressed their frustrations at the reductions in other activities due to the lockdown:

“Most of the lads just sit and watch telly all day...I don’t think that’s really good for us, it’s not good for our minds and it’s not good for our fitness.”

“I was on a sports course so I was in the gym for about 6 hours a day for 6 days a week ...Lets you free your head, gives you some space to get stuff out of your head really. Now we can’t go because of cross contamination and that. Getting up in the morning, I used to get up early, with a routine in place, but now its all changed. [I] sit on my bed watching telly most of the day now. Some people enjoy that, but I don’t really enjoy that me, I feel like I’ve wasted the day”.

Education

Access to education is key for children in custody both as part of their rehabilitation and to give them longer out of their cells. This is vital to safeguard the welfare and mental health of the most vulnerable children in custody. At the beginning of the lockdown, some sites had made local arrangements for the delivery of face to face education – for example Cookham Wood YOI. However, this was stopped following a national directive affecting HM Prison and Probation Service (HMPPS) establishments in the adult and children's estates alike, in spite of the different requirements of these populations.⁸

In establishments where in-person education is still being delivered (albeit to a lesser degree than under business as usual arrangements) children have access to much more time out of cell. In Parc YOI and Oakhill STC for example, children have additional time out of their cells to take part in education - 2 hours daily and at least 1 hour weekly respectively.

In all other establishments, it appears that education is being delivered with education packs for children to use in their cells. The frequency of when this work is collected and marked differs across establishments – in Werrington YOI packs are delivered and collected daily but in Cookham Wood YOI packs are marked after they have been left in quarantine for 72 hours.

Access to education

Establishment	Education
Cookham YOI	In cell education packs
Feltham YOI	In cell education packs
Parc YOI	2 hours per day face to face education
Werrington YOI	In cell education packs
Wetherby YOI	In cell education packs
Oakhill STC	1 hour per week face to face education. Additional sessions available to boys who request it
Rainsbrook STC	Education sessions are being offered on the units in their groups and individualised packs have been distributed to each young person.

Table 2 - Access to education, data from 28/03 - 29/05

Although we appreciate the challenge of delivering socially distanced lessons, education is a vital part of rehabilitation for children in custody and provides enhanced time out of cell. There has been a great deal of focus on the importance of getting vulnerable children back into school, and a similar emphasis needs to be placed on ensuring access to education for children in custody.

⁸ <https://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020.pdf>

Meals

Mealtimes for children in custody should be an opportunity for them to spend time with other children, as well as talk to staff in a more informal way. Sitting down to share a meal can give a reassuring pattern to the day, and a sense of 'normality'. Many children in custody, however, are now having to eat alone in their cells for most meals.

Before the 4th May, Rainsbrook STC was the only prison offering any mealtimes out of cell, all other children in YOIs and STCs were **eating all 3 meals in their cells for 6 weeks**.

Children told us this was challenging at first, but as one said:

"To be fair it's got to a point now ... that's one of the only things I look forward to in my day is just looking forward to my next meal coz there's nothing else to do".

In the week commencing 4th May, some establishments have put arrangements in place to allow children to eat some meals out of their cells, as reflected in the table below.

Meals eaten out of cell

Establishment	Meals eaten out of cell
Cookham YOI	Meals are eaten in cell but children collect lunch from servers rather than have it delivered. From the week commencing 25 th May, household groups are dining out of their rooms in the light bays on each landing on rotation.
Feltham YOI	Children eating 2-3 meals out of their cell per week.
Parc YOI	'Some' meals eaten out of cell in groups of 3 on a rota. This means children are eating outside their cells every 3 rd day.
Werrington YOI	All meals eaten in cell. Discussions had taken place to start dining out of rooms for small groups agreed locally by prison officers association (POA) but NEC objected.
Wetherby YOI	All meals eaten in cell.
Oakhill STC	Children encouraged to eat 1 meal out of their cell per day.
Rainsbrook STC	Meals eaten in the dining room, half of the unit at a time.

Table 3 - Meals, data as of 29/05

Establishments delivering all meals in cells have reported that staff are encouraged to have 'meaningful interaction' with children while delivering meals. Nevertheless, this cannot mitigate the isolation experienced by children eating three meals a day in their cells.

Visits

In person visits from both family members and professionals (such as advocates) have been completely stopped since lockdown. Many children in custody are placed far from home, so family and friends may have struggled to make the journey for visits while complying with social distancing guidelines, and the wider changes to social distancing guidance has not yet led to changes in the restrictions on visits for children in prison. This loss of in-person visits could be eased with virtual visits, though arrangements for Skype visiting (even where the technology exists) have been slow. In Oakhill STC, for example the capacity for Skype visiting has been available for the whole lockdown period, but only in the last two weeks have plans been put in place to use it. The latest data does not indicate that any of these visits have yet taken place. Additionally, the Ministry of Justice Digital department have been working on a project to use laptops to offer virtual visits, but this had yet to be used eight weeks into lockdown.⁹

Some children have told us that the lack of visits with family is really hard as visits usually give them something to look forward to. One boy told us:

“it’s hard, because I’m used to being shown love on the outside, even just a hug is just nice...obviously you don’t get to have that feeling in here it’s a bit harder, especially with visits being off...that’s the hardest thing I’ve gone through”

As Government guidance begins to relax rules for those in the community, particularly those about travelling, the Youth Custody Service should consider how best to begin to reintroduce visits – at a safe distance – for children in their care. In any case, ensuring that children have access to video visits with family and friends would serve as a welcome stopgap before physical visits can start up again. Most establishments have sufficient staffing levels to supervise visit sessions as they would under business as usual arrangements, so supervising a series of virtual visits should not be out of reach as the technology for video visits is rolled out across prisons.

Children have been given access to additional phone credit to keep in touch with their families, and some establishments have also made additional arrangements for letters, emails and video visiting.

Contact with family

Establishment	Contact with family
Cookham YOI	£20 free credit weekly, working with MoJ Digital to develop a laptop-based video service, which was due to start w/c 18 th May, not yet been fully rolled out.
Feltham YOI	£10 free credit weekly, email service, unlimited letters, allowed to receive parcels and working with MoJ Digital to develop a laptop-based video service, though this is not yet operational. Young people can purchase phone credit through green cards earned through positive behaviour.
Parc YOI	£5 free credit, call charges reduced by 60%, email service and Skype now working.
Werrington YOI	£15 free weekly credit for family/friend calls and BT have reduced the cost of calls. YOT/SW calls free of charge. Video calling facility installed, since the week commencing 25 th May, each young person will be able to have a 30 minute video call with their next of kin per month.

⁹ Some prisons reported plans for virtual visits to start w/c 18th May, or the ninth week of lockdown.

Wetherby YOI	£20 phone credit. Video calling facility installed but not yet operational. ¹⁰
Oakhill STC	£10 additional credit. Skype calls have been made available
Rainsbrook STC	Additional phone time.

Table 4 - Contact with family, data as of 29/05

Children we spoke to were grateful for the additional credits that had been provided, though some explained that it might not be enough for all children. £20 can buy less than **200 minutes on the phone** in some prisons (equates to about 28 mins/day). One boy told us:

“The worst part about being able to speak whenever you want, is that your credit goes...I can handle myself, I know my limits but I know other people that can’t handle themselves, there’s people I know that have zero pound credit right about now. And I do feel sorry for them because like they don’t have family to support them...so they won’t be getting enough money sent in, so that’s why I appreciate on the other hand that the Governor’s putting £20 pound in our account but they don’t know how to save it.”

This suggests that some children may use credit up quickly, leaving them unable to speak to their family or friends while alone in their cells. The Youth Custody Service report that credit is being staggered to children over the course of the week to prevent this from happening. Nevertheless, children do not have access to unlimited phone calls to friends and family.

¹⁰ We did not receive data on the credit provided from YCS, but children told us this in one-to-one interviews.

Conclusion

Current implementation of social distancing guidelines has severely limited children's access to time out of their cells and with it, opportunities to engage meaningfully with others on a daily basis. The lack of access to family and professional visits exacerbates this situation. Many establishments are working hard to mitigate the impact of these measures and there are good examples of flexible and innovative practice across the estate. Nevertheless, this situation is detrimental to children's wellbeing and may well have lasting consequences for their mental health. The lack of in-person education is also likely to damage their educational outcomes which in turn may hinder successful rehabilitation and plans for their transition back into the community. This is particularly concerning at a time when children will be anxious about the impact of the virus. While children are in custody because they have committed offences, the purpose of custody is also to prevent reoffending. Maintaining and improving children's wellbeing and ensuring they have access to education are vital elements of this rehabilitative process.

There are a few key actions which would help to improve this situation for children in custody:

- 1. The Youth Custody Service must be treated as completely separate from HM Prison and Probation Service (HMPPS), allowing for development of truly child-centred guidance and policy.** Current arrangements do not always allow sufficient flexibility to develop the best possible arrangements in the youth custodial estate, for example in the national directive to stop education in all HMPPS sites.
- 2. Development of specific guidance for youth justice establishments about how to implement social distancing in a way that protects children's welfare.** There is clear variance in the interpretation of social distancing guidelines across all establishments, with very different practices in operation. Public Health England should work with the Youth Custody Service to develop guidance that takes into account the physical constraints of the estate and the inherent vulnerability of these children. The guidance should allow flexibility to deliver a safe timetable for children and staff, informed by best practice examples across the estate.
- 3. The safe release of some children in custody..** There are around 260 children currently remanded to custodial establishments, two thirds of whom may not receive a custodial sentence. Prioritising the safe release of these children would greatly reduce the burden on establishments and allow them to deliver a fuller regime to the children who remain in custody. Early release packages for others in custody who are close to their release dates or could be safely managed in the community should also be considered. The Ministry of Justice should ensure that additional funds are made available to support community partners to deliver comprehensive, safe resettlement packages for children.
- 4. Restarting the delivery of in-person education across the estate.** Children in establishments that continue to deliver in-person education are spending much more time out of their cells, the Youth Custody Service should replicate these pockets of good practice in other establishments. It should be a priority across the estate to get education classes up and running again (albeit with smaller class sizes to allow for appropriate distancing).
- 5. Improving access to time out of cell.** Good practice across the estate should be built upon and used as a blueprint to deliver additional activities across the estate, giving children better access to meaningful interaction with others (in small groups). Funding should be made available for additional staff, including youth workers, if current provision does not allow for sufficient time out of cell.
- 6. Improving access to family and professional contact (digitally or otherwise).** Most children have been given additional phone credits, but this is not always sufficient. The Youth Custody Service

should make all calls to families and professionals free and expedite arrangements to facilitate digital visits across the whole estate. As the Government guidance on travelling has been relaxed, consideration should be given to how family visits could be safely reinstated, perhaps making use of screens to physically separate visitors from children.

- 7. Improving access to Personal Protective Equipment (PPE) and priority testing.** Ensuring increased levels of PPE could help get visits up and running again, protecting children and staff while allowing children access to the visits that are so important to them. Access to priority testing (with a quick turnaround of results) is also essential to reduce the amount of time children have to spend isolating after leaving the unit i.e. for court or hospital appointments – across the estate but particularly in Secure Children’s Homes.