

# Family contact in youth custody

*Annex to A positive approach to a parenting:  
Part II of the Independent Family Review*

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March 2023



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## Foreword from the Children's Commissioner

In May 2022 I welcomed a Government commission to conduct an Independent Review of family life. In doing so, I set out to demonstrate the immense and protective power of family life on our children and society. I found that families – no matter their size, shape or composition – are fundamental to society and hold the power to protect and to transform children's lives, both today and in the future.

Throughout the course of the Review, I remained conscious that, as Children's Commissioner, I hold a special and important responsibility for the rights of children living away from home. I am intent to ensure that these children receive the same profound force of love and protection from a 'family', whatever form that may take, as do their peers who are able to live at home. This Annex to Part 2 of the Independent Family Review explores family life from the eyes of the some 490 children in youth custody.

### **A focus on children in custody**

Violence reduction and diversion policies have proved successful in reducing the number of children in custody over the last decade. We should recognise the historically low population of children in custody, about half the size of an average secondary school, as an achievement. We now need to match this with a commensurate programme of reform to the existing youth estate to ensure that every child, no matter their history or circumstance, has a caring place to call home.

I don't underestimate scale of challenge. The population remaining in youth custody are exceedingly vulnerable and the great majority present with complex and interrelated needs. It is an irrefutable point to argue that each and every child has been failed by at least one agency of the state at some point in their journey to detention. Of pupils who have received a custodial sentence:

- 93% have received support for special educational needs.
- 91% have been persistently absent from school.
- 85% have been eligible for free school meals.
- 53% have had a social worker.
- 26% have been in care.<sup>1</sup>

The children in custody are also not demographically representative, 98% of the children in custody are male and 24% are Black.<sup>2</sup>

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We must also add the fact that recent changes to sentencing guidelines mean that, by and large, only children sentenced for serious and violent crimes end up in custodial detention. As a result, while detention rates for non-violent offences such as robbery have fallen, the concentration of violent offences has steadily increased. Violence against the person offences accounted for two thirds (65%) of the total youth custody population in December 2022.<sup>3</sup>

Yet, in the interim and as a society, we have failed to rethink and reconfigure custody to meet the needs of today's cohort. Instead, we have left a high concentration of profoundly complex children, many with troubled and violent histories, in the residual estate. This report focusses predominantly on children in Youth Offending Institutes (YOIs) because this is where over three quarters (77%) are detained.<sup>4</sup>

### **The findings of this report**

My team conducted a series of visits to the youth custody settings with the intention of understanding family relationships, and how important ties to children's families and wider support networks are supported by settings. The visits and my statutory data request of all custodial settings in England and Wales reveal the structural barriers which prevent children from maintaining meaningful relationships with their families. I find that almost half of all children in custody (44%) did not receive an in-person visit between October-November 2022. In the same time period, 83% did not receive a video call.

Children whose voices are reflected throughout this report tell us how frequently visits are cancelled and how difficult it is to feel close to family members. One 16-year-old boy told us "*I've got a very good, supportive family. **But they make it so hard***". By 'they' he means setting staff whose job it is to care for him; this responsibility should include helping him to maintain supportive family relationships.

Despite the very specific research focus for these visits, my team left with a much broader set of concerns, and a deeply disturbing impression of life in custody. As described in this report, my team observed serious issues including the exceedingly high levels of violence in YOIs and poor retention and morale among staff. My team spoke to children who were locked up for the great majority of the weekend, accessing just **30 minutes outside their cells each day at the weekend**. Understandably, boredom and frustration culminated in violence once the boys were finally allowed to socialise.

No boys that my team spoke to in YOIs felt positive about their future; an unsurprising fact, given so few opportunities for meaningful education or training conducive to turning their lives around.

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Yet, what is also clear is that it doesn't have to be this way. I am glad to report that my team also visited smaller settings where children told us they felt safe, calm and cared for. On the weekends that my team visited, the children were engaged in productive and enriching activities, with minimal time spent alone.

### **The intention of this report**

This report sets out findings from my statutory data request on children's access to family contact in custody and ways in which the service can strengthen and maintain healthy family ties for the children in its care.

This report is also a call to action to my colleagues in the justice, education and welfare sectors to ensure that each child, no matter how complex their journey to this point, is not let down once more by the responsible adults in their life.

Finally, I would like to touch on the fact that the implications of failing youth custody settings are not only tragic for each individual child that spends a portion of their adolescence inside a YOI. The effects will also ricochet through society throughout the lifetime of this cohort of boys. I fear that YOIs are turning out young criminals, hardened from the point at which they entered and with less trust in the state whose job it is to protect them. It is no surprise that, currently, one third (33%) go on to re-offend.<sup>5</sup>

# The Children's Commissioner's research into family contact in youth custody

The Children's Commissioner requested data, under Section 2F of the Children's Act 2004, from all the youth custody settings in England and Wales on the frequency of family contact with children - physical visits and video calls.

## We received data from



**5 Youth Offender Institutes (YOIs)**



**1 Secure Training Centre (STC)**



**7 Secure Children's Homes (SCHs)**

Covering 430 children who were in custody between October 17 and November 13.



We found that **only 56% of children in custody received a visit from family or friends** in this four week period.



We found that **only 17% of children in custody received a video call from family or friends** in this period.

**"I've got a very good, supportive family. But they [staff] make it so hard."**

- Boy, 16, YOI

The Commissioner's office conducted a series of unannounced weekend visits, under Section 2E of the Children's Act 2004, to six youth custody settings in England and Wales.

## We found that

**Visiting slots were substantially underused**

**There were inconsistencies between the policies published on institutions' websites and paper information provided to boys**

**Financial and logistical support for visits was inconsistent and poorly communicated with families**

**Visits were frequently cancelled, and often at short notice, due to understaffing and poor coordination**

**"I had a visit booked last week. I called my mum and my nan at 8 to make sure they were ready and had their ID. I came back from education at 12 and they had cancelled it. Not enough staff."**

- Boy, 16, YOI

## Executive summary

This report, one in a series of Annexes to [Part II of the Children's Commissioner's Independent Family Review](#), seeks to understand family life from the perspective of the 490 children living in criminal justice settings, placed under custodial sentence or remand, in England and Wales.

This report sets out the demographics and characteristics of the children in custody, the legal basis for their detention, and their locations within the custodial estate. Following Parts I and II of the Commissioner's Review of Family life, the report seeks to understand how children in the secure estate are supported to maintain meaningful relationships with their families and wider social networks, through physical, phone and video contact with the outside community.

The report also explores children's relationships with professionals in and outside secure settings including social workers, Youth Offending Team (YOT) workers and foster carers, and the extent to which these relationships are stable, supportive, and nurturing. These are the key ingredients to positive adult-child relationships, identified and defined in [Part I of the Children's Commissioner's Independent Family Review](#), as the 'Protective Effect'. Part I demonstrated the immense power which these factors hold in insulating children from hardship and adversity, and in promoting positive outcomes.

### Methodology

The findings and recommendations in this report draw from research carried out between October-November 2022 using the Children's Commissioner's statutory powers:

- The Children's Commissioner requested data, under [Section 2F of the Children's Act 2004](#), from all the youth custody settings in England and Wales: the five Young Offender Institutions (YOIs) and eight Secure Children's Homes (SCHs) offering custodial beds in England and Wales, and the remaining Secure Training Centre (STC). Settings were asked to provide data on the legal basis for children's detention, children's distance from home, and the frequency of family contact with children - physical visits, phone and video calls. We received data from five YOIs, one STC and seven SCHs covering 430 children who were in custody between October 17-November 13 2022.



- The Commissioner's office also conducted a series of unannounced weekend visits, under [Section 2E of the Children's Act 2004](#), to six youth custodial settings in England and Wales: three YOIs, 2 SCHs and 1 STC. Through the course of the visits, the team spoke to children and staff, to understand children's experiences of maintaining relationships with their families and wider social networks from secure settings. CCo staff also observed the extent to which establishments provided safe and supportive environments which replicate the protective effect of family life, as demonstrated in [Part I of the Children's Commissioner's Family Review](#), through enriching and productive weekend schedules and positive relationships with professionals and other children.

A summary of the key findings from the data request and visits is set out below.

### **Chapter 1: The children in custody**

- Before discussing the challenges facing the youth estate, it is important to first understand the youth custody population. Chapter 1 outlines the characteristics of children in youth custody, the legal basis for their detention and sentence type.
- In 2021-22 there was an average of 450 children in youth custody at any one time, a historic low.<sup>6</sup>
- Of the total youth custody population, 24% are Black<sup>7</sup>, compared to 6% in the population in England and Wales aged 10-18<sup>8</sup>.
- As the number of children in custody for robbery has fallen, driving an overall decrease in the number of children in custody, the number of children in custody for violence against the person has remained stable.<sup>9</sup> Violence against the person offences now account for two thirds (68%) of the total youth custody population<sup>10</sup> With the year-on-year fall in the overall custodial population, this means that custodial settings, and in particular YOIs, now hold an unprecedented concentration of children with histories of violent crime, which are often associated with gang affiliations.
- Chapter 1 also sets out the custodial population's position within the wider children's secure estate, and their position relative to children in secure welfare and secure mental health settings, and the respective characteristics of children in secure welfare and mental health placements.

## **Chapter 2: The locations of children in custody**

- Chapter 2 outlines the three types of setting to which children may be detained under custodial sentence or remand in England and Wales. The chapter describes the differences between YOIs, STCs and SCHs in their sizes, staffing ratios, costs per placement and regional distribution.
- Chapter 2 further explores the consequences of a reduced youth custody population. As the number of children detained in custodial settings has fallen dramatically over the last decade (a consequence of diversion and violence reduction policies), so has the number of settings available to detain children under custodial sentence or remand. However, many of the settings which have closed are SCHs which have the highest staff to child ratios and the highest cost per place.
- The majority (77%) of the remaining youth custody population have been decanted to 5 YOIs.<sup>11</sup> Their regional distribution, overlaid with issues presented by gang affiliations in local areas (whereby children are placed at significant distances, sometimes hundreds of miles, from their local authority to prevent mixing with rival group members), mean that many children are frequently placed far from home, away from family, friends, and wider support networks.
- As of December 2022, 13% of children in youth custody were placed over 100 miles from home<sup>12</sup>, creating barriers to meaningful relationships with families and the support they can bring.

## **Chapter 3: Physical visits**

- All children sentenced or remanded to secure custody are entitled to regular visits from friends and family members, in recognition of the important role that family contact and support play in children's mental health, wellbeing and resettlement outcomes.
- Chapter 3 presents findings from the CCo data request on children's access to physical visits.
- The data request finds that 44% of children in custody did not receive a single visit from family or friends between 17 October and 13 November 2022. In YOIs, 50% of children did not receive a single visit from family or friends in this period.

- Chapter 3 also discusses findings from the CCo's unannounced weekend visits to secure settings and the impact of institutional approaches to family contact on children's access to visits.
- Conversations with children and staff in YOIs find that many settings are beset with institutional failures to provide children with adequate family contact, despite their statutory entitlements.
- The visits reveal that poor visitation figures are not necessarily due lack of resources, but inadequate leadership, poor oversight, and a lack of priority given to family relationships.
- On the days of unannounced visits to YOIs, the CCo observed that visiting slots were substantially underused (for example, just 8 boys receiving visits of a total 80 population).
- The CCo found inconsistencies between the policies published on institutions' websites and paper information provided to boys.
- Children told the CCo that financial and logistical support for visits is inconsistent and poorly communicated with families. As such, many families struggle to make the long and complex journeys which are often required to visit a child in custody.
- Children also told the CCo that visits are frequently cancelled, and often at short notice, due to understaffing and poor coordination.

#### **Chapter 4: Virtual contact**

- For the great number of children in custody who have been placed far from home, phone and video contact is a lifeline to their support networks.
  - One of the few positive consequences of the pandemic on children's lives in custody was the rollout of videocall technology across the secure estate, universal provision of in-cell telephones, and a temporary reduction in the cost of phone calls made from secure settings. However, Chapter 4 finds that many of the improvements made to virtual contact have been rescinded.
  - Chapter 4 presents findings from the CCo data request on children's access to secure videocalls, and children's views on the barriers to meaningful phone and video contact.
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- Between 17 October and 13 November 2022 only 17% of children in custody had a video call with family or friends.
- Children also told the CCo that video calls are difficult to access, beset with technical issues and glitches, and observed by a custodial officer – creating a tense and awkward atmosphere.
- In one YOI, the CCo found that no single member of staff, of more than 10 interviewed, was able to describe the process for booking a video call.
- Through statutory visits to secure settings, children told the CCo about the extraordinary cost of phone calls (around £1.40 for a 20-minute call in most YOIs). The costs of calls is prohibitive to children’s ability to maintain family relationships. The cost of calls in YOIs are far higher than those available to children in STCs and SCHs, and far higher than the cost of calls in the community.

## **Chapter 5: Life in custody**

- Chapter 5 outlines the importance of meaningful relationships in custody, given the complex and fragile family lives that many children in custody will have experienced in early childhood.
- The Children’s Commissioner’s Independent Family Review demonstrated that family life, whatever form it takes, is immensely protective for all children, particularly those who have suffered hardship and adversity. It is, therefore, crucial that all children living away from home are provided with a meaningful alternative to family life, one which truly protects, supports, and nurtures them, as a loving parent would.
- Chapter 5 explores life in YOIs, as revealed through the CCo’s visits to custodial settings and through conversations with children. The chapter focusses on experiences in YOIs as this is where the great majority of the youth custody population are held.
- The CCo witnessed persistent challenges facing YOIs, including serious issues of violence and staffing. The CCo found wholly unacceptable conditions on the day of visits to two YOIs, including settings in which children receive half an hour outside their cell on both days of the weekend. The boys in these settings were understandably bored and depressed. Their frustration frequently precipitated into violence, creating febrile and palpably tense environments.

## **Chapter 6: The way forward**

- The report concludes with a series of recommendations to address the challenges facing YOIs. The Commissioner is confident that many of the issues facing the estate are not due to a lack of resource, and may be addressed with a renewed focus on leadership, oversight and ambition.
- The recommendations focus on three timescales, (a) immediate action to improve conditions, in both family contact policy and regime delivery, (b) interventions to address violence in YOIs, and (c) long-term ambitions to reform secure provision for children, so that ultimately no child is held in a YOI, but are instead in secure, safe homes – all of which are rated as ‘Good’ or better.
- The Commissioner looks forward to ongoing work with Ministers and colleagues in HM Prison & Probation Service to realise a custody service which is truly fit for children.

# The children in custody

Of the 491 children and young people aged 10-18 in custody in England and Wales in December 2022

**98%** were male

**24%** were Black

In the general population of children and young people aged 10-18 in England and Wales

**51%** were male

**6%** were Black

## Pupils in England with a Key Stage 4 academic year of 2014/15

	Pupils who received a custodial sentence before turning 18	All pupils
% who have ever been recorded as having Special Educational Needs	93%	45%
% who have ever been eligible for Free School Meals	85%	34%
% who have ever had a social worker	53%	6%
% who have ever been in care	26%	1%
% who have ever been persistently absent	91%	44%

## 1. The children in custody

As of December 2022, there were 491 children and young people (aged 10-18) in youth custody. These children are not representative of the wider population in basic demographics - age, gender, and ethnicity – nor in the prevalence of specific needs such as special educational needs, disabilities or social work involvement.

### **Demographics**

Of the children and young people in custody as of December 2022, 98% of youth custody population are male, compared to 51% of the population aged 10-18, and 24% of youth custody population are Black, compared to 6% of the population aged 10-18.<sup>13</sup> Older children are over-represented with 17-year-olds making up 51% of the youth custody population (compared to 11% of the population aged 10-18).<sup>14</sup>

### **Specific needs**

Linked education and offending data on all pupils in England with key stage 4 academic year of 2014/15<sup>15</sup> suggests that 93% of pupils who have received a custodial sentence have received support for Special Educational Needs or Disabilities compared to 45% of all pupils. 85% of pupils who have received a custodial sentence have been eligible for Free School Meals compared to 34% of all pupils. 53% of the pupils who have received a custodial sentence have had a social worker compared to 6% of all pupils. 26% of pupils who have received a custodial sentence have been looked after compared to 1% of all pupils. 91% of pupils who have received a custodial sentence have been persistently absent compared to 44% of all pupils.

### **Children “Deprived of Liberty” elsewhere**

It is worth noting that while the number of children in custody has fallen over time, which is a very welcome development, there has been a rise in children deprived of liberty in other settings. This group of children are more hidden, as no official data is collected on who they are or where they are living. They are often children with the most complex needs, including mental health needs and offending behaviour, who are looked after by children’s social care. The latest research shows 657 children have been deprived of liberty through the High Court’s inherent jurisdiction between July to December 2022.<sup>16</sup>

## 2. The locations of children in custody

*Diversion and violence reduction policies have brought a reduction in the overall number of children in custody. As a consequence, the number of secure settings has fallen dramatically in the last decade, particularly the number of SCHs, the most therapeutic type of establishment. With just five YOIs now providing the great majority of custodial placements available to children, placement decisions are often not made with a child's distance from home as the primary factor. Distance from home can also be increased when gang affiliations are taken into account, with some children placed hundreds of miles from home in order to prevent mixing with rival group members.*

*This chapter discusses the types of settings to which sentenced and remanded children can be detained in England and Wales. The chapter then presents findings on the Children's Commissioner's statutory data request on children's distance from home across the secure estate.*

### 2.1 Types of custodial setting

When a child is remanded or sentenced, they may be detained in one of three establishments: a YOI, an STC, or an SCH. The Youth Custody Service (YCS), an agency of HM Prison and Probation Service (HMPPS), decides where to place children, based on the child's individual needs and on advice from their Youth Offending Team (YOT).

SCHs hold most of the very few girls in the penal estate in England and Wales (the average number of girls in the youth secure estate was just 16 in 2021-22).<sup>17</sup> STCs and YOIs are, by and large, single-sex facilities designed to accommodate boys. However, SCHs have the right to refuse admission if they feel that the child's needs cannot be met.<sup>18</sup> This means that a small number of girls with the greatest and most complex needs are held in YOIs and STCs. Currently, HMYOI Wetherby in West Yorkshire and Oakhill STC in Milton Keynes are commissioned to accommodate girls where SCH placements cannot be found. Throughout this research and conversations with a number of these girls, it became clear that it was not appropriate for highly vulnerable girls to be placed in majority male settings.

This report also discusses custodial settings in Wales.<sup>19</sup> The YCS can place children from English local authorities into Welsh custodial settings, and thus these settings fall under the Commissioner's purview.



### **Young Offender Institutions (YOIs)**

YOIs are the largest form of youth custody setting, with the lowest staff to child ratio and lowest per capita running cost, of an average of £119,000 per child in 2021.<sup>20</sup> Operational capacities of YOIs range from 60 (HMYOI Parc) to 266 (HMYOI Wetherby).<sup>1</sup> There are five YOIs in England and Wales for boys under 18, situated in London, the South East, the North, the West Midlands and Wales.

YOIs are operated by HM Prison and Probation Service (HMPPS) – with the exception of HMYOI Parc, which is privately contracted to G4S – and they are similar in form and function to adult prisons. All YOIs are inspected by HM Inspector of Prisons (HMIP) who judges performance against four indicators. Table 1 shows that ‘Poor’ and ‘Not sufficiently good’ judgements were applied across areas of the regime at Cookham Wood, Werrington and Wetherby in the most recent inspection round. Parc, the smallest YOI, was the only institution to receive at least one ‘Good’ judgement at its most recent inspection. Most children in YOIs are therefore living in institutions which are not judged to be good enough.

### **Secure Training Centres (STCs)**

Secure Training Centres (STCs) accommodate children aged 12-17 in a setting which is intended to prioritise education and training. STCs are generally smaller than YOIs, operating at a capacity of around 80. They also operate with higher staff to child ratio than YOIs, of around 8 staff to 3 children, to support children who are too vulnerable for a YOI. Each place at an STC costs an average of £201,000 per year.<sup>21</sup>

STCs are privately contracted and inspected by HMIP, Ofsted and the Care Quality Commission (CQC). Of the four STCs which were originally established, one remains: Oakhill in Milton Keynes. Two STCs, Medway and Rainsbrook, closed in 2020 and 2021 respectively following findings of poor management and care. At its most recent inspection, Oakhill was judged ‘required improvement to be good’.<sup>22</sup>

### **Secure Children’s Homes (SCHs)**

Secure Children’s Homes (SCHs) are by far the smallest, most therapeutic and expensive, per capita, form of institution. They accommodate the most vulnerable children, including looked after children who are

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<sup>1</sup> Operational capacities refer to the total number of children that an establishment can hold taking into account the proper operation of the regime.

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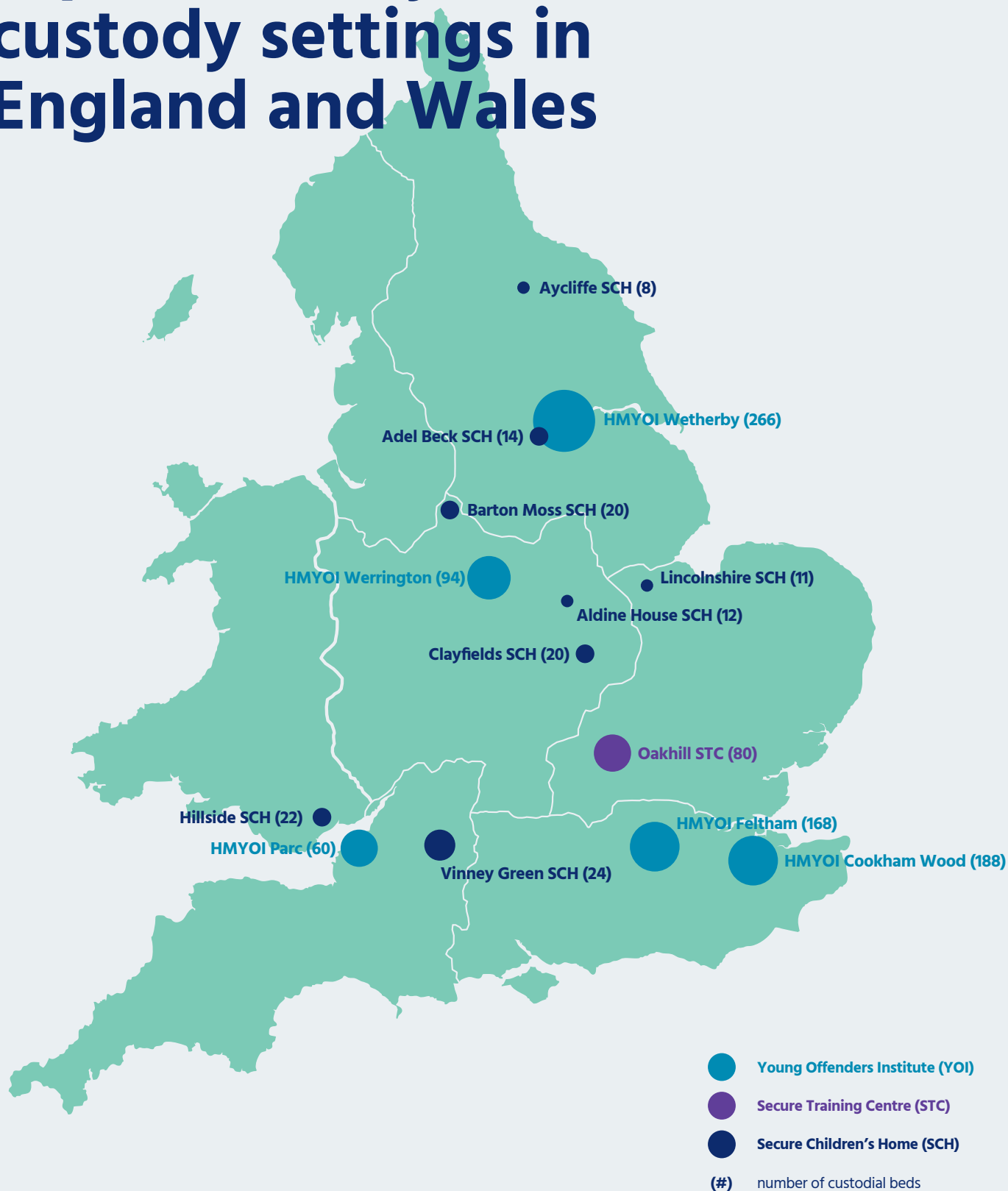
judged to need secure accommodation to keep themselves, or other people, safe.<sup>23</sup> The custodial population in SCHs in England ranges from 8 to 24<sup>24</sup> and operate with the highest staff to child ratio, of around 1 adult for every 2 children. A place costs an average of £271,00 a year.<sup>25</sup> SCHs are commissioned by the Department for Education (DfE) and operated by local authorities. They are inspected by Ofsted.<sup>26</sup>

# HMIP inspection results of all Young Offenders Institutions in England and Wales

		Safety	Respect	Purposeful Activity	Resettlement
<b>Wetherby, Yorkshire</b> Capacity (266)	2019	Reasonably good	Reasonably good	Reasonably good	Good
	2022	Reasonably good	Reasonably good	Not sufficiently good	Not sufficiently good
<b>Cookham Wood, Kent</b> Capacity (188)	2019	Not sufficiently good	Not sufficiently good	Not sufficiently good	Not sufficiently good
	2021	Not sufficiently good	Not sufficiently good	Poor	Not sufficiently good
<b>Feltham, London</b> Capacity (120)	2019	Poor	Poor	Poor	Not sufficiently good
	2022	Reasonably good	Reasonably good	Not sufficiently good	Reasonably good
<b>Werrington, Staffordshire</b> Capacity (118)	2020	Not sufficiently good	Good	Reasonably good	Reasonably good
	2022	Poor	Reasonably good	Poor	Reasonably good
<b>Parc, Wales</b> Capacity (60)	2019	Reasonably good	Good	Good	Reasonably good
	2022	Good	Good	Good	Good

● Good   
 ● Reasonably good   
 ● Not sufficiently good   
 ● Poor

# Locations and capacities of youth custody settings in England and Wales



## **2.2 Locations of custodial settings**

As the overall youth custody population has steadily decreased, children remaining in custody have decanted into increasingly fewer institutions. Figure 1 shows the locations of secure custody settings in England and Wales in 2022-23. The majority of children in custody, 77%, are placed in YOIs, as of the latest available data in December 2022.<sup>27</sup>

## **2.3 Children's distances from home**

As of December 2022, 23% of the youth custody population were in a setting less than 25 miles away, 36% were in a setting 25 to 49 miles away, 18% were in a setting 50 to 74 miles away, 8% in a setting 75 to 99 miles away and 13% in a setting 100 miles away or more.<sup>28</sup> The share of children in a setting 100 miles or over away from home has increased from 9% in December 2018 to 13% in December 2022.<sup>29</sup>

### 3. Face-to-face visits

*All children sentenced or remanded to secure custody are entitled to regular visits from friends and family members, in recognition of the important role that family contact and support play in children’s mental health, wellbeing and resettlement outcomes. However, the Commissioner’s statutory data request finds that, in practice, very few children in custody enjoy frequent family visits.*

*This chapter presents findings on the frequency of family visits across youth custody settings and the distribution of visit frequency across secure setting types. The chapter also discusses the implications of physical distance from home on children’s access to in-person visits, and the impact of the varying quality of approaches to family contact across the secure estate.*

#### 3.1 Children’s entitlements to visits

All children sentenced or remanded to secure custody are entitled to regular visits from family members and friends. This is in recognition of the importance of contact in promoting children’s wellbeing and effective resettlement.<sup>30</sup> In most custodial settings, under-18 visitors must be accompanied by an adult. Face-to-face visit entitlements vary and are determined by individual YOIs as shown by Table 2.

**Table 1: Visit entitlements per YOI and per remand or sentence status, as per information provided by HMPPS and Ministry of Justice online guidance**

Setting	Sentenced children	Remanded children
<b>HMYOI Cookham Wood<sup>31</sup></b>	1 visit per week	3 visits per week
<b>HMYOI Feltham<sup>32</sup></b>	Information not available	
<b>HMYOI Parc<sup>33</sup></b>	Information not available	
<b>HMYOI Wetherby<sup>34</sup></b>	3 visits per month	1 weekday visit and 1 weekend visit per week
<b>HMYOI Werrington<sup>35</sup></b>	Information not available	

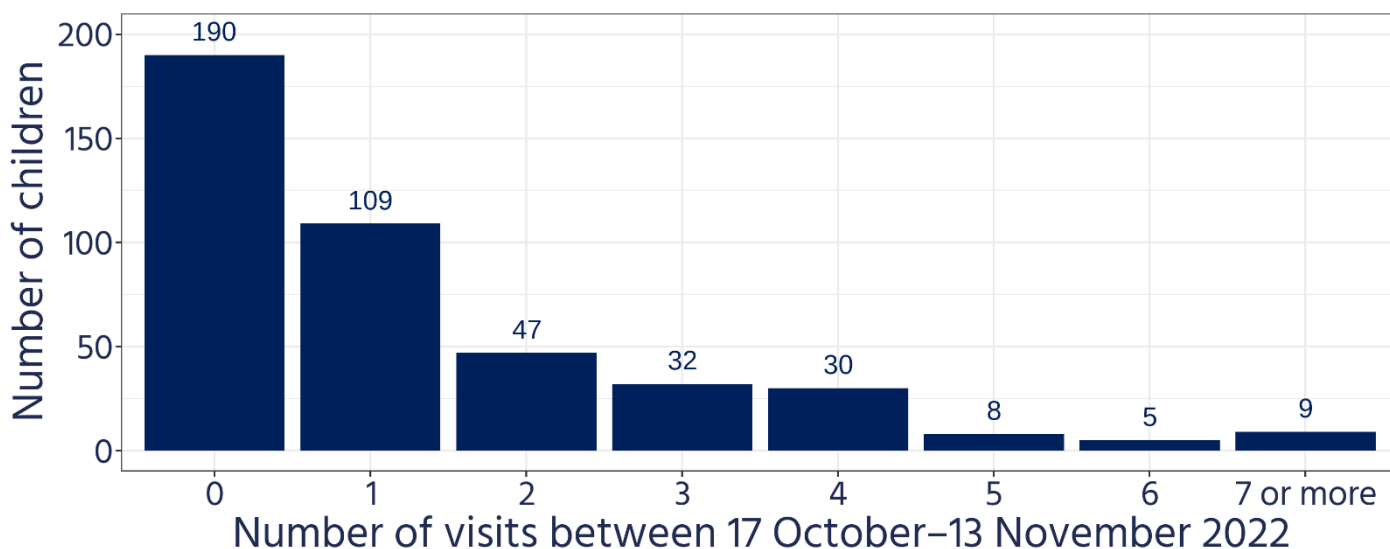
The CCo spoke to children in six secure settings about the value of family contact. Overall, the children that the team spoke to welcomed visits, and felt that keeping in contact with their family was central to their mental health, wellbeing and sense of purpose. However, there were a number of issues raised in conversations with both children, staff and leadership teams, which are detailed below.

### 3.2 The number of children receiving visits

The Children’s Commissioner issued a statutory data request to secure settings housing children on a custodial basis in England and Wales. The data received covers 430 children in all five YOIs, the single STC, and seven of the eight SCHs. As the data collected only covers children who were in custody for a full month, this is a subset of the children in custody on any given day. As per the Youth Custody data, there were 485 children in all 14 secure settings in October 2022.<sup>36</sup>

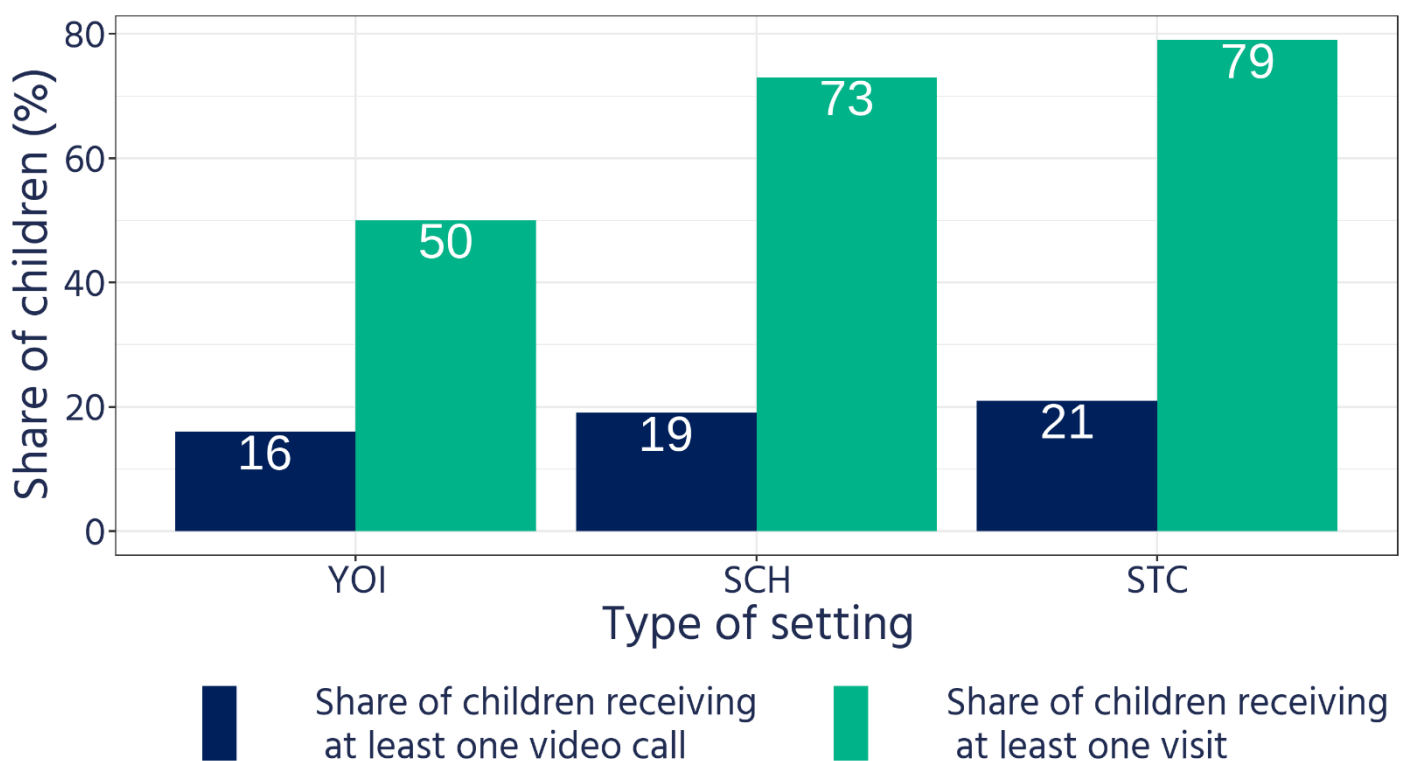
Of the children in secure settings, 56% had at least one in-person visit between 17 October – 13 November 2022. As Figure 1 shows, there is a wide range of number of visits experienced by children in secure settings but the great majority, 80%, receive either no visits or 1-2 visits per month. A large proportion, 44%, 190, children did not receive a single visit from family and friends between 17 October–13 November 2022.

**Figure 1: Distribution of the number of visits and number of video calls with family and friends**



The share of children receiving at least one in-person visit varied across settings, from 32% of children receiving at least one visitor in one setting, to 100% in another. This speaks to a wide variation in institutional approaches to supporting family relationships in secure settings, in the strategic priority and oversight given to family visits.

**Figure 2: Share of children receiving at least one video call and at least one visit between October 17-November 13 2022, by type of setting**



As Figure 2 illustrates, children in YOIs are much less likely than children in SCHs or the STC to receive an in-person visit, 50% compared to 73% in SCHs and 79% in the STC. Yet, the lack of access to in-person visits in YOIs is not compensated by an increased share of video calls; in fact a slightly smaller proportion of children in YOIs received a video call in the same period, compared to children in SCHs or the STC.

This reflects the lack of oversight and priority given to maintaining family relationships in YOIs and the paucity of alternative options given to boys where face-to-face visits aren't possible to deliver. The CCo's observations on the issues surrounding family contact in YOIs are discussed in Chapter 4.



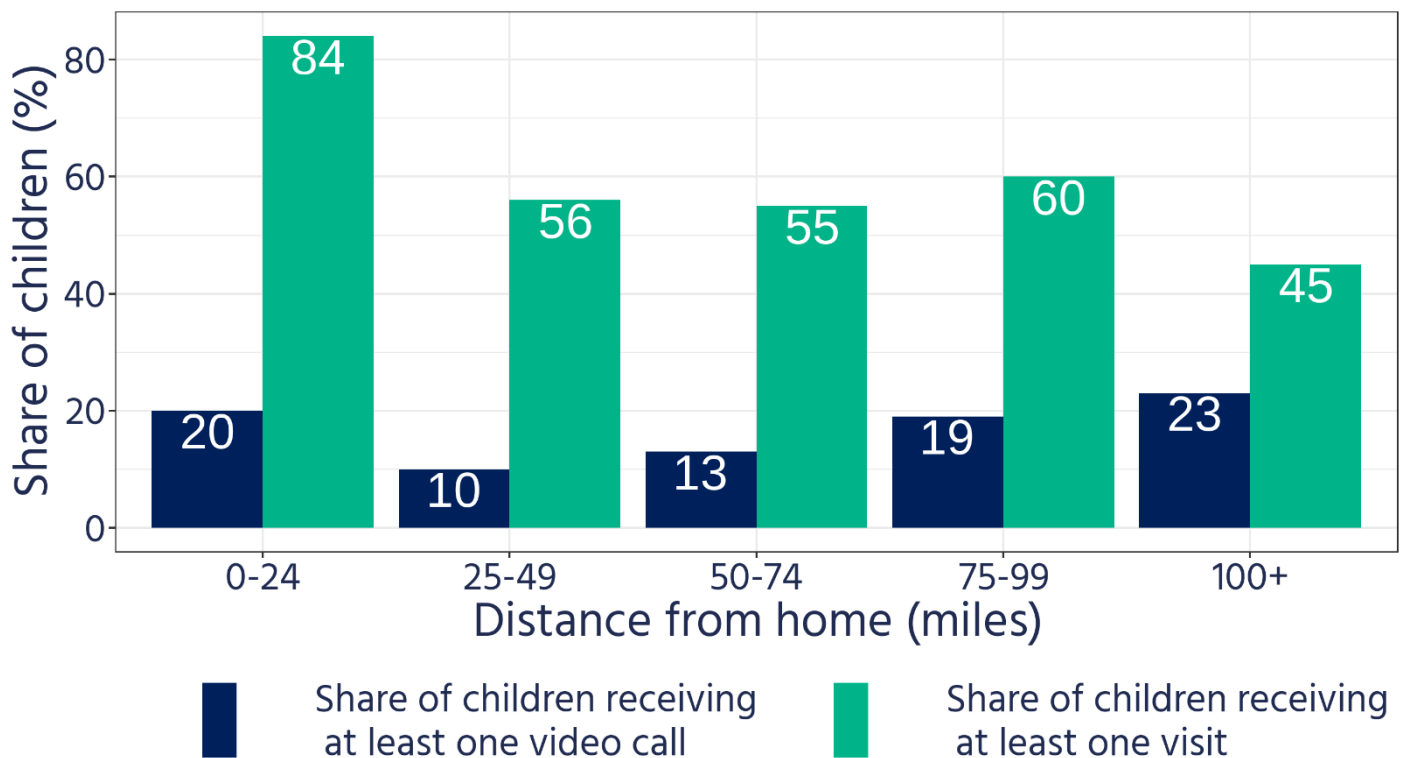
### 3.2 The implications of distance from home

A child’s physical distance from home greatly impacts on their ability to receive regular visits from family and friends. Purely as a function of the geographical distribution of custodial settings across the country, discussed in Chapter 2, children, particularly those in YOIs, are frequently placed at significant distances from their home local authority.

As shown in Figure 3, children in a setting closer to home are much more likely to receive in-person visits than those in settings further away and those in settings further away are more likely to receive video calls. 84% of children in a setting between 0-24 miles from home received an in-person visit compared to 45% of children in a setting over 100 miles from home.

Over half of children (55%) placed over 100 miles from home received no in-person visit in a month.

**Figure 3: Share of children receiving at least one in-person visit and percentage of children receiving at least one video call between October 17-November 13 2022, by distance from home**



### **3.3 Financial support for visits**

Most families must make long, and often expensive journeys in order to visit children in secure settings. Families are entitled to statutory support from the local authority to aid the logistics and costs of visiting a child in custody.<sup>37</sup>

However, the CCo heard from children in custody that financial and other support varies greatly between local authorities, both in the level and proactivity of assistance provided. Children told us that some local authority YOTs offer comprehensive and proactive assistance, including contacting parents to offer up-front costs for travel and support with logistics like childcare arrangements. While other YOTs leave families to navigate complex claim schemes alone, and rarely cover up-front costs.

Some children told us the upfront expense and (potentially lengthy) waits for repayment is prohibitive for their families to visit on a regular basis. This is especially the case in more remote settings, such as Wetherby in West Yorkshire, which is situated 10 miles from the closest train station, necessitating a 25-minute journey by taxi or 45-minute journey by bus. A number of the boys the CCo spoke to in Wetherby were originally from the South-West of England; a single visit could require their family staying overnight in West Yorkshire, with financial implications and impacts on childcare and work obligations.

Where families are struggling with the process to book and claim back visit expenses, it is the responsibility of advocates to liaise with local authorities and to support families with the process. In two YOIs, when CCo staff asked about advocacy support for visits, no boys were aware that an advocate could support them with arranging travel logistics and expenses for their family.

### **3.4 Oversight and accountability**

The CCo's visits to custodial settings found that family contact policies are unacceptably inconsistent and poorly overseen in YOIs, both in policy design and delivery.

While the CCo encountered some examples of positive practice, highlighted in sections below, the system for family engagement in YOIs at large is beset by failures of strategy and oversight.

### 3.4.1. Examples of poor practice

In settings where family visiting is poor – both in the number of children receiving visits, and in children’s own reported experiences of contact – it was clear that strategy, coordination and accountability were lacking, and little to no oversight was granted to family contact. In these settings, the CCo found that:

- There is no clear staff member responsible for supporting each child to receive family visits, and no oversight mechanism to escalate when a child had received no visits within a certain time frame. This results in a poor uptake of weekend visit slots. At one YOI, just 4 boys were receiving family contact on the day of the CCo’s unannounced visit, of the more than 80 total population.
- The CCo saw examples of a basic lack of coordination, with key staff members including Unit Managers and Custodial Officers unaware of visit schedules and weekend visit entitlements.
- The CCo found a discrepancy between guidance provided on websites, paper leaflets and in verbal communications between staff and children.

The poor coordination of family visits has a direct impact on children. One boy told us that a visit from his mother and grandmother was cancelled on the morning of the visit; he was told only as he returned to his cell from education, by a staff member who did not demonstrate understanding or compassion. This boy told the CCo:

**“I had a visit booked last week. I called my mum and my nan at 8 to make sure they were ready and had their ID. I came back from education at 12 and they had cancelled it. Not enough staff”** – Boy, 16, YOI

Another boy told the CCo:

**“I’ve got a very good, supportive family. But they [staff] make it so hard.”**  
– Boy, 16, YOI

### 3.4.2. Examples of positive practice

The CCo also observed positive approaches to family contact in a number of settings, in each of which a clear line of strategy instilled a common purpose around children's relationships with their families.

In these settings, staff spoke thoughtfully about family engagement, with one stating "family is our ethos".

- In one setting, the CCo were shown an internal dashboard containing visit frequency statistics per child, and flags and action plans around children who had not received a visit in the previous month.
- In two settings, one YOI and one STC, children could enjoy activity-based visits with their family, such as cooking or beauty sessions. Staff told the CCo that this took the pressure off what could otherwise become a high-stakes and emotionally charged encounter. Activity visits also gave children the opportunity to demonstrate the skills they had developed over their time in custody.
- In one setting, staff spoke to the CCo about a boy who did not have a family or wider support network outside the institution. In order that he did not feel left out on family contact days, he was given social days with peers and close staff members which mirrored family activity sessions.
- The CCo heard about 'Family Days' at an STC and an enhanced YOI unit. Families were invited for a day of themed activities (e.g. 'Halloween day') to socialise with their children and peers. In the enhanced YOI unit, children were able to go to an activity centre outside the YOI.

In each of these settings, top-down leadership and high-level aims for family engagement enabled staff to think creatively about visits, including for children who lack an immediate family network.

Boys spoke warmly about arrangements for family visits, and some noted that more complicated and fragile relationships with family members had improved as a result of these initiatives.

### 3.6 The environment for family contact

The physical fabric of the larger YOIs the CCo visited was, on the whole, out-dated and well-worn. On the poorest end of the spectrum, settings had the distinct feel of adult prisons (particularly those which had been repurposed from adult sites) – with accommodation set out on ‘wings’ with landings found in grubby and bare conditions.

This was often mirrored in family visiting rooms, which could feel relatively unpleasant and poorly furnished. In most YOIs, children are not permitted physical contact with their family members. Boys wore high-visibility vests to denote their identity as a child in custody. Given the few visits taking place, the CCo team reflected that this was an overly risk-averse approach, which could instead be dealt with through a more thoughtful room layout and observation system.

Several boys in these settings told the CCo that they would not want their family, and particularly younger siblings, to see them in a prison-like environment. These boys told CCo staff that they were waiting to leave custody before resuming physical contact with their families.

Concerningly, some children told the CCo that they avoided booking visits for their own safety and the safety of their family members. One boy told the CCo team:

**“The system for visits isn’t safe. People tried to assault me. They can’t protect me” – Boy, 17, YOI**

Where attention and investment had been applied to family visit areas, the CCo found some family visit areas which were thoughtfully designed.

This included the provision of sofas, soft play areas and decorations designed to minimise the ‘custodial’ feel of visiting areas. Young people in these settings told us that they felt comfortable welcoming younger siblings, parents and friends. Boys who were themselves fathers were able to engage with their children in a safe and child-friendly environment which was enormously beneficial to their parental relationship and own sense of wellbeing.

### 3.7 Looked after children

A significant proportion of children in custody will have been looked after by their local authority, in foster care, a children's home, or other setting prior to entering custody. Looked after children are vastly over-represented in the youth custody population. Linked education and offending data on the 2014/15 key stage 4 cohort shows that just over a quarter (26%) of the pupils who received a custodial sentence have been looked after, compared to just 1% of all pupils.<sup>38</sup> Over half, 53%, of the pupils who received a custodial sentence have had a social worker, compared to 6% of all pupils.<sup>39</sup>

This high level of social work involvement suggests that there will be profound complexities in family relationships for many children within the secure estate.

Looked after children, in particular, may need a different approach when it comes to family contact. This may come in the form of intensive family support, to help re-build complex family relationships. Or, where it is not possible, safe or in the child's best interests to promote contact with immediate family, this will mean building strong, stable and consistent relationships with other adults in the child's life, including former foster carers, kinship carers, extended family members, as well as social workers and YOT workers, to give these children the same degree of 'familial' support and protection as their peers.

However, the CCo team heard from many children in custody settings that their social worker "didn't bother" to visit them in person. Children also told us that, when their social worker had make the journey to see them, they had complained about the time it had taken from their schedule and other workload.

Regulations set out that social workers must visit looked after children in custody within a week of being placed in custody, then every six weeks in the first year, and every three months after that.<sup>40</sup> Anecdotal conversations with children suggest that these statutory timescales are not being met. However, settings were not able to tell the CCo how many children had received visits from social workers, and how many children with social workers had not received a visit. This suggests that sufficient measures are not being taken to ensure that timescales and statutory obligations are met.

The CCo is concerned that the YCS does not collect central data on children's social care status and frequency of in-person and virtual visits from social workers. This is a key part of the picture to

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understand how looked after children are supported and cared for in custody, and in preparation for their return to the community.

## 4. Virtual contact

*For the great number of children in custody who have been placed far from home, phone and video contact is a lifeline to their support networks. One of the few positive consequences of the pandemic was the rollout of virtual contact technology (known as 'purple visits') across the secure estate, and a temporary reduction in the cost of phone calls made from custodial settings. However, as this chapter discusses, many of the advances made during the pandemic have since been rescinded.*

*This chapter presents findings from the CCo data request on children's access to secure videocalls, and children's views on the barriers to meaningful phone and video contact with the outside world. While this report argues for more profound, structural changes to the youth estate, in the interim the use of technology provides an important opportunity to improve family contact for all children in custody, regardless of their physical location in the country.*

### 4.1 Video calls ('purple visits')

While Covid-19 regulations were in place, children across the estate were denied any face-to-face contact with family members, friends, social workers, YOT workers, legal and other professionals. In response, HMPPS issued a rollout of secure video call technology, then known as 'purple visits'<sup>41</sup>. In an April 2020 short scrutiny report, HMIP criticised the speed of adoption across the estate.<sup>42</sup>

The rollout of video call technology should have represented a landmark shift in access to family contact across the estate. However, the CCo data request and conversations with children in custody reveal a persistently poor uptake of video calls.

In the four weeks between Monday 17 October and Sunday 13 November 2022, 83% of children had no video calls with family or friends, 8% had 1 or 2 calls in this period and 9% had 3 or more calls.

Across YOIs, several boys told the CCo team that they would like to make video calls to their family – particularly where distance was a barrier to physical contact. However, they told the CCo that they were put off by:



- The arduous process to book a video call. When asked, several YOI staff were unable to tell the CCo the process for booking a video call, this included mid-level managers and key workers. Boys were unaware that advocates could support them with the booking process.
- The uncomfortable atmosphere created by a member of staff sitting in with them during calls, a requirement in most YOIs. The lack of privacy made calls feel understandably ‘awkward’.

### **“No privacy, the officer is right behind you, it’s not good.” – Boy, 17, YOI**

- The fact that video calls take place in the unit staff office, further adding to the awkward and uncomfortable atmosphere.
- The poor quality of video calls. Remarkably, given the ease and quality of video calling technology available to those in the community, children told us that the video call software available in secure settings was glitchy and unreliable. One boy told us that seeing his younger brother ‘frozen’ on the screen was worse than having no contact at all.

## **4.2 Phone calls**

A second advance made over the course of the Covid-19 lockdown was the universal rollout of in-phone telephones across youth custody settings. This, in tandem with an increase in phone allowance in secure settings, albeit inconsistent,<sup>43</sup> meant that children had greater access than ever before to calls with their family and friends. For example, children at HMYOI Parc received an additional £5 a week in phone credit over the Covid period, while children at HMYOI Cookham Wood and Wetherby received £20.

The additional phone credit over lockdown was a hugely positive move, and helped children to cope through the long periods of Covid restrictions where all face-to-face family contact was prohibited.

However, when the CCo visited secure settings in November 2022 the allowance and credit system had been revised back down. Boys told the CCo that they frequently burn through allowances, leaving them with little to no credit at the weekend when contact was needed most.

**“The phone calls are too expensive. You top it up with your own money.”**

– Boy, 17, YOI

At this YOI, boys were allowed a maximum of six 20-minute phone calls each day, provided they had sufficient allowance. However, because phone credit competes with canteen allowance, boys are forced to make tough choices in allocating their resources. With an approximate £20 basic weekly allowance covering 20-minute phone calls which cost around £1.40 each, boys told the CCo that funds rapidly grow scarce. One boy explained the allowance system to the CCo:

**“You get £20 a week for canteen and phone credit. Food costs at least £1.50 calls are £1.40 for 20 minutes.”** – Boy, 16, YOI

On the allocation of food and phone allowances, another boy noted:

**“You can’t have food. Phone calls are too expensive.”** – Boy, 16, YOI

In a separate YOI, one boy simply stated:

**“They’re robbing us.”** – Boy, 17, YOI

This appeared to be less of an issue in the STC and SCHs which the CCo visited. Here, children were generally content with the cost and availability of phone calls. This leaves the CCo to question why phone rates are far higher in YOIs than other secure establishments, and far greater than rates in the community.

Practitioners interviewed by the Alliance for Youth Justice (AYJ)’s post-Covid review of youth justice described the cost of calls in YOIs as ‘criminal’.<sup>44</sup>

## 5. Life in custody

*As the [Children's Commissioner's Independent Family Review](#) demonstrated, family life – whatever form it takes – is immensely protective for all children, particularly those who have suffered hardship and adversity. Children in custody are separated from their family, so it is vital to ensure that they are provided with a meaningful alternative to family life, one which truly loves, protects and nurtures them. In short, children in custody should receive the same quality of life and care that we would expect for our own children.*

*This chapter explores life in youth custody, as revealed through the CCo's visits to settings and conversations with children. The chapter discusses children's perspectives on relationships with staff members and peers, and the extent to which they are seen to be stable, trusting and supportive. The chapter focusses on experiences in YOIs as this is where the great majority of children in custody (77%) are detained. The chapter discusses persistent challenges facing YOIs, including issues of violence and staffing, and the implications that these bring to children's lives are explored in turn.*

### 5.1. Violence and safety

Levels of violence are exceedingly high in most YOIs. As discussed in previous chapters, the fall in the overall custody population and closure of several YOIs has left a high concentration of children with complex needs in a handful of establishments. Many boys arrive to custody with gang affiliations<sup>45</sup> and with sentences for violent crimes. During its most recent inspections, HMIP reported that:

- At HMYOI Cookham Wood, maximum capacity 188, there were 49 injuries in the last 12 months, resulting in 29 hospital admissions. Between its 2021 and previous 2019 inspection, HMIP noted that rate of assaults had increased by 70% despite a 40% reduction in the overall population.<sup>46</sup>
- At HMYOI Werrington, with a maximum occupancy of 118, there had been 105 assaults among children and 82 on staff in six months. 31 children had been hospitalised over this period.<sup>47</sup>

In the week preceding our visit to two YOIs, there had been serious assaults on children and staff members leading to multiple hospitalisations. The atmosphere was palpably tense in both settings. Boys told us that they felt the need to carry a weapon to feel 'safe' from unprovoked attacks.

**“They can’t protect me. I don’t feel safe without a weapon.” – Boy, 16, YOI**

### **5.1.1. The impact of Covid on conflict in YOIs**

A measure taken by HMPPS to limit viral transmission across prison populations was the introduction of a ‘family group’ system, whereby boys were placed into groups of five for association time and education. It was noted by HMIP in April 2020 that the Covid ‘family group’ system initially reduced levels of violence and self-harm, and that boys reported feeling more safe and secure in smaller groups where they only had to mix with friends.<sup>48</sup>

The result of the ‘family group’ system was also noted in the October 2022 evaluation of the impact of the pandemic on youth custody services, which found one in five (20%) felt safer from harm during the Covid-19 period and only a small proportion (4%) felt less safe.<sup>49</sup> The review further found that 8% felt victimised by another child, down 36% points in YOIs and 45% in STCs from the pre-pandemic period.<sup>50</sup> Children spoke about being able to let their guard down in their smaller groups, and having greater ‘peace of mind’ because ‘there are less things to worry about’. This should perhaps be taken as a wider comment on the irrationality of the current youth custody configuration, where the majority of children are placed in five large YOIs, each with the potential to accommodate hundreds of boys.

However, over time, the Covid ‘family’ system has created a vicious cycle of violence, whereby small groups have developed a defensive mentality against each other. The CCo found that several YOIs have become caught in this deteriorating cycle and still actively prevent Covid bubbles from interacting – further fuelling tension and violence between the groups. There was a concerning sense, from speaking to setting staff, that this situation is ‘intractable’ and even seen as the boys’ ‘fault’. Many staff, including senior leaders, felt that the only solution is to further isolate boys from one another. There was little evidence – in two YOIs that the CCo visited – of creative thinking to diffuse tension and resolve conflict.

The violence and lack of safety bear a heavy toll on boys’ day-to-day mental health and wellbeing. Children spoke to us about the sense of paranoia and constant vigilance they needed to employ when moving around shared areas of the establishment. This is particularly the case given that association time is often spent on wing ‘landings’ where conversations can be overheard, and insults and threats traded from within cells. Many said they held close allegiance with the boys in their own ‘family’ group and felt a need to protect them from (perceived or real) external threats from other groups.

### 5.1.2. Safety in other custodial settings

It is important to note that violence is not endemic across the youth estate. Though we do not have data on violent incidents in other settings to compare to levels in YOIs, the CCo visited an SCH and STC where behaviour and conflict appeared to be well-managed, boys that the CCo spoke to appeared calm and secure. At these settings the leadership team described methods of restorative justice to repair relationships and viewed incidents of confrontation in the context of boys' past experiences.

The CCo were struck by one SCH staff member who said, *"we are a children's home, we just happen to have locks on the doors"*.

## 5.2 Time out of cell

As discussed in Section 5.1, levels of violence were high in two YOIs visited by the CCo. In an effort to reduce risk to both children and staff, both settings were operating under a highly restrictive regime.

At the weekend, **most boys spent just 45 minutes to 1 hour outside their cell each day** in two YOIs. In both settings, 'association time' consisted of time in the 'yard' – a bare, barbed-wire fenced concrete area normally attached to each accommodation wing. On the October and November days on which the CCo visited YOIs, rain and cold kept children inside, meaning that association time was spent on the landing directly outside cells. Conversations held on the landing were audible to children in rooms and the CCo team heard threats made from inside cells. This further added to the palpable tension and paranoia.

One boy described the 45-minutes spent outside cell:

**"We just stand around and talk [there's] not much to do."** – Boy, 16, YOI

With little to do and such limited time outside cells, many boys that the CCo spoke to in these YOIs were bored and depressed. They were desperate to have more time outside of their cells engaged in productive activities and sport, even just a football to kick around. One boy told the CCo that:

**"Weekends always are spent banged up."** – Boy, 17, YOI

Understandably, the boredom and frustration built up from hours inside cells often resulted in violence. Fights frequently broke out during association time. Some boys even made the decision to stay *inside* their cells to avoid violence, essentially amounting to 48 solitary hours over the weekend.

One 17-year-old child at a YOI the CCo visited on a Saturday told us that he was self-isolating from the other boys because he had recently become a father and was due for release. He did not want to have to defend himself with violence in communal areas and thus unintentionally add to his sentence length.

YOI staff stressed the difficulty of managing violence and tension when boys were released from their cells. Yet they displayed little understanding of the fact that the conflict was – in large part – a direct culmination of the restrictive regime and the frustration and tension that this produced among the boys. Boys told the CCo that despite a normal entitlement of 1 hour outside their cells at weekend, they frequently received much less than this, as little as 30 minutes. As one child told the CCo:

**“They say we’re supposed to come out at 1.45 but we stay in... They say a lot of stuff to make this prison look good. They say it’s an hour, we get 30 minutes”** – Boy, 16, YOI

### **5.2.1. Time out of cell in other custodial settings**

While this Chapter focusses largely on children’s experiences in YOIs, because this is where the great majority of sentenced children are detained, it is important to note that this experience is not universal across the estate.

The CCo team also visited an SCH which offered a range of outdoor activities including tennis courts and an Astro turf pitch for football. There were plans to redesign one part of the outdoor space into a basketball court and to refurbish an indoor space to enhance enrichment activity.

Over the course of the visit no children were observed in their room, in great contrast to the weekend regime on offer in YOIs. Children at this SCH told the CCo that they were happy with the variety and choice of activity available to them and this translated into a largely calm and friendly atmosphere.

### 5.3 Staffing levels

At two YOIs, boys noted that many issues around violence and time out of cell were a direct result of inadequate staffing levels needed to keep them safe and operate a standard regime.

It was notable to the CCo that in conversation about the weekend regime, most boys demonstrated an understanding of the poor staffing levels and the impact that this had on them. One boy said:

**“The staffing level is shocking ... especially on the weekends” – Boy, 17, YOI**

Legacy staff and children who had been at the YOI for a number of years noted that staffing levels were exceptionally low. They noted that violence and time in cell had surged as a result. A boy noted:

**“Ages ago we used to have socials, used to be out all morning and exercise” – Boy, 17, YOI**

Senior leaders told the CCo team that challenges with recruiting staff compounded pre-existing issues with violence. At one YOI, the CCo were told that 17 officers were on duty, where 50 would be needed to operate a standard regime.

Senior leaders shared that staff retention was low, with less experienced staff feeling particularly unable to cope with violence and behavioural issues and quickly “burning out”. The remaining staff, fewer in number and ratio needed to keep themselves and children safe, felt an additional need to exert their authority over children. Some staff expressed fear that children are aware and able to ‘take advantage’ of the reduced staffing roster.

### 5.4 Adult-child relationships

Perhaps one of the most striking distinctions observed between YOIs and other custodial settings was in the quality of relationships between children and staff. Where children are unable to live with their immediate family, the Commissioner is intent to see the “system” and institutions (whether that be in the welfare, health or justice system) provide a meaningful alternative to family life.

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### 5.4.1. Adult-child relationships in YOIs

The CCo visited a total of three YOIs to inform this report. In two YOIs, children's relationships with staff were observed to be, on the whole, negative and adversarial. Positive relationships were the exception rather than the norm. As one boy explained:

**“Some staff feel like they need a firm hand. But it's human nature, if they're nice then you will treat them nicely” – Boy, 18, YOI**

The key ingredients of respect, trust and stability were non-existent in many of the relationships that the CCo observed. From conversations with staff and children, the CCo left with a sense that the settings' main objectives are to reduce violence by limiting interactions between children. The Officers' role as primary caregivers to vulnerable children was, by and large, not acknowledged.

Adversarial mindsets and approaches were not universal. Some YOI staff which the CCo spoke to said that they had been attracted to the role by a desire to make positive change in children's lives. However, many felt unequipped to do so under the existing conditions. Staff burnout was high (particularly among new recruits) and the remaining workforce felt an increased need to exert their authority over children.

The NHS Framework for Integrated Care Project (known as 'Secure Stairs') was a project delivered by NHS England to operational staff within all secure settings, aiming to equip them with the right skills to support children. The evaluation found some positive impacts, but it was clear from the visits that there is still room for significant improvement.<sup>51</sup>



## 5.5 Transitions to adulthood

It is recognised, by society at large and in children's social care legislation, that transition to independent adulthood does not happen overnight. Many have, rightfully, argued for greater support for young adults transitioning from care, to give care leavers the time and support to establish themselves in housing, education and employment in early adulthood.

Support for care leavers is far from exemplary, and the Children's Commissioner has argued for greater and more consistent support for young adults leaving care.<sup>52</sup>

Yet, despite the many insufficiencies, local authority care-leaver support is far superior to the offer to young adults in custody. The CCo spoke to children in YOIs on the cusp of adulthood who feared their 18th birthday, when they will be abruptly displaced into a high-security adult prison. Often, they were not told exactly when the move would take place, and planned move dates were often disrupted and cancelled at short notice, further adding to the boys' anxiety and apprehension.

Children on long sentences (extending beyond their 18th birthday) described this time as a 'cliff-edge' and told the CCo about the need to 'harden-up' before moving to a high-security adult prison, rather than an Open or Category C prison which would provide a more appropriate transition.

Other children, due for release before turning 18, felt under-equipped to set up for independent life, having missed opportunities for education, training and developing life skills.

## 5.6 Education

Although it was not a research focus for this report, over the course of visits to custodial settings the CCo also heard deeply troubling feedback from children in YOIs on the quality of education and training they received.

This was particularly the case in YOIs, where boys discussed what little choice they had over their educational or vocational pathways. They told the CCo that education decisions were instead taken instead on staffing availability and that, despite this, lessons were frequently cancelled due to shortages. Children also told us that they had been stuck repeating the same course interminably, and that qualifications and certificates had been misplaced by staff.

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## 6. The way forward

The findings from this report, and many which precede it, demand urgent action to address the many pressing challenges facing youth custody. The situation which the CCo found in many YOIs would simply not be tolerated in any other sector tasked with caring for and educating children.

This section includes recommendations to improve family contact policies across custodial settings in the immediate term, as well as longer-term ambitions to address systemic issues. This includes recommendations to address violence and the poor recruitment and retention of staff in YOIs.

The recommendations are applicable to all youth custody settings, but with a particular focus on YOIs where challenges are most acutely felt.

The recommendations in this section are laid out as follows:

- **Part I: immediate actions**
  - o Communication with families
  - o Family contact: physical
  - o Family contact: phone and video
  - o Violence
  - o Education
  
- **Part II: A national plan for improvement and reform**
  
- **Part III: A new vision for secure care**

The Commissioner sees the historically low population in youth custody as pivotal opportunity to drive reform to the secure estate. She welcomes immediate and ongoing work alongside Ministers and YCS colleagues to realise a service fit for children. **At the end of the improvement process, the Commissioner would like to see every custodial setting rated 'Good' or 'Outstanding'<sup>53</sup> in its provision for children.**

## **Immediate actions to address family contact, violence and education in youth custody**

### **Family and social care contact: oversight and accountability**

*This report finds that many custody settings, particularly the largest, lack a clear accountability structure for family contact. In turn, settings lack the ability to feed data up to the YCS who should be in a position to provide oversight of family and social care contact across the estate, and indicate where individual settings are failing to fulfil clear targets. Recommendations 1-3 outline how the YCS may instil a clear accountability structure for family contact.*

**Recommendation 1: The YCS should require every custodial institution to appoint a member of the senior team responsible for family contact.** As suggested by the 2017 Farmer Review of family relationships in the adult male estate, there should be a clear and simple structure for accountability regarding family contact.<sup>54</sup> The responsible senior team member should be accountable for failures to meet clear targets for children's contact with their families, both physical and virtual. The senior leader responsible for family contact should also report to the YCS and the Youth Justice Minister on a monthly basis with data on children's access to family visits. Aggregated data on family contact in the youth estate should be published by the YCS.

**Recommendation 2: The YCS should require every custodial institution to appoint a member of the senior team responsible for children who have had social care status (looked after, on a child protection or child in need plan) prior to entering custody.** The individual should be held accountable for data held on these children, including their social care status and frequency of contact with family and professionals. This information should be shared with the YCS on a monthly basis and this data should be collated and published. The member of staff may add these new duties to their role as safeguarding lead, or may already hold another senior role. The YCS should publish data on aggregated data on children's current and previous social care involvement across the secure estate. Where

appropriate, this individual should promote contact with family networks, as well as contact with professionals including social workers, YOT workers and former foster carers. Where it is not possible to facilitate appropriate contact for a child, the individual should be responsible for developing a bespoke external contact plan through liaison with their responsible local authority CSC and YOT teams.

### **Communication with families**

*In preparation for this report, CCo researchers struggled to obtain accurate and reliable information about custodial visit entitlements, schedules, reimbursement and booking systems online. Families must be supported to understand contact policies, and to navigate booking systems in a way which is accessible, clear and consistent. Recommendations 3 and 4 suggest ways in which families can be supported to feel included in their child's life, even if they are placed at a significant distance from home.*

**Recommendation 3: The Ministry of Justice should pilot a “Family Ambassador” scheme, in which an individual is responsible for liaison with each institution’s family contact lead (see Recommendation 1) and with the families of children in custody for whom they are responsible.**

The “Family Ambassador” should support families to understand and navigate their child’s journey in custody and to, as far as possible, help them to feel included in their children’s lives. The YCS should look to the NHS CAMHS Tier 4 Family Ambassador programme for learning and best practice.<sup>55</sup>

**Recommendation 4:** Through the course of desk research for this report, the CCo found that information provided by the YCS online was inconsistent, poorly accessible and often inaccurate (see Table 2). **The YCS should develop an online family contact platform, containing accessible and up-to-date family contact policies and practical information about visiting a child in custody, including expense claims.** Families should be able to view each setting’s visit schedule on the platform and book visits to children in custody. Once the platform has been developed, the YCS should look to introduce a family portal, through which parents and caregivers can access information about their child’s educational progress in the form of report cards and achievements.

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## **Family contact: physical**

*Many family relationships held by children in custody will be fragile and fraught. While children are in the care of the youth justice system, the YCS must see this as a valuable opportunity to reset and rebuild healthy family relationships. This will significantly improve the quality of children's lives in the immediate term, as well as the success of resettlement outcomes throughout their later lives. However, as outlined in this report, far too few efforts are made to provide opportunities for face-to-face contact.*

*Recommendations 5-7 suggest ways in which individual settings can improve the quality of physical contact with families. Improvements must be consistent and felt equally across the estate through the regular sharing of best practice between settings.*

**Recommendation 5: The YCS should convene youth custody settings to share best practice around “activity” visits, such as cooking, hairdressing, and themed family days.** Settings, particularly YOIs, should look to develop and expand provision of activity-based family visits, with the aim of delivering monthly access to an “activity” visit for every child. Children who are unable to maintain appropriate family contact should receive their entitlement of activity days with peer groups from either inside or outside the setting.

**Recommendation 6: The YCS should conduct a comprehensive review of family contact policies across YOIs and address inconsistency and poor policy design.** The review should examine and address issues including, but not limited to:

- **Maximum visitor quotas:** Maximum visitor group sizes hinder children with larger families from visiting in a single groups. Parents with younger siblings are placed under additional pressure by childcare responsibilities. Flexibility should be applied to children with larger immediate families.
- **Minimum visitor age requirements:** In most YOIs, visitor groups must be accompanied by an adult. For children who lack close family, and who instead rely on peer relationships, this is a

significant barrier to contact with an external support network. Multi-disciplinary teams in the settings should conduct individual risk assessments, and support children to receive visits from unaccompanied under-18s where it is safe and appropriate to do so.

- **Arrangements for younger children:** YOIs should hold a separate visiting policy and have a designated visiting area for younger visitors under the age of 11.
- **Contact arrangements for children on Rule 49:** YOIs use Rule 49 to remove children from association with others in order to maintain 'good order or discipline'. The CCo observed that children isolated under Rule 49 are required to meet their family members in a separate booth with an interposing glass panel. This felt overly punitive – there is no allowance made by the Young Offender Institution Rules (2000)<sup>56</sup> for children on Rule 49 to have reduced contact with their family. These children should have the same entitlement to face-to-face visits, held in a separate and appropriate visiting room.
- **Birthdays:** All custodial settings should recognise children's birthdays, including with additional family and/or friend visit on or around each child's birthday.

**Recommendation 7: The YCS should commission each YOI to review its family visiting rooms and contact protocols.** The review should be led by the individual appointed by **Recommendation 1**. The review should set out how family visiting areas could be made more comfortable, appropriate and child-friendly, and how they can be made to feel minimally custodial. The review should further consider how to promote a welcoming atmosphere for families, and how more thoughtful layout could allow for a less intrusive observation system, while also maintaining safety and security.

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### **Family contact: phone and video**

*As discussed in Chapter 4 of this report, virtual contact is a lifeline for the many children in custody placed many miles from home, for whom regular face-to-face contact is not possible. As a result of the YCS sitting within the wider prison service, many of the policies and contracts are derived from the adult estate. This has had the effect of (a) reducing the accessibility of video contact, and (b) increasing the price of phone calls to a prohibitive level.*

*Recommendations 8-9 make the case for bespoke arrangements for virtual contact youth custody, which recognises the unique and powerful role that families and wider support networks play in children's lives and future outcomes. The YCS should strive to facilitate affordable and accessible virtual contact (both phone and video) to children across all custodial settings. In practice, this means bringing parity of virtual contact in YOIs, to that already accessed by children in SCHs.*

**Recommendation 8: The YCS should review video contact policies across the secure estate.** As part of this review, the YCS should evaluate security policies relating to video contact (which, over the course of the pandemic, were largely transplanted from adult settings), to ensure that security provisions are proportionate, and that all children have frequent access to high-quality video calls in an appropriate and comfortable environment. This should include a clear and easy booking system for video calls.

**Recommendation 9: The YCS should review the phone contract applied to payphones in YOIs, to ensure that children across the secure estate have equal access to affordable or free phone calls.**

Notwithstanding this, the YCS should urgently review allowances given to children in YOIs to ensure that each child has access to a minimum of 6 hours of free phone calls allocated throughout the week. Additional phone allowances should be separate from canteen allowance and other privilege systems. Charges should be consistent across settings and published on the YCS website.

## **Looked after children and post-release transitions**

*The CCo spoke to many 17- and 18-year-olds in YOIs, a great number of whom were on extensive sentences and due for relocation to an adult prison. The CCo were deeply concerned by the language used by these boys, who spoke about the need to 'harden up' and to develop a 'reputation' which will protect them in (high-security) Category A and Category B prisons. Imminent transitions to overcrowded and dangerous adult prisons undermine any efforts to rehabilitate children over their time in youth custody. In fact, the CCo is concerned that transitions to Cat A/B prisons may be creating a culture conducive of violence among children, and a need to 'prove' themselves ready for harsher conditions.*

*Recommendations 10 and 11 instead argue for a system which recognises that children in custody are a responsibility of the state. As in other areas of society where we do not precipitate a 'cliff-edge' at 18, children in custody must be supported with transitions to appropriate adult settings, as well as with resettlement into the community.*

**Recommendation 10: The YCS should introduce a policy to ensure that children with a sentence extending beyond their 18th birthday are moved to Category C or Open Prisons, only.** 18-year-olds who have been detained in a youth custody setting should not move to a Cat A or B adult prison.

**Recommendation 11: The MoJ should consult on whether every child in custody should be considered a looked after child, as those remanded to custody are.** On release from custody they should receive an assessment from children's social care on the appropriate level of support. Young adults up to the age of 25 who entered custody before the age of 18, should then receive the same entitlements to support as care leavers. The local authority care-leaver team should be responsible for young people who entered custody before 18 up until to the age of 25. These young adults should receive the same level of support with finances, education, housing and employment as do former relevant children under Children Leaving Care legislation (2000).<sup>57</sup>



## **Violence and safety**

*Many of the issues which the CCo encountered on visits to YOIs (including poor staffing levels and time out of cell) ultimately stem from the exceedingly high levels of violence and assaults on both children and staff. This must be viewed as an urgent safeguarding matter and addressed as such.*

*The CCo were concerned by the number of staff members, including senior leaders, who viewed violence issues as the children's 'fault', rather than considering the conditions in which they occurred. There must be more creative and ambitious thinking to diffuse tension in YOIs, by looking towards best practice from UK studies as well as international examples. Recommendations 12 and 13 address safeguarding and the high levels of conflict and violence in youth custody.*

**Recommendation 12: The YCS must support settings to dramatically reduce tension and violence by acting on expertise from other sectors working with children.** The YCS should convene a workshop to draw together evidence and expertise from other sectors working with children, to understand new approaches to reducing conflict in custody. This could include, for example, sporting initiatives to promote cohesion and inclusion, which have been demonstrated to confer positive social, emotional and rehabilitation impacts in youth custody.<sup>58</sup> The YCS should commission interventions (drawing on evidence for effective conflict resolution from the Youth Endowment Fund) to be trialled across the four YOIs in England with immediate effect.

**Recommendation 13: The YCS must urgently roll out a fully developed safeguarding policy.** The CCo were concerned by language used by staff, including senior leaders, around safeguarding, which included a lack of basic understanding of its role and significance. The YCS must deliver on its objective to publish a revised safeguarding policy and ensure that all staff across the estate are fully trained in their safeguarding responsibilities.

### **Time out of cell**

*30 minutes outside of a small cell would be intolerable for any individual, let alone a child who has experienced serious hardship and trauma. The lack of time out of cells and little to no provision of productive activity outside education must be addressed as matter of urgency.*

**Recommendation 14: The YCS should develop a plan to address the substantial shortfalls in time out of cell at the weekend and provision of purposeful activities with clear targets to significantly increase both.** As a minimum, children across custodial settings should have access to 8 hours outside their cells on both days of the weekend, during which time they should be engaged in a range of productive and enriching activities. Initiatives to increase time out of cell should align closely with strategies to reduce conflict and violence in custodial settings, as per **Recommendation 11**.

### **Education**

*The great majority (91%) of the pupil cohort in key stage 4 2014-15 who received a custodial sentence were persistently absent from school before entering custody. Most of the pupil cohort (93%) in key stage 4 2014-15 also have ever had a special educational need or disability (SEND). The Commissioner urges the YCS to view custody as an opportunity for intensive and high-quality education and training, in order to make up for the time that most children have missed in earlier years.*

**Recommendation 15: The YCS must develop a plan to address the insufficiencies in YOI education provision.** This should include the choice of pathways and the quality of provision. The YCS should explore partnerships with remote education providers such as Oak National Academy to complement and enhance the education offer available to boys via laptops and tablets on the residential units. The YCS should work to a stated ambition for every child to be engaged in education and to receive an appropriate qualification to support entry to a rewarding career upon resettlement.

## **A national improvement plan**

**Recommendation 16: The YCS must commit to a national plan to address the crises facing the secure estate in violence, management and staffing.** The CCo's statutory visits to YOIs found that the great majority of children in custody are detained in unacceptable conditions, which are reflected in chronically poor inspection results. The structural issues affecting YOIs must be addressed from a position of national oversight; the current approach of leaving individual settings to address issues piecemeal is untenable. The YCS must report on progress against the improvement plan to the Children's Commissioner, the Youth Justice Minister and the Children and Families Minister.

**Recommendation 17: The YCS must appoint a Director for Improvement to oversee the improvement plan and to report on its delivery.** The Children's Commissioner will meet with the YCS Director for Improvement on a bi-monthly basis to assess progress against the improvement plan.

## **A new vision for secure care**

**Recommendation 18: The MoJ should urgently accelerate progress towards its ambition to close all YOIs, as recommended by the Independent Care Review, and replace these settings with new 'Secure Schools' or Secure Children's Homes.** The first Secure School in Kent should be opened as a priority, to provide a more appropriate alternative for children currently detained in YOIs.

**Recommendation 19: The MoJ, the Department for Education (DfE) and the Department for Health and Social Care (DHSC) should convene around a joint strategy to develop integrated, secure therapeutic care for children entering the justice, mental health and welfare systems, as well as children placed under a Deprivation of Liberty (DoL) Order by the Court where needed.**

**Recommendation 20: The central Government body responsible for children in custody should sit within the DfE.** The DfE should pursue procurement options for additional Secure Schools or Secure Children's Homes, as needed, to address shortfalls in local and high-quality provision.

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## References

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<sup>1</sup> CCo calculations based on Table 4.4.4, Table 4.3.4, Table 4.5.3, Table 4.6.4, Table 1.8.4, Table 1.5.4, Table 1.4.3, Table 1.7.4 from ONS, Education, children's social care and offending (2022) [Link](#)

<sup>2</sup> CCo calculations based on HM Prison and Probation Service and Youth Custody Service, Youth custody report: December 2022, [Link](#).

<sup>3</sup> Youth Justice Board, 26 January 2023, 'Youth Justice Statistics: 2021 to 2022'. [Link](#). Accessed 29.01.2023.

<sup>4</sup> HM Prison and Probation Service and Youth Custody Service, Youth custody report: December 2022, [Link](#).

<sup>5</sup> Ministry of Justice, 'Proven reoffending statistics: July to September 2020'. [Link](#)

<sup>6</sup> Youth Justice Board, 26 January 2023, 'Youth Justice Statistics: 2021 to 2022'. [Link](#). Accessed 29.01.2023.

<sup>7</sup> CCo calculations based on HM Prison and Probation Service and Youth Custody Service, Youth custody report: December 2022, [Link](#).

<sup>8</sup> CCo calculation based on Census 2021 Ethnic group by age and sex in England and Wales table. [Link](#)

<sup>9</sup> CCo calculations based on HM Prison and Probation Service and Youth Custody Service, Youth custody report: December 2022, [Link](#).

<sup>10</sup> CCo calculations based on HM Prison and Probation Service and Youth Custody Service, Youth custody report: December 2022, [Link](#).

<sup>11</sup> CCo calculations based on HM Prison and Probation Service and Youth Custody Service, Youth custody report: December 2022, [Link](#).

<sup>12</sup> CCo calculations based on HM Prison and Probation Service and Youth Custody Service, Youth custody report: December 2022, [Link](#).

<sup>13</sup> CCo calculations based on HM Prison and Probation Service and Youth Custody Service, Youth custody report: December 2022, [Link](#).

<sup>14</sup> CCo calculations based on HM Prison and Probation Service and Youth Custody Service, Youth custody report: December 2022, [Link](#).

<sup>15</sup> CCo calculations based on Table 4.4.4, Table 4.3.4, Table 4.5.3, Table 4.6.4, Table 1.8.4, Table 1.5.4, Table 1.4.3, Table 1.7.4 from ONS, Education, children's social care and offending (2022) [Link](#)

<sup>16</sup> Nuffield Family Justice Observatory. "What have we learnt in the first six months of the national DoL court?". [Link](#).

<sup>17</sup> Between 12 and 19 girls were held in the custodial estate between April 2021 – March 2022. Source: Youth Justice Board, "Youth justice statistics: 2021 to 2022 – Supplementary tables". [Link](#). Accessed 07.03.2023.

<sup>18</sup> UK Legislation, *The Children's Homes (England) Regulations 2015*. [Link](#).

<sup>19</sup> HMYOI Parc and Hillside SCH.

<sup>20</sup> UK Parliament, 14 July 2021, *Written Question UIN 33308* [Youth Custody: Costs]. [Link](#). Accessed 08.01.2023.

<sup>21</sup> UK Parliament, 14 July 2021, *Written Question UIN 33308* [Youth Custody: Costs]. [Link](#). Accessed 08.01.2023.

<sup>22</sup> Ofsted, HMIP, CQC, 2022, *Oakhill secure training centre: Annual Inspection*. [Link](#).

<sup>23</sup> Under Section 25 of the Children Act (1989) "Use of accommodation for restricting liberty". [Link](#).

<sup>24</sup> Secure Children's Homes, 'Our Homes'. [Link](#). Accessed 10.01.2023.

<sup>25</sup> UK Parliament, 14 July 2021, *Written Question UIN 33308* [Youth Custody: Costs]. [Link](#). Accessed 08.01.2023.

<sup>26</sup> UK Legislation, *The Children's Homes (England) Regulations 2015*. [Link](#).

<sup>27</sup> HM Prison and Probation Service and Youth Custody Service, Youth custody report: December 2022, [Link](#).

<sup>28</sup> CCo calculations based on HM Prison and Probation Service and Youth Custody Service, Youth custody report: December 2022, [Link](#).

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<sup>30</sup> Beyond Youth Custody, 2016, *Role of family in effective resettlement of young people*. [Link](#).

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<sup>35</sup> HM Prison and Probation Service and Ministry of Justice, "Guidance: Werrington Young Offender Institution". [Link](#). Accessed 08.03.2023.

<sup>36</sup> HM Prison and Probation Service and Youth Custody Service, Youth custody report: December 2022, [Link](#).

<sup>37</sup> HM Prison and Probation Service, 2014, *Assisted visits: guide for youth offending teams*. [Link](#). Accessed 08.01.2023.

<sup>38</sup> CCo calculations based on ONS, Education, children's social care and offending (2022) [Link](#)

<sup>39</sup> CCo calculations based on ONS, Education, children's social care and offending (2022) [Link](#)

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<sup>43</sup> HM Inspector of Prisons, 2020, Report on short scrutiny visits to Young offender institutions holding children. [Link](#).

<sup>44</sup> Alliance for Youth Justice, 2022, Crises and crossroads for the children's secure estate: Resisting child imprisonment and rethinking youth custody post-pandemic. [Link](#).

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<sup>49</sup> HM Prison & Probation Service, Youth Custody Service, October 2022, The Impact of the COVID-19 Pandemic on Youth Custody Services. [Link](#). p.65.

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