

“A production line of pointlessness”: Children on custodial remand

November 2025

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Foreword from Dame Rachel de Souza



Since becoming the Children's Commissioner, I have travelled across the country meeting children whose lives are shaped by decisions made far away from them and those whose voices are rarely heard.

Time and time again, I have witnessed children being held on custodial remand, not because they pose the greatest risk, but because the system around them has failed. This report shines a light on one of the most troubling aspects of our youth justice system, the use of custodial remand on children.

Every child has the right to grow up safe, loved, and with the opportunity to thrive. Yet, for too many children, that promise is broken long beforehand.

Last year, 441 children who were locked up in custody awaiting their hearing did not end up receiving a custodial sentence. Another 168 children had their case dismissed altogether.

These are not harmless delays. Even a short spell in custody can be profoundly damaging to a child. From disrupting education, cutting them off from their family and community and sometimes entrenching the vulnerabilities that brought them into contact with the justice system in the first place. That experience leaves a mark, one that lasts long after their release.

What children tell me most about their time on remand is the uncertainty. Not knowing what the outcome will be or how long they will be held in custody. They describe feeling powerless, having to cope with waiting for decisions that are constantly delayed and beyond their control.

“They give us a piece of paper which they send down for my court dates.... But I just have to keep an open mind that for whatever reason, some court dates might be changed” – Child, age 15, with experience of custodial remand.

Most of these children are already among the most vulnerable in our society. Many have experienced disrupted education, unmet special educational needs and poverty, as I highlighted in my report this year, *The Educational Journeys of Children in Secure Settings*. Many have also been criminalised by a care system that should be looking after them, as described in my upcoming report, *The Criminalisation of Children in Care*.

Among these vulnerable children are those from black and mixed backgrounds, who are over-represented in custodial remand, underscoring how bias can impact every step of their experience in the youth justice system.

We should be clear, however, that custody is the most extreme intervention the state can make in a child's life and it may be necessary in a very small number of serious cases. But it is not, and must never become, a waiting room for children whose real need is care, housing or mental health support. Or as one secure setting staff member aptly described, “a production line of pointlessness.”

When a child is placed on custodial remand, it must be because there is no other safe and viable alternative.

The question is no longer whether change is needed but whether we are willing to act with the urgency these children deserve.

Executive summary

“I think that's one of the hardest things, you don't know when you're getting out.” – Child, age 17, with experience of custodial remand.

The Children's Commissioner has a duty to promote and protect the rights of all children, including those in secure settings for youth justice reasons.

In 2023-24, 441 children (45%) who were remanded to custody did not ultimately receive a custodial sentence. A further 168 children (17%) had their case dismissed altogether. In total that means 62% of children remanded did not receive a custodial sentence.¹

There has been a decrease in the use of custodial remand,² but the pace of change has been too slow and uneven across different parts of the country and for different groups of children.

This report aims to develop a fuller understanding of the experience of being a child on custodial remand. It brings together data on looked after children and children's voices, to ensure children's experiences are central to any future reform.

This report found that:

- There has been a decrease in the number of children being remanded into custody. In 2023-24, 71% of all remand episodes were to custody, compared to a peak of 94% in 2015-16.
- At the same time as the use of custodial remand has decreased, the nature of remand placements has changed:
 - There was a decline in the use of foster care placements from 13% in 2013-14 to 5% in 2021-22. This may be due a falling availability of foster care placements or increasingly complex needs of children requiring more specialist foster care placements that are more limited in availability. Ofsted data shows that the number of households in England who offer a remand placement has dropped by more than half in recent years. In 2019 there were 210

placements offered and by 2023 this had fallen to 80. If placements remained at 210, this would cover almost 29% of the total remand population in 2021-22.

- There has been an increase in the proportion of children placed with their parents or others with parental responsibility. This may reflect efforts to maintain continuity for children and keep children within family environments where it is suitable.
- Remand placements to residential or semi-independent living arrangements outside children's home regulations rose sharply between 2013-14 and 2021-22. In 2021-22, around one in ten children was remanded to residential or semi-independent living compared to 2.5% in 2013-14.
- The use of custodial remand varied substantially between local authorities. Between 2013-14 and 2021-22, one local authority used custodial remand for 100% of all remand episodes, while another local authority used it for 38%. Many local authorities (38%) used custodial remand for three-quarters or more of their remand episodes.
- Despite falling numbers of remand over the last ten years, children can spend long periods of time on remand, with the average duration of custodial remand rising over time. In 2021-22, the average custodial remand lasted 125 nights, over four months, representing an 89% increase since 2013-14.
- In 2021-22, 14% of children on custodial remand were there for more than 182 days. This is over the custody time limit of 56 days in the magistrates court and the upper limit of 182 days in the crown court.
- There are evident ethnic disparities across the justice system and remand is no exception. In 2021-22, 56% of children remanded were from an Asian, black, mixed or other ethnic group and the remaining 44% were from a white ethnic background. Black and mixed ethnicity children were over-represented in the population of children on custodial remand.

- Multiple remand episodes are not uncommon and of all the children remanded into custody in 2021-22, 24% had previously been remanded into custody.
- Short-term custodial remands remain an issue, 11% of custodial remand episodes were for 14 nights or less and 8% of remands for 7 nights or less. Professionals told the office that delays in creating bail packages or sourcing suitable local authority accommodation resulted in periods of custodial remand for 7 days or less. This aligns with the findings of HMIP's Review of Custodial Remand for Children in 2022.
- Children most frequently spoke about feelings of uncertainty and anxiety around their court hearings and the potential length of time they may spend in custody. While many said that professionals made genuine efforts to explain the youth justice process, children often still struggled to understand. This was largely due to feeling overwhelmed at the time and because the terminology and language was still not sufficiently adapted to their level of understanding.
- Staff describe children on remand missing out on life events – one child remanded into custody missed the birth of his child and another was unable to attend his father's funeral.
- Children would advise other children on remand to try to remain patient and to not give up.

Recommendations

The Children's Commissioner's ambition is for every child to be prevented from being affected by violence and criminality and able to fulfil their full potential. This means that every child must grow up in a loving, homely environment with access to high-quality education and care.

To achieve this, a number of structural changes are needed across the whole system. These have been outlined in *The Children's Plan* and *The Big Ambition* and include:

- A new Children's Plan platform delivered alongside the unique ID. This should outline children's needs, setting out the support they are entitled to and the coordination of all multi-agency support for a child;

- A comprehensive national strategy to address the criminal exploitation of children alongside a comprehensive reform of the National Referral Mechanism (NRM) system;
- Mandatory safeguarding referrals for any child arrested or suspected of involvement in criminality; and
- Clear, reliable, long-term funding streams for children, based on consistent measures of local need.

Key recommendations:

The Children's Commissioner continues to advocate for an ambitious national reform that re-designs the secure care system to prioritise treating children who offend, first and foremost, as children who are in need of specialised support. This means:

- The Department for Education (DfE) should be responsible for the delivery of all core services for children and there should no longer be continued attempts to reform an unsatisfactory youth justice estate that fails to meet these children's complex needs.
- A new youth justice system must be based primarily upon a rehabilitative model of care developed by DfE and NHS England, with an improved education and engagement offer. It must be delivered in smaller, homely settings close to where children live, or Secure Children's Homes and there should be a clear, time-bound plan to phase out all Young Offender Institutions (YOI) and Secure Training Centres (STC).

Importantly, this should be part of a broader reform towards commissioning all high needs accommodation placements on a regional basis. At present, the quality and availability of placements varies significantly between local authorities, resulting in pockets of good practice rather than a consistent national offer. A regional commissioning model would ensure that children have equitable access to suitable, high-quality placements designed to meet their specific needs, regardless of where they live.

This shift should recognise that children on remand often have similar and overlapping needs to those placed under section 25 of the Children Act 1989 or who are subject to Deprivation of Liberty orders.³ In many cases, these are the same children who only differ by the legal or administrative route by which they enter the care system. As such, a consistent range of suitable accommodation for all children with complex needs, delivered through coordinated planning must be established. This means:

- **Recommendation:** MoJ, DfE and NHS England should commission an independent 'secure review' into the provision of all secure accommodation placements for children across all services. This includes children's social care, health and youth justice.
- **Recommendation:** The Department for Education must include children on remand in the planning for the new forms of accommodation being considered for children subject to the reformed s25 Children Act, following the *Children's Wellbeing and Schools Bill 2025*.⁴
- **Recommendation:** Regional Care Cooperatives should be jointly funded by the Department of Health and Social Care, the Department for Education and Ministry of Justice to deliver specialist placements for children who may have higher level of needs, including children on remand. These specialist placements may include the new forms of section 25 accommodation.
- **Recommendation:** The Department for Education must develop an ambitious and fully funded plan for foster care recruitment, including central government funding for innovative approaches, specialist foster care, remand foster care, and adaptations for family homes to accommodate children
- **Recommendation:** The Ministry of Justice should introduce a statutory review mechanism to reassess custodial remand. There should be clear checkpoints built into the remand process requiring courts and local authorities to regularly review whether the child can be placed in suitable accommodation.

Although this report did not examine court decision-making on youth remand, it emerged as a reoccurring and significant concern raised by stakeholders.

- **Recommendation:** The MoJ should invest in targeted training for all professionals involved in court decision-making on remand, drawing upon lessons from the Greater Manchester Remand Pilot.
- **Recommendation:** The MoJ should conduct a review of children remanded to placements with their parents or others with parental responsibility, examining what the barriers were for Bail Intensive Supervision and Surveillance (ISS) to be a viable alternative.
- **Recommendation:** The MoJ should commission a deep dive into the proportion of children held in custodial remand due to joint enterprise laws.

Additionally, the recent independent sentencing review on the adult estate highlighted the ineffectiveness of short custodial sentences in reducing reoffending and called for greater use of robust community-based alternatives.⁵ These findings underscore the importance of ensuring that children are not placed in custody for short periods of time, which are particularly disruptive, fail to address the root causes of offending and risk entrenching children in the criminal justice system. This means:

- **Recommendation:** MoJ must commission an independent sentencing review of the youth justice system and the youth sentencing framework must be amended to prohibit sentences with custodial periods that are less than 12 months. Instead, multi-agency community-based interventions should be used to address the underlying causes of offending for children. Alongside this, strong sentencing guidelines and safeguards must be established to prevent up-tariffing.

Introduction

When children are charged with a crime, the criteria, set out in the *Legal Aid, Sentencing and Punishment of Offenders Act 2012* ('LASPO'), are strict. Children have a general presumption of bail, and youth remand to custody should always be a last resort.⁶ This reflects the strong evidence that contact with the criminal justice system can increase the risk of future offending and have harmful impacts on a child's wellbeing, from exposure to harm in detention to disruptions to development and education at a critical period.⁷

Despite that, a growing proportion of children in custody in England and Wales are children on remand. Over the past decade, the overall number of children in custody has fallen significantly, by approximately 68% since 2010. However, children remanded in youth custody accounted for 43% of the average youth custody population in the latest year, more than double compared with 10 years ago when it was 21%.⁸

This is partly because the sentenced population has fallen faster than the remand population. That is, there has been less success reducing the number of children remanded into custody than sentenced into custody.

What is youth remand?

Youth remand is when a child under 18 is kept in custody or placed in local authority care while waiting for their trial or sentencing because bail has been refused.⁹

Since the LASPO reforms, any child who is remanded is, in law, a child in care.¹⁰

When a child is refused bail and placed on remand, the court has two main options:

1. Remand to local authority accommodation (RLAA) or
2. Remand to youth detention accommodation (RYDA)

Below is a simplified child-friendly flowchart on the strict criteria that need to be met for a child to be placed in custodial remand following the refusal of bail.¹

¹ Other resources can be found at [Youth Justice Legal Centre](#) and the [Youth Remand Concordat](#)

What happens after bail has been refused by a court?

Children awaiting trial or sentencing should be allowed to stay in their community unless there is good reason that they should be held in custody.



Recent changes to the use of remand

In recent years, important reforms have been made. The *Police, Crime, Sentencing and Courts Act 2022* (PCSC) amended the LASPO 2012 provisions. It introduced measures of transparency and imposed tighter legal tests for custodial remand.¹¹ Since then, the proportion of remand episodes that are custodial remand episodes has started to fall. In 2013-14, 84% of remand episodes were custodial remand, by 2021-22 this stood at 80%. In 2022-23 this had fallen to 75% and by 2023-24 even further to 71%. That has helped to ensure the total number of children remanded into custody has fallen by nearly half since 2013-14.¹²

The *Remand Concordat 2025* set out a clear framework for cross-agency responsibility.

This research

Despite the total number of children remanded into custody falling substantially in the last decade, there are ongoing problems with the use of remand. For many it will be their only experience of custody during their interaction with youth justice. The majority of children remanded into custody (62%) did not subsequently receive a custodial sentence and one in six (17%) received an 'acquitted, dismissed, not proceeded against etc.' outcome.¹³

Previous research highlights that remand is not only being used for the most serious cases and that the 'last resort' principle is being applied inconsistently.¹⁴ When children are remanded into custody, despite being looked after children, they are still often placed in settings that fail to meet the expected standards of protection and welfare.

Over the past year alone, Oasis Secure School was temporarily closed,¹⁵ an urgent notification was issued for Oakhill Secure Training Centre - with 15% of children reporting that they been sexually assaulted by staff,¹⁶ and Feltham Youth Offending Institute was identified as having the highest level of violence of any prison in the country.¹⁷

More generally, continued use of custodial remand goes against what we know works for children: stable placements, trusted adults and wraparound support. Innovative pilots, such as the Greater Manchester Remand Pilot and the London Accommodation Pathfinder, show what is achievable when services collaborate effectively around the needs of children. This should be provided consistently, not just in pockets of excellence, but available across every part of the country.

The Children's Commissioner has a duty to protect the rights of all children, including paying particular regard to those children in care and who live away from home. That includes all children in secure settings for youth justice reasons.

This research seeks to understand how and why custodial remand is used, how that varies between areas, and children's outcomes following custodial remand. It also highlights children's experiences and perspectives on being remanded into custody.

The report is based on analysis of:

- Children Looked After (CLA) census for England 2013-14 to 2021-22 which provides individual-level data on the number of children with a youth justice legal status, their placements, the use of short-term remands, demographics, and the number of children with multiple remand episodes.
- Youth Justice Board (YJB) data is used to document more recent trends in the use of custodial and local authority accommodation remand.
- Qualitative interviews with six children who were in custodial remand or had recently left custodial remand and six staff members in youth secure settings in England, conducted in September 2025.

1. How is remand used?

1.1 Placements

There have been several notable changes in placement types, mostly in the use of remand to local authority accommodation (Figure 1).

Remands to YOIs remain the most common setting, accounting for over half of all remands. Their use – as a proportion of all remands - increased steadily from 2013-14 reaching 68% in 2019-20 before falling to 56% of all placements in 2021-22.

The use of secure children's homes fell from 18% in 2013-14 to 6% in 2020-21 before increasing in 2021-22 to 10% of placements.

The category residential or semi-independent accommodation refers to accommodation not subject to children's home regulations where supervisory or advice staff are employed (though they do not have to live on the premises)². These placements are distinct from independent living where there is no formal support structure.¹⁸ Remand placements to residential or semi-independent living arrangements outside children's home regulations rose sharply. They accounted for just 2.5% of all placements in 2013-14 and by 2021-22 this was 11%. This has occurred alongside a slight decline in the percentage of placements which were independent living. In total, the percentage of placements in either independent living or supported accommodation, doubled between 2013-14 and 2021-22.

In addition, there has been an increase in children remanded to live with parents or others with parental responsibility, from 2% in 2013-14 to 10% in 2021-22. This may reflect efforts to maintain continuity for children and keep children within family environments where it is suitable, and risks can be managed.

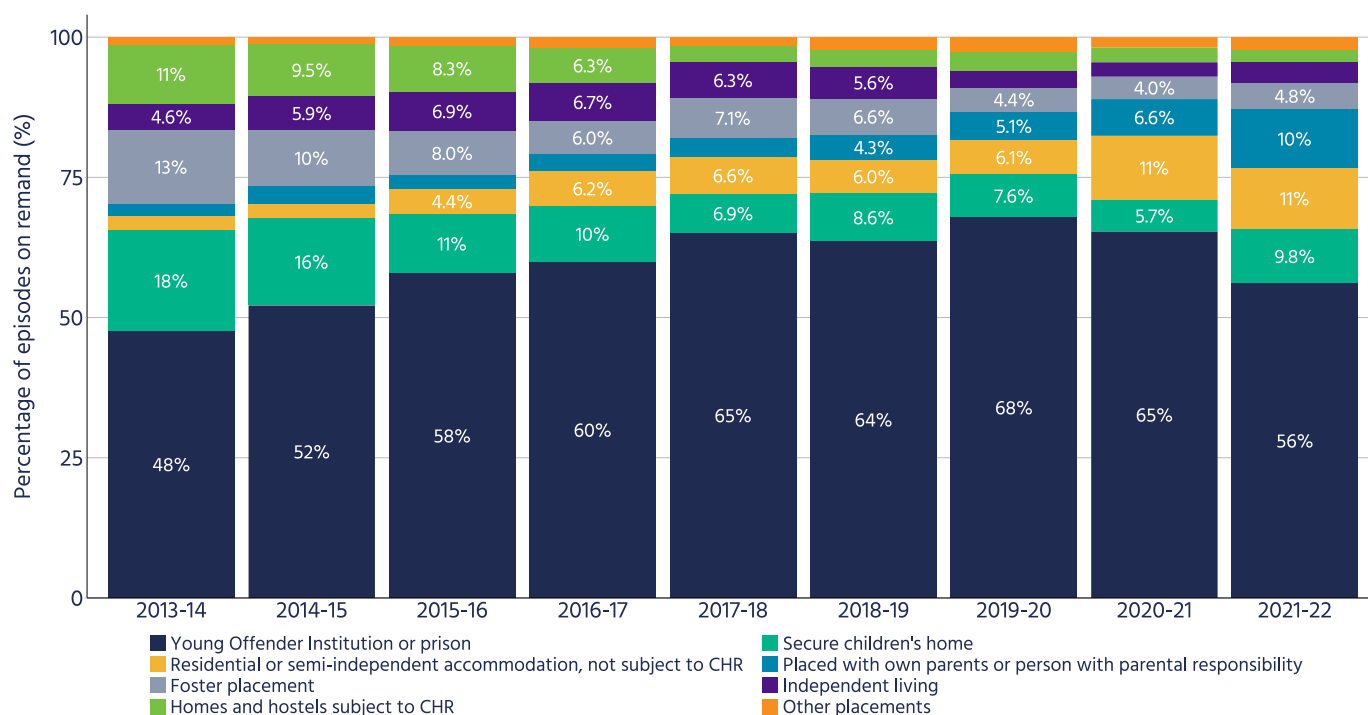
² This dataset is prior to the requirement for these settings to be registered with and inspected by Ofsted.

The YJB advised that this gives local authorities more flexibility as they can, if needed, place the child into another local authority accommodation without obtaining another court order.

The use of foster placements has fallen over time, from 13% in 2013-14 to 5% in 2021-22. This may be due to a national shortage of remand foster carers. Ofsted data shows that the number of households in England who offer a remand placement has dropped by more than half in recent years. In 2019-20 there were 210 placements offered, by 2021-22 it had fallen to 125, and in 2023-24 this the total number of placements stood at 80.¹⁹ If placements had remained at 210, this would cover 29% of the total remand population in the CLA in 2021-22.

The use of homes subject to children's home regulations has also fallen substantively, from 11% in 2013-14 to just over 2% in 2021-22.

Figure 1 – Placement types of children remanded to youth detention accommodation or local authority accommodation

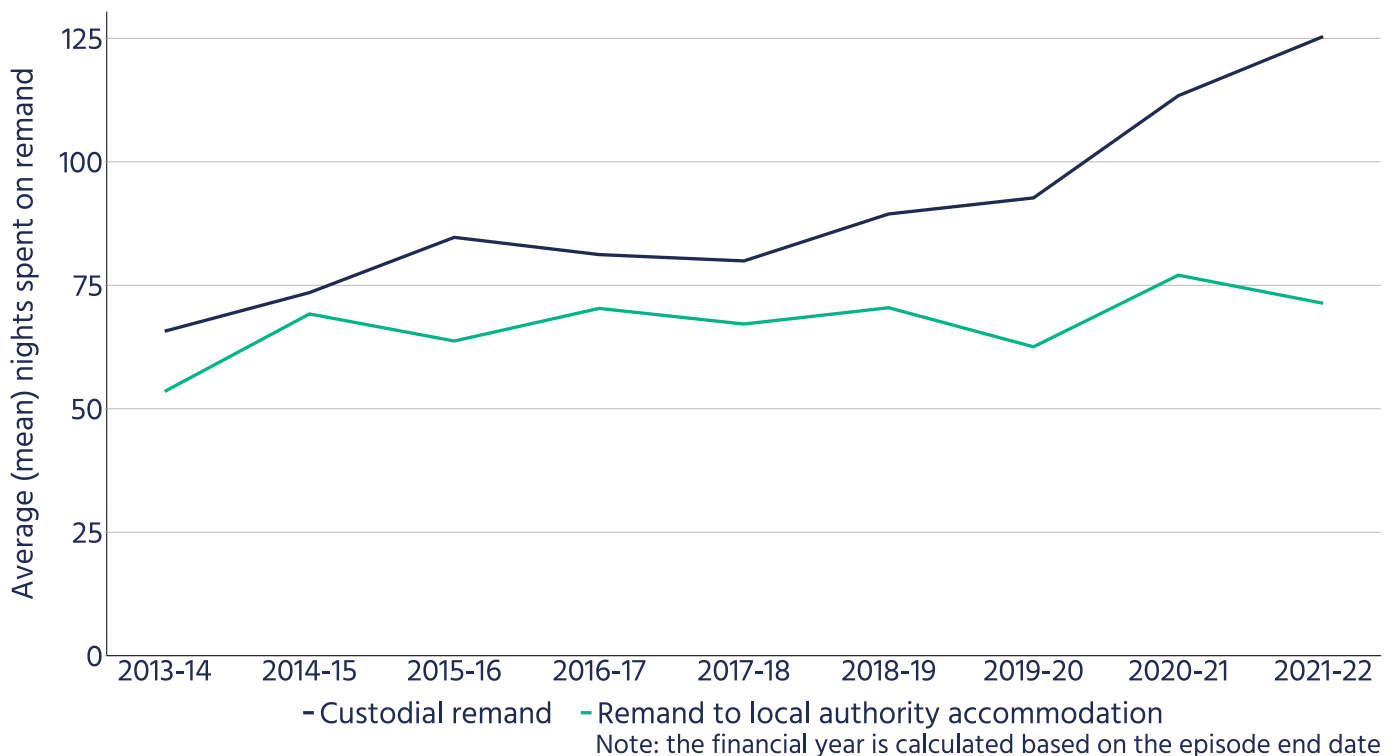


Note: CHR refers to Children's Home Regulations.

1.2 Time spent on remand

Despite falling numbers of remand over the last ten years, children can spend long periods of time on remand, and the average duration of time spent on remand has been rising over time. In 2021-22, the average custodial remand lasted 125 nights, over four months, representing an 89% increase since 2013-14 (see Figure 2). The average was lower for remand to local authority accommodation at 71 nights in 2021-22, but this too followed a slight upward trajectory overall, despite some fluctuations and dips in 2015-16 and 2019-20. Overall between 2013-14 and 2021-22 the average number of nights on local authority accommodation decreased by 31%. Cuts to court capacity, including court closures and fewer judicial sitting days, as well as delays created by the COVID-19 pandemic may be factors that explain the increase in time children spend on remand over time.²⁰²¹

Figure 2 - Length of time children spend on remand

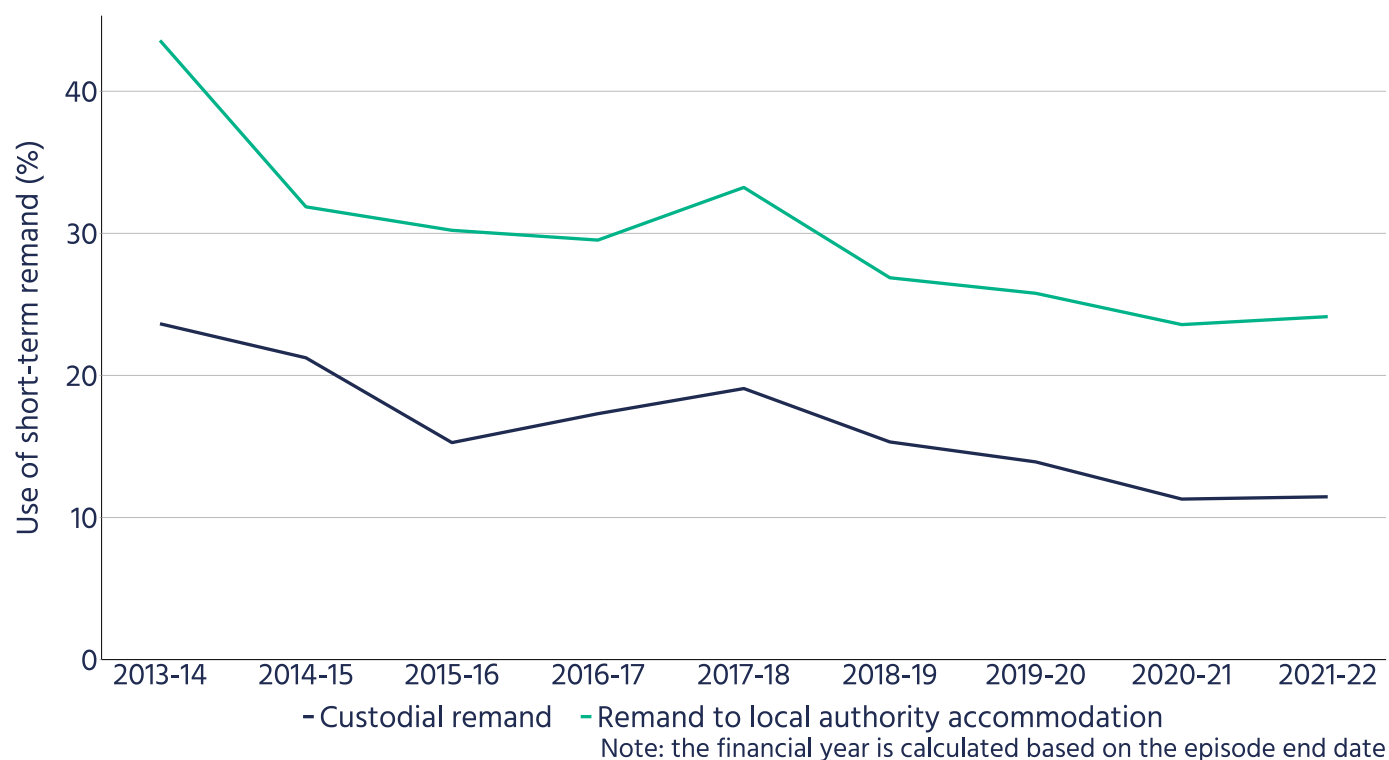


The average (mean) number of nights spent on remand may contain extreme values which inflate the average.

The extent to which short-term remands are used is not obvious from the Department for Education's Children Looked After data used to create the chart above. It is also difficult to identify short-term remands in official statistics published by the YJB given that the category that identifies the shortest episodes is a broad category of '1 to 91 nights' on remand.²² Using the CLA data, the Children's Commissioner's office defines short-term remand as lasting for 14 nights or fewer.

There has been a downward trajectory in the use of short-term remand over time for both custodial remand and local authority accommodation (Figure 3). For custodial remand there has been a 54% decrease in the use of short-term remand. In 2013-14, 24% of custodial remands were short-term. By 2021-22, 11% of custodial remand episodes lasted 14 nights or fewer, while the remaining 89% exceeded two weeks. For local authority accommodation there was a similar decline in short-term remand as custodial remand. There was a 45% decrease in short-term remand to local authority accommodation, falling from 44% of all remand episodes being short-term in 2013-14 to 24% in 2021-22.

Figure 3 - Percentage of remand episodes that were short-term (14 nights or fewer)



Short-term remands are not necessarily an indicator of the system working well. There is evidence that short-term remand, like any use of remand, is not being used as a 'last resort', as it should be.²³ The Youth Remand Concordat (2025) and the Review of Custodial Remand for Children (2022) highlight that some children are remanded for seven days or less to 'buy time' for suitable local authority accommodation to be found or the YOT team to prepare bail packages.

Table 1 provides a breakdown of short-term remand episodes that ended in either 2020-21 or 2021-22, grouped by duration. Only 2% of all custodial remand episodes lasted between one and three nights, so extremely short custodial remands are relatively rare. The largest portion of short-term remands fell within the four to seven nights category, at 6% of all remands. For remand to local authority accommodation, the pattern is similar but with a higher share of very short episodes: 10% of remand episodes lasted one to three nights. This may reflect the operational challenges local authorities face in sourcing placements quickly, sometimes leading to temporary arrangements before a longer-term solution is found.²⁴

Custody time limits also apply to remand to prevent excessively long stays in custody before a trial. In the magistrates court this limit is set at 56 days, and in the crown court it is 182 days.²⁵ It is not possible in the CLA data to observe in which court children will be tried. However, the upper limit for which no child should stay in custody before trial is 182 days. The data shows that 14% of children on custodial remand in 2021-22 had been there for more than 182 days.

Table 1 – Duration of short-term remand of episodes ending in 2020-21 and 2021-22

Number of nights	Custodial remand as a percent of all short-term remand episodes	Custodial remand as a percent of all remand episodes	Local authority accommodation as a percent of all short-term remand episodes	Local authority accommodation as a percent of all episodes
1 to 3 nights	12% (15)	2% (15)	36% (41)	10% (41)
4 to 7 nights	42% (54)	6% (54)	28% (32)	7% (32)
8 to 10 nights	22% (28)	3% (28)	10% (11)	3% (11)
11 to 14 nights	24% (31)	3% (31)	26% (30)	7% (30)
Total	100%	11%	100%	24%

1.3 Custodial remand

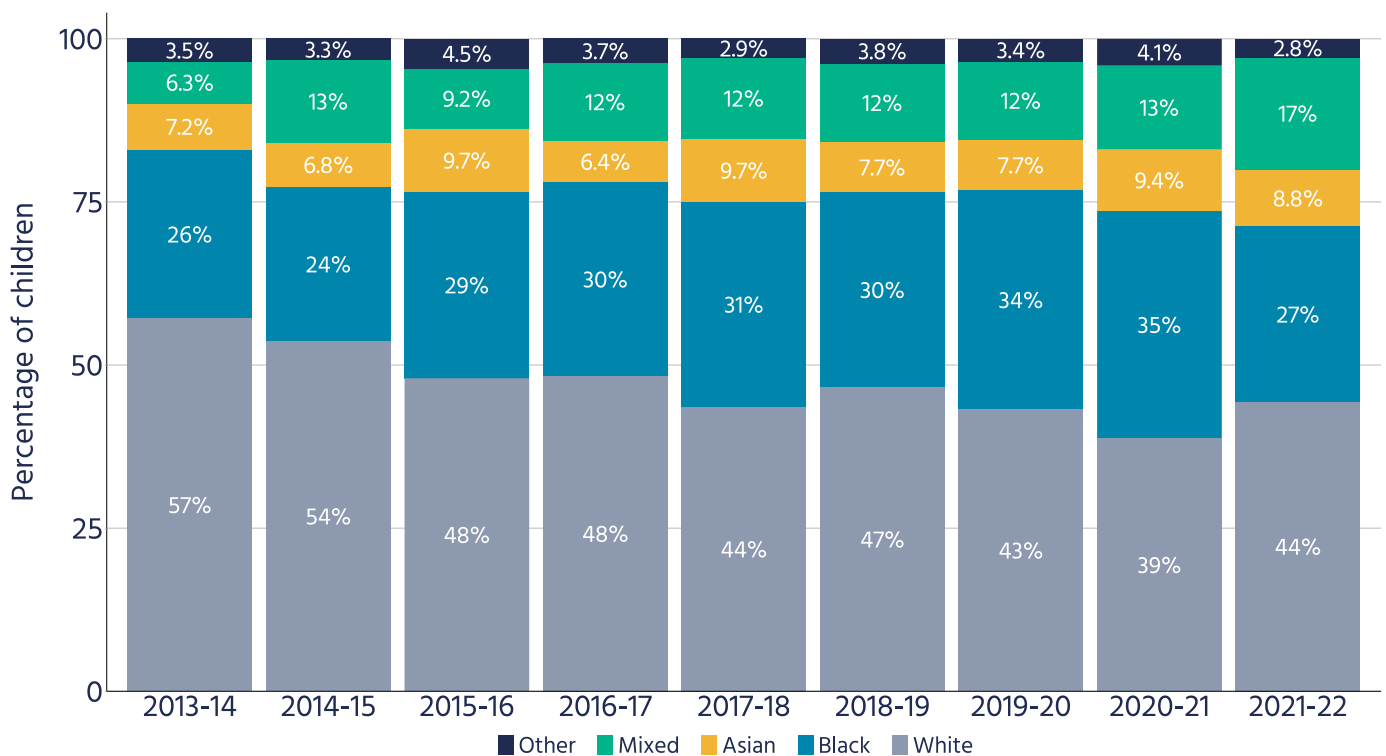
Who are the children on custodial remand?

The analysis above focuses on the 'episodes' of remand rather than the children experiencing remand. The CLA data enables the possibility of looking at the characteristics of children who have had one or more episodes of remand between 2013-14 and 2021-22.

The average age of a child entering custodial remand for the first time has remained stable over time, hovering at 16 years old. The gender split did not change between 2013–14 and 2021–22. Of all the children who had a custodial remand in 2021–22, 98% were boys.

There are clear ethnic disparities across the justice system, and remand is no different. Less than half of children (44%) on custodial remand who had their first episode of remand in 2021–22 were of white ethnicity (Figure 4). This has fluctuated over the years, but in general, minoritised major ethnic groups make up a larger share of those on custodial remand in later years. A comparison with the ethnicity of the population of 10- to 17-year-olds shows a substantial ethnic disproportionality. There is an over-representation of black and mixed ethnic groups who receive a custodial remand than what is expected given the ethnicity of the child population. On the other hand, Asian children are under-represented in custodial remand.

Figure 4 – Ethnicity of children on remand in Secure Children’s Homes or Young Offender Institutes



There has been little previous analysis of the children on remand, who may have multiple episodes across years. Repeat custodial remand may suggest that previous interventions (if any) did not address the underlying risks or vulnerabilities of the child. It also raises questions about whether previous remand experiences influence remand decisions or reinforce negative trajectories. Findings from the CLA data show that of the children on custodial remand in 2021-22, 24% had received a custodial remand previously.

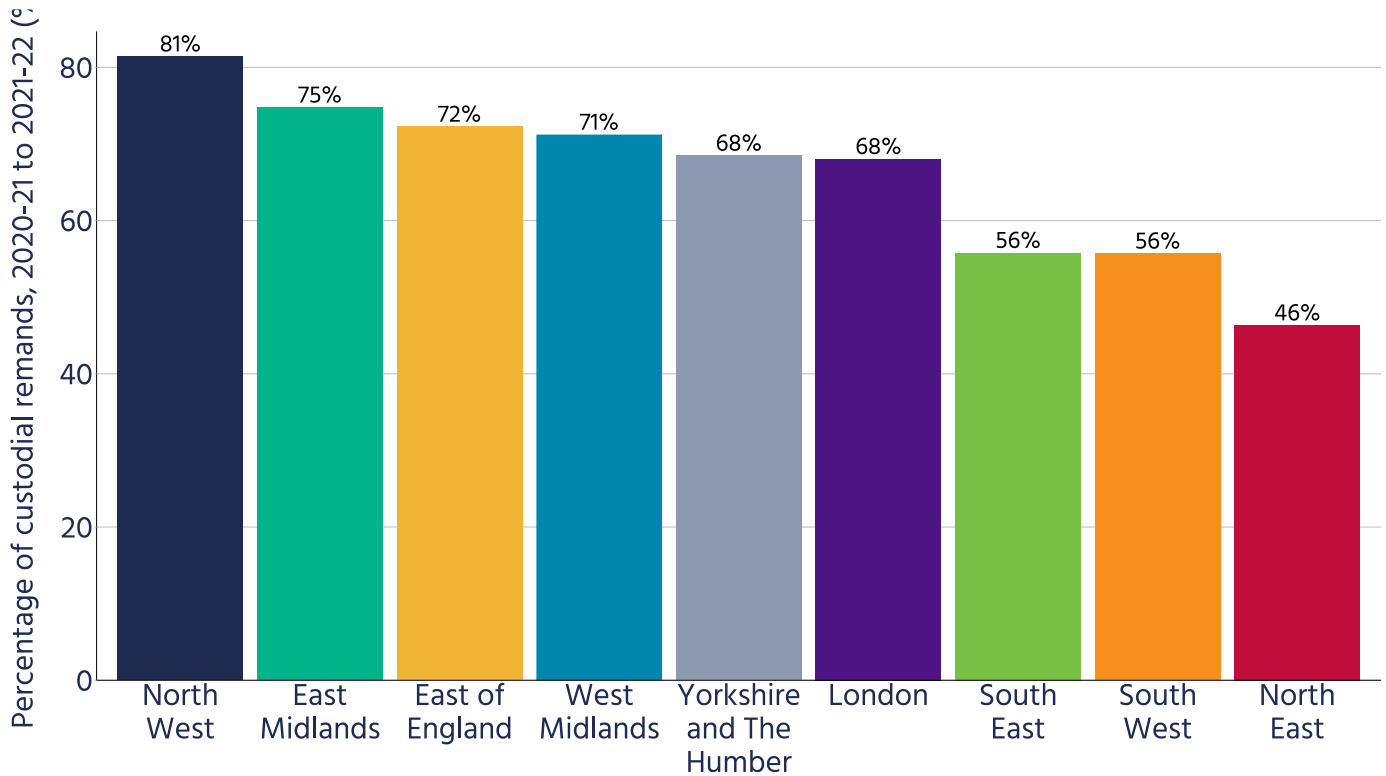
1.4 Regional breakdown

There are notable regional variations in the proportion of remand episodes that result in custody (Figure 5). This indicates differences in practice and decision-making across areas. North West has the highest percentage of remands that are custodial remand, while the North East has the lowest. The North East, South West and South East are below the overall average of 66% remands to custody. Further investigation into regional and local authority variations is necessary to showcase good practice and get a better picture of area-level demand for alternatives to custody.

The number of remand episodes per local authority were often too small to conduct a meaningful analysis per year, but combining all years of data (2013-14 to 2021-22) showed substantial variation in the use of custodial remand between local authorities. The largest use of custodial remand was 100% of all remands in one local authority while the lowest use was 38%.³ Of the local authorities in the sample, 38% used custodial remand for over three quarters of their remand episodes. This analysis however, is unable to account for local authority differences in the use of bail, effective youth diversions as an alternative to remand, or the availability of local authority accommodation.

³ Local authorities in which the total number of remands were less than 11 and the number of custodial remands were less than 6 have been excluded from the analysis.

Figure 55 - Percentage of remands that were a custodial remand (2020-2022) by region



In the past few years, there has been pockets of innovative pilots to reduce the number of children on custodial remand. This includes:

Greater Manchester Remand Pilot

The Greater Manchester Remand Pilot commenced in October 2023 and aimed to test and evaluate whether pooling youth remand funding on a regional basis could enable better robust community alternatives to secure remand for children.²⁶ It pooled the remand budgets of 9 youth justice teams across Greater Manchester. In its unpublished 12-month progress report, it found that there was clear evidence of remand to local authority accommodation being considered as an alternative to custodial remand by local authorities. The pilot was also seen by stakeholders as an opportunity to think and respond differently to the needs of vulnerable children, not just those who enter the criminal justice system. However, it was noted that the local authorities involved in the pilot are viewed as a cohesive

group, particularly in relation to youth justice, compared to other areas. Additionally, it identified that more work with legal professionals was necessary to 'educate' about the alternatives to custodial remand. In thinking about its impact, one Youth Justice Team professional noted: *I think about all of the children in Manchester who've been remanded into local authority care rather than going into custody and the actual difference that will have made to their lives and the difference it will make for their outcomes, both short term and long term in life, I don't how do you put a value on that."*

London Accommodation Pathfinder

The London Accommodation Pathfinder was a three-year pilot funded by the Youth Justice Board. Launched in 2022, it aimed to develop therapeutic alternative accommodation within the community for children who would otherwise be remanded or sentenced to custody.²⁷

A 2024 evaluation funded by the YJB concluded that, despite facing challenges, it remained a promising alternative to custody for children. Its success, however, hinged on effective management of supported accommodation and long-term financial commitment. Crucially, the evaluation noted that its success is inherent in its existence, noting that every child residing in the London Accommodation Pathfinder accommodation represents one less child in youth custody.²⁸ In October 2025, a procurement was tendered to re-commission the London Accommodation Pathfinder.²⁹

1.5 Outcome following custodial remand

Almost two-thirds (62%) of children remanded to custody in 2023-24 did not go on to receive a custodial sentence, and almost one in five (17%) were acquitted or the case was dismissed and they were not proceeded against.³⁰ This highlights missed opportunities for alternatives such as Bail ISS. The Review of Custodial Remand for Children in 2022 found that many children on custodial remand could have been managed in the community with robust bail packages, including ISS.³¹ Youth Justice Board statistics show that, since 2010, the use of community remands with intervention have increased as a percentage of total remand episodes, but it is far from universal.³²

1.6 Help at Hand case studies

Help at Hand (HaH) is the Children's Commissioner's advice and assistance service for children in care, children living away from home, children with a social worker, and care leavers. The following case studies highlight the experience of a child on custodial remand who received support from the service. Children's name have been changed to protect their identity.

HaH Case Study 1

Kayden is in a Young Offender Institute (YOI). He has not been convicted of an offence and is on remand for an offence he says he did not do. He had to stop his college and was removed from home.

While in custody, Kayden raised concerns about his safety, but no action was taken. He was subsequently assaulted by five other children and was admitted to hospital. His mum believes he only survived the attack due to the actions of one of the guards who intervened in the assault.

HaH wrote to the safeguarding lead at the YOI and arranged for Kayden to have an independent advocate to represent his interests. Following this intervention, Kayden was moved to a different wing to reduce the risk of further harm.

HaH Case Study 2

Noah was on custodial remand in a YOI while awaiting his sentencing hearing. Prior to this, he had experienced significant trauma and was subject to a care order. He has a history of serious self-harm and is on medication for his mental health and requires ongoing mental health support.

Noah was anxious about his sentence hearing, the date of which coincided with his 18th birthday. On the day of the hearing, the Local Authority was unable to offer any suitable accommodation. The judge reluctantly adjourned the hearing and Noah was required to remain in custody for a further 3 weeks whilst accommodation was sourced.

The Youth Custody Service (YCS) contacted HaH to raise concerns about a Local Authority's failure to identify suitable accommodation for Noah, resulting in an unnecessary extension of his custodial remand in a YOI.

The HaH Team escalated the case and the Children's Commissioner wrote to the Local Authority expressing concern that custody was being treated as an accommodation 'option.' The letter requested that a suitable accommodation plan be in place ahead of the next hearing. This was subsequently arranged and Noah was placed in local authority accommodation.

2. What do children say?

This section is based on the interviews the office conducted with children who had experienced custodial remand.

2.1 Understanding the youth justice process

The children the office spoke to found that professionals did their best to explain the youth justice process to them, but that they still found it difficult to understand due to being overwhelmed in the situation:

"They were talking to us and I was just like zoned down back. I hear what they were saying, but I wasn't processing it" - Child, age 15, with experience of custodial remand.

Describing their experience at court, the child said:

"I guess. I kind of froze when I was in court because he asked us to say my name and my date of birth and I was like [name] and he asked my date of birth and I just froze. I couldn't speak." - Child, age 15, with experience of custodial remand.

Another child spoke about their learning needs making it difficult to understand the youth justice process:

"I think they could have explained that a bit more with a bit more vocabulary, I can't do big words and everything so that was a bit tricky but like just processing all the words and everything." - Child, age 16, with experience of custodial remand.

When asked about their experience at court, many children said that they did not speak during the proceedings and relied on their solicitor to represent them. One child said:

"So I was going to be granted bail, but they weren't having it and they were just like, right, you're going to YOI. And I was a bit confused and disappointed... Because they were just judging me for my background to be honest because I have done things in the past... I ain't done nothing [for the past eight months] and I was at a situation at the wrong time but they judged me for my background and that's why I'm here." - Child, age 16, with experience of custodial remand.

Another child was confused why they were placed in custodial remand when one of their co-accused was granted bail:

“The only thing I don’t understand, my co-accused. One is in [name of secure setting] and the other is on tag. I don’t understand how I get stuck [name of secure setting] where I wouldn’t get tag... I don’t think that’s fair like we got arrested at the same time for the same reason.” – Child, age 15, with experience of custodial remand.

One child was granted bail and was returned to the care home they were already living in at the time. When asked if that was their choice, they said:

“I would have chosen somewhere else. I didn’t like where I was living at the time... I didn’t like the staff. I didn’t get along with them.” - Child, age 16, with experience of custodial remand.

The overrepresentation of children in care has been explored further in the Children’s Commissioner’s office’s report on the *Criminalisation of Children in Care*.³³

2.2 Impact on education

Most of the children the office spoke to were not in education prior to their arrest. A project manager for the Greater Manchester Remand pilot told the office that they have found children being engaged in education substantially influenced their remand decisions, with children who were in education more likely to be granted bail.

Entry into the secure estate can present an opportunity to reset children’s education, with some children reporting positive experiences with education while in custody, including one child who had sat their English and Maths GCSEs for the first time in custody. However, secure setting staff members spoke about the difficulty of providing education to children on remand where it is not known how long the child will be at the secure setting. One staff member described the number of children entering secure settings for two weeks or less as a “production line of pointlessness.”

2.3 Communication with family and friends

Maintaining contact with family and friends is vital for children’s wellbeing and rehabilitation. The Children’s Commissioner’s 2023 report *Family Contact in Youth Custody* highlighted that children who

are able to stay connected with loved ones experience greater emotional stability, reduced anxiety, and are better supported to reintegrate into society.³⁴ For children on remand, these connections can be especially important in navigating uncertainty, and children frequently spoke about the importance of being in contact with their family and friends.

“While my trial isn’t done, I want [my friend] on my phone because I want that support. I don’t think he even knows what’s happened. Like, all he knows is that I’ve just stopped texting because he went from me texting him 24/7 to not texting him at all... They said that I might [be able to add him to my approved contacts]... But they’re going to have to do a background check on him.” – Child, age 15, with experience of custodial remand.

However, children spoke about the difficulty in adding contacts to their phone list:

“You to have the name, the date of birth and the address [of the contacts you want to add]. Certain friends. I didn’t know their address. I didn’t know the date of birth. I just have one call [with one friend] and then I try to get the information of another [from them].” – Child, age 16, with experience of custodial remand.

Under the *Release on Temporary Licence (ROTL) in Youth Custody Policy Framework 2025*, children in secure settings are able to apply to leave custody for short periods for specific, approved purposes.³⁵ Evidence demonstrates that ROTL can reduce reoffending, reduce the risk of institutionalisation and support successful transitions back into the community. However, children on remand are not eligible to apply for ROTL. This includes Special Purpose Licence (SPL) on compassionate grounds such as visiting dying relatives, funerals or other tragic personal circumstances.³⁶ As highlighted in our previous reports, including *The involvement of children in the 2024 riots*, the office has spoken to many children who miss important life events with their family due to being held on custodial remand.³⁷ While children did not raise this directly in our interviews, staff at secure settings shared recent examples of a child on custodial remand who missed the birth of his child and another who was unable to attend his father’s funeral.

2.4 Anxiety around court hearings and potential sentence length

Many children and staff spoke about the anxiety children had around their court hearing dates and the potential length of sentence they could receive. Some children spoke about their court hearing being delayed and needing to keep an open mind:

"I don't think my next court date is going to be happening... They gave me a piece of paper with my court dates... But I have to keep an open mind that for whatever reason court dates might be changed"
– Child, aged 15, with experience of custodial remand.

The child also spoke about the impact the sentence would have on their family life:

"It would definitely make a huge difference to family wise because I've got a little brother, he's five years old and I'll just miss him growing up, you know what I mean? Like I won't be able to see him go to secondary school. Like obviously if I've only got 3 years, that's not that bad because he'll still be 7 but if I've got 20 years, that's missing his whole childhood." – Child, age 15, with experience of custodial remand.

Another child spoke about their potential sentence length:

"I just don't want to be here for like, I don't know, half of my lifetime or something, because I'm still a kid, I'm still 17 years old and I'm still learning my ways" – Child, age 17, with experience of custodial remand.

2.5 What would children want to improve?

The office asked children what they would improve for other children on custodial remand. Many children would give advice to other children to be patient and not give up.

"Don't give up so quick. Because some people just like think, oh I'm in here forever now. But don't think that because you're on remand, you don't know when you're getting out. I think that's one of the hardest things, you don't know when you're getting out. I could be getting out when I'm 26, I could be getting"

out next year, I don't know. I could get out this year. It's all... but you just don't you don't need to give up so quick you just got to be patient.” – Child, age 17, with experience of custodial remand.

Other children spoke about being yourself in custody but also advised children to be careful with what they say:

“Just be yourself. But also, watch what you say and what you do in front of other people as well... Because things you say and do could lead to fights” – Child, age 17, with experience of custodial remand.

One child who had experienced both bail and custodial remand spoke about the difficulty of curfew restrictions on their mental health. This is something other children have spoken about in the Children’s Commissioner report on *The involvement of children in the 2024 riots*.³⁸ The child suggested activities to support children to manage their bail restrictions:

“Maybe it's like someone took you on activities or something like some court monitored activities past the tag time just so you're doing something.” – Child, age 16, with experience of custodial remand.

Children also spoke about the money they received while on custodial remand. This enabled them to purchase additional food as well as phone calls to their family and friends. One child spoke about the high cost of phone calls and advocated for free phone calls:

“[I would change] free calls for children in secure units like Young Offender Institutes and stuff like that. I needed food sometimes, so I had to make sacrifices. [Phone calls are] quite expensive, like 30 minutes can cost you £2.50, I was just speaking to my brother and my friend.” – Child, age 16, with experience of custodial remand.

The prohibitive costs of phone calls in secure settings was highlighted in the office’s 2023 report *Family Contact in Youth Custody*, where children similarly expressed their experience of needing to choose between food and phone calls: “You can’t have food. Phone calls are too expensive.” And another child noted “You get £20 a week for canteen and phone credit. Food costs at least £1.50 and calls are £1.40 for 20 minutes.”³⁹

Conclusion

This report highlights the urgent need to reform the youth justice system, particularly the use of custodial remand for children. Despite a decline in overall remand numbers, many children are still placed in custody unnecessarily and the proportion of all remands to secure settings is still relatively high, with substantial variation across local areas and stark ethnic disparities. The experiences shared by children reveal deep feelings of anxiety and confusion, often exacerbated by delays in bail arrangements and use of inaccessible legal language. These findings underscore the importance of placing children's voices and rights at the heart of any future reform.

To address these issues, the Children's Commissioner calls for a fundamental redesign of the secure care system that prioritises treating children who offend, first and foremost, as children in need of specialised support. The Department for Education should take responsibility for the delivery of all core services for children, with all high needs accommodation placements commissioned on a regional basis. The needs of children on remand should be included in planning for the new forms of accommodation being developed for the reformed section 25 of the Children Act, following the Children's Wellbeing and Schools Bill 2025. In addition, specialist remand fostering should be expanded and local authorities should consider how to best pool resources to guarantee suitable local authority accommodation is available for all children with complex needs in their area.

Ultimately, every child, regardless of their involvement in the justice system, must be able to grow up in a safe environment with access to education, care, and opportunities to reach their full potential.

Key recommendations:

The Children's Commissioner continues to advocate for an ambitious national reform that re-designs the secure care system to prioritise treating children who offend, first and foremost, as children who are in need of specialised support. This means:

- The Department for Education (DfE) should be responsible for the delivery of all core services for children and there should no longer be continued attempts to reform an unsatisfactory youth justice estate that fails to meet these children's complex needs.
- A new youth justice system must be based primarily upon a rehabilitative model of care developed by DfE and NHS England, with an improved education and engagement offer. It must be delivered in smaller, homely settings close to where children live, or Secure Children's Homes and there should be a clear, time-bound plan to phase out all Young Offender Institutions (YOI) and Secure Training Centres (STC).

Importantly, this should be part of a broader reform towards commissioning all high needs accommodation placements on a regional basis. At present, the quality and availability of placements varies significantly between local authorities, resulting in pockets of good practice rather than a consistent national offer. A regional commissioning model would ensure that children have equitable access to suitable, high-quality placements designed to meet their specific needs, regardless of where they live.

This shift should recognise that children on remand often have similar and overlapping needs to those placed under section 25 of the Children Act 1989 or who are subject to Deprivation of Liberty orders.⁴⁰ In many cases, these are the same children who only differ by the legal or administrative route by which they enter the care system. As such, a consistent range of suitable accommodation for all children with complex needs, delivered through coordinated planning must be established. This means:

- **Recommendation:** MoJ, DfE and NHS England should commission an independent 'secure review' into the provision of all secure accommodation placements for children across all services. This includes children's social care, health and youth justice.
- **Recommendation:** The Department for Education must include children on remand in the planning for the new forms of accommodation being considered for children subject to the reformed s25 Children Act, following the *Children's Wellbeing and Schools Bill 2025*.⁴¹

- **Recommendation:** Regional Care Cooperatives should be jointly funded by the Department of Health and Social Care, the Department for Education and Ministry of Justice to deliver specialist placements for children who may have higher level of needs, including children on remand. These specialist placements may include the new forms of section 25 accommodation.
- **Recommendation:** The Department for Education must develop an ambitious and fully funded plan for foster care recruitment, including central government funding for innovative approaches, specialist foster care, remand foster care, and adaptations for family homes to accommodate children
- **Recommendation:** The Ministry of Justice should introduce a statutory review mechanism to reassess custodial remand. There should be clear checkpoints built into the remand process requiring courts and local authorities to regularly review whether the child can be placed in suitable accommodation.

Although this report did not examine court decision-making on youth remand, it emerged as a reoccurring and significant concern raised by stakeholders.

- **Recommendation:** The MoJ should invest in targeted training for all professionals involved in court decision-making on remand, drawing upon lessons from the Greater Manchester Remand Pilot. The pilot highlighted the importance of addressing misconceptions on community-based alternatives and building confidence in the courts and associated professionals including judges, magistrates and defence solicitors.
- **Recommendation:** The MoJ should conduct a review of children remanded to placements with their parents or others with parental responsibility, examining what the barriers were for Bail Intensive Supervision and Surveillance (ISS) to be a viable alternative.
- **Recommendation:** The MoJ should commission a deep dive into the proportion of children held in custodial remand due to joint enterprise laws.

Additionally, the recent independent sentencing review on the adult estate highlighted the ineffectiveness of short custodial sentences in reducing reoffending and called for greater use of robust community-based alternatives.⁴² These findings underscore the importance of ensuring that children are not placed in custody for short periods of time, which are particularly disruptive, fail to address the root causes of offending and risk entrenching children in the criminal justice system. This means:

Recommendation: MoJ must commission an independent sentencing review of the youth justice system and the youth sentencing framework must be amended to prohibit sentences with custodial periods that are less than 12 months. Instead, multi-agency community-based interventions should be used to address the underlying causes of offending for children. Alongside this, strong sentencing guidelines and safeguards must be established to prevent up-tariffing.

Methodology

This report is primarily based on analysis of a sample of 10,279 children who had at least one episode of remand in the Department for Education's Children Looked After census between 2013-14 to 2021-22, and 6 interviews conducted by the Children's Commissioner's office in September 2025 with children aged 15 to 17 in 3 different settings.

Quantitative research

This report uses data from the Children Looked After (CLA) census for England. The CLA is an individual-level dataset held by the Department for Education (DfE), containing information on all children looked after by local authorities and care leavers in touch with local authorities. Local authorities are required to annually submit the details of looked-after children in their area to the DfE. The dataset covers the period 1992 to 2024 and contains data on every child looked after by the local authority at any time during the financial year⁴. It provides a record of all 'episodes' of care a child has experienced and records any changes in a child's placement and legal status.⁵ Details of each episode are collected, including the start and end dates, legal status, placement type, location, and provider. A new episode begins if a child starts to be looked after, there is a change in a child's legal status, and/or the child's placement changes.⁴³

The legal status of a child relates to the legal framework under which a child becomes looked after. There are two main legal routes through which children can become 'looked after'. The first is through a court process, where the court determines that a child should be remanded into accommodation following an offence; or the court makes an interim or full care order where they have found a child has suffered, or is likely to suffer, significant harm. The second legal route is through a voluntary arrangement

⁴ Between 1998 and 2003 the data was restricted to a one-third sample before reverting to all children in 2004.

⁵ An episode is when a child is in the care of a local authority for more than 24 hours.

where parents either request or give their consent for a local authority to share parental responsibility of a child (section 20 of the Children Act 1989).⁴⁴

The CLA data also contains demographic information on the child, including gender, ethnicity, age, local authority in which they became looked after, whether the child is an unaccompanied asylum seeker, and, for all pupils, a unique pupil number that may be linked to other DfE datasets.⁴⁵

Identifying youth justice involvement

Before the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) came into force, not all children involved in youth justice would become looked after. The introduction of LASPO created a new custodial remand framework for 12 to 17-year-olds who are charged with or convicted of a criminal offence or concerned in extradition proceedings. Since 3 December 2012, all children (young people up to age 18) remanded to youth detention accommodation because of being charged with or convicted of an offence have become 'looked-after' by the designated local authority. These children will appear in the CLA data under a "J1" youth justice legal status. Alongside these children in the data are children who are remanded to local authority accommodation (which was unaffected by the change in the remand framework as they would always have been looked after). The variable on legal status is used to identify a child who has been remanded by a court.⁴⁶

The analysis sample includes 10,279 children either remanded to local authority accommodation or secure accommodation between 2013-14 and 2021-22. This time period was chosen to avoid the analysis period overlapping with a change from 2012 to the legal framework of custodial remand (Legal Aid, Sentencing and Punishment of Offenders Act 2012, or LASPO). The placement field in the data allows the identification of whether the remand is to custody or to local authority accommodation. Where the placement is in a secure children's home or a youth offending institute (YOI), it is defined as custodial remand and all other placements are local authority accommodation. This may include being placed with parents or person with other parental responsibility, foster placements, children's homes, and independent or semi-independent living arrangements.

For each episode of remand, it is possible to calculate the length of time spent on remand by using the episode start and end dates. Children are classified as on short-term custodial remand if they have an episode length of 14 nights or fewer.

Limitations

The dataset has some limitations:

- It is not possible to identify the 'offence type' as a test of how well the LASPO criteria are being applied.
- It is not possible to observe the outcome following remand i.e. whether the remand episode resulted in a custodial sentence.
- The dataset only contains data up to the 31st March 2022. More up-to-date data from the YJB exists, though not at an individual level.

This report is a novel use of the CLA dataset. Aside from the routine publication of government statistics that report the number of children with a youth justice legal status, this is the first report the office knows of that makes use of this data from a youth justice perspective. We are aware of a discrepancy between the number of remand episodes counted in CLA data and the YJB published remand statistics. Both use different data sources. Based on extensive conversations with both the CLA and YJB data teams, the discrepancy is likely due to differences in counting rules, the definition of an "episode", and differences in scope.

Qualitative research

This report provides a descriptive analysis which aims to understand the numbers and length of time children spend on custodial remand, local variation, the placement and outcomes of these children, and characteristics such as age, gender, ethnicity and previous remand experience. To accompany these trends and analysis, the Children's Commissioner's office spoke to children who have experienced custodial remand to better understand the experiences and journeys through the youth justice system.

The Children's Commissioner's office (CCo), under Section 2E of the Children's Act 2004, visited 2 secure settings in England to conduct interviews with children. These were announced visits and settings were asked to connect the office with the children in their care who would be interested in being interviewed. Only children who gave informed consent were interviewed. Due to the recruitment method, the office's sample may not be representative of all the children remanded to custody..

Overall, interviews with 5 children on custodial remand were carried out across 1 YOI and 1 SCH. An additional interview was carried out through Microsoft Teams with a child who had recently left custodial remand and had also experienced remand to local authority accommodation. Each interview lasted approximately an hour following the same topic guide and all 6 children were aged 15 to 17 at the time of the interview. Two members of staff from CCo were present during each interview. In 5 of the interviews, a member of staff from the setting was present in the room as well which was consented to by the child.

The office also interviewed 6 members of staff during the visits and spoke to the project manager and evaluator of the Greater Manchester Remand Pilot who provided the office with a copy of their unpublished 12-month progress review.

In October 2025, the office hosted a roundtable to discuss the report findings with key stakeholders from across the civil service, arm's length bodies, NGOs, and local authorities. Views and feedback from this discussion have been incorporated into this report.

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