

Submission to the Justice Select Committee's inquiry into children in custody – resettlement and rehabilitation

by HM Chief Inspector of Prisons and HM Chief Inspector of Probation

Introduction

1. Her Majesty's Inspectorate of Prisons (HMI Prisons) and Her Majesty's Inspectorate of Probation (HMI Probation) welcome the opportunity to submit a joint response to the Justice Select Committee's inquiry into children in custody.
2. HMI Prisons is an independent inspectorate whose duties are primarily set out in section 5A of the Prison Act 1952 and include reporting on the conditions for and treatment of those in prisons and young offender institutions (YOIs). HMI Prisons is a member of the UK's National Preventive Mechanism (NPM), the body established to comply with the UK's obligations arising from the UN Optional Protocol to the Convention Against Torture. The NPM's focus is to prevent torture and ill-treatment in places of detention.
3. HMI Probation is the independent inspector of youth offending and probation services in England and Wales. HMI Probation reports on the effectiveness of probation and youth offending service work with adults and children by inspecting these services and publishing inspection reports. The Inspectorate highlights good and poor practice, and uses data and information to encourage high-quality services.
4. HMI Prisons and HMI Probation jointly carried out a thematic inspection of the work done to resettle children leaving the five young offender institutions (YOIs) holding children in England and Wales. The first of two reports detailing our findings was published in August 2019¹ and covered resettlement work taking place in custody with a sample of 50 children (10 from each establishment) who were released between October 2018 and April 2019. The second report was published in October 2019² and examined the work done with these same children in the community three months after release. In addition to looking at the 50 cases in detail, our research drew on HMI Prisons' survey of children in all five YOIs.
5. Our response draws on the findings of this thematic work, highlighting the main issues that we hope will assist the Committee in examining its third term of reference – the resettlement and rehabilitation of children and young people.³

Overview of thematic findings – outcomes for children

6. Our thematic work found that outcomes for most children leaving custody were poor. Of the 50 children whose cases we inspected: 10 had been convicted of a further offence after

¹ HM Inspectorates of Prisons and Probation *Youth resettlement work. Interim report into work in custody*, 2019, available at <https://www.justiceinspectorates.gov.uk/cjji/inspections/youth-resettlement-work-interim-report-into-work-in-custody-october-2018-april-2019/>.

² HM Inspectorates of Probation and Prisons *Youth resettlement – final report into work in the community*, 2019, available at <https://www.justiceinspectorates.gov.uk/cjji/inspections/youthresettlementcommunity/>.

³ HMI Prisons made a separate submission in relation to the first and second terms of reference.

being released; 10 had formally breached their licence conditions; three had been recalled and six were missing. Half of the 50 were released under police investigation.

7. We identified significant gaps in meeting children's resettlement needs both in custody and once they had been released into the community. Resettlement work was not prioritised in YOIs and there was little consideration of how interventions in custody would contribute to children's behaviours and lifestyles on release. Upon release into the community, of the 50 children:
 - only six of the 37 that we considered needed input from children's social care services received that help;
 - only 44% of those who needed specialist support for their substance misuse problems received it;
 - only 11 went into education or training immediately after release;
 - over 60% had an identified health need in custody but there was evidence in only 26% of cases that the Youth Offending Team (YOT) provided support or intervention for these needs after release; and
 - in a number of cases, neither the child nor the YOT knew their release address until very late in the sentence, which frustrated efforts to put in place the above support services.

Access to purposeful activity, education, healthcare and other support in custody

8. Just over half (55%) of the children answering HMI Prisons' survey told us that they thought their experiences in the YOI had made them less likely to offend in the future and less than half (48%) told us that they had learnt anything (such as education or skills) that would help them when they were released. Only 39% said that there was anybody helping them prepare for when they left and 43% said they had a say in what would happen to them when they left.
9. We found that children were generally fitted into the interventions that were available in custody, including in relation to education, training and employment. Children were routinely referred to interventions without enough consideration being given to whether they would benefit from or engage with them. Although there were some notable exceptions, we generally did not see future education or training needs and opportunities being taken into account and there was little evidence of YOI staff considering what children might be able to achieve on release. Specific pre-release programmes were available but none of the 50 children whose cases we inspected had attended one. Where work done by YOIs left gaps in provision, we expected YOTs to identify and address them but this did not happen often enough. In addition, regime restrictions and delays in moving children around the estate often restricted children's access to education, healthcare and other interventions. We saw one casework planning meeting being held through a cell door flap as it was not possible to move the child to a meeting room.
10. Release on temporary licence (ROTL) can be useful in preparing for resettlement because it can help children to re-establish relationships, see where they will be living and assist in ensuring services are in place. However, we found that there was a lack of purposeful ROTL to assist in resettlement. Of those children going to new accommodation on release, none had been released on ROTL to allow them to see where they would live. There was little recognition of the importance of ROTL and while it was mentioned to children in planning, it was then usually not raised again unless a child raised it themselves. In one case, a YOT had recorded that the child had not applied for ROTL, and this 'saved the paperwork'.

Collaboration between those working with children

11. The main vehicle for planning, coordinating and monitoring resettlement work is the casework planning process, which includes an initial planning meeting that should be held within 10 days of sentence. This meeting should involve YOT staff, YOI staff from all relevant departments and depending on the child's individual circumstances, appropriate external agencies (such as children's social care) and also parents/carers. We found that these meetings, and subsequent planning meetings, generally took place on time although a small number were cancelled due to regime restrictions. Planning meetings were well attended by YOI and YOT case managers but the attendance of other professionals varied. Parents and carers did not always attend and not all YOTs made enough effort to involve them. There was little evidence of input from any community organisations outside of these structured planning meetings.
12. Within YOIs, we found that each agency (education, health, psychology, residential staff) carried out their own procedures, independently of each other. It was therefore possible for children to be subject to a number of uncoordinated plans. The different departments varied in their levels of collaboration with external agencies. Social workers who worked specifically with Looked After Children often advocated for these children to ensure they received their entitlements and referred children on to a charity who could advocate on their behalf to challenge the local authority when there were accommodation issues. In contrast, healthcare staff did not follow up referrals to external providers.
13. Information sharing is hindered by the number of different databases utilised within YOIs and also between different agencies – we found that YOTs had their own databases, as did adult offending services (the National Probation Service and community rehabilitation companies), children's services and other external health, education and substance use services. The result was that some agencies or professionals did not have full knowledge of the child's circumstances and were therefore not fully taking into account their risks or needs. However, there was generally good information sharing between YOI case managers and YOTs via phone, email and face-to-face meetings. Assessments undertaken by YOT staff of a child's circumstances, needs and risks on entry into custody were shared through the Youth Justice Application Framework (YJAF) and were accessible to all case managers within YOIs, most of whom made use of them in planning. However, not all departments in YOIs could directly access the information and there were also problems with YOT staff accessing the YJAF at times or not yet having full access to it.
14. Delays in sharing information with children sometimes caused them to feel unsettled in the lead up to release. For example, although licence conditions were generally appropriate, children were often told their conditions too late in their sentence, which could leave them feeling unsupported. Children should have been told their conditions much earlier so that they could process and understand them, particularly the punitive requirements, which would help them to better prepare for their release.
15. In addition to fragmented approaches to working and information sharing, we identified gaps in staff training and knowledge. Within YOIs not enough had been done to promote the importance of resettlement casework teams to other departments, which meant that casework was not as effective as it needed to be. YOI case managers themselves had different understandings of their role, but all of them shared a narrow understanding of it. They assumed that some work was entirely the remit of other departments both within and external to the YOI. We saw some examples of YOI case managers holding YOT staff to account for the delivery of services but none of them had held internal departments to account. In YOTs, 74% of those managing cases that we interviewed told us that they had had no training in managing resettlement cases. On more than one occasion, YOT staff told us that they had not previously managed a custodial case and were learning as they went along. One probation area refused to accept transfers of these cases as the staff had been given no training on how to manage

children. We found that there was generally too little constructive challenge between YOI case managers and YOT staff. Staff in both YOIs and YOTs often accepted that children needed to fit into the YOI regime and that meaningful work could not really begin until release.

Release planning

16. As noted above, planning meetings usually took place on time but did not benefit from the regular attendance of external agencies (other than the YOT case manager). Although meetings took place, many of the plans produced in custody were too formulaic and resource-driven. In addition, planning for resettlement was often delayed until later meetings when the opportunity to engage a child in meaningful interventions had already passed. Too often, planning started at the pre-release meeting, ten days before release, which was too late to be effective. As a result, a lot of planning took place in the first week in the community and involved the child meeting new people who then started new assessments. However, there were a small number of cases where we saw excellent planning by YOTs and hard work during the custodial phase to prepare for the child's release.
17. Sixty percent of the children in our sample returned to live with their families on release. For some of the remaining children, neither the children nor the YOTs knew where they would be released to until very late in their sentence and sometimes not until after their final pre-release planning meeting. In most of these cases, children were not even aware of which area they would be living in. Delays in finding out where they would be released to were unsettling for children and scuppered efforts to put in place other services ready for their release. Delays were sometimes a result of the local authority being reluctant to pay for accommodation ahead of it being used. In our thematic report, we recommended a national accommodation strategy for children released from custody and a national network of community-based accommodation for children who pose the highest risk of harm to the public.
18. Very few children had confirmed plans for education post release. Although YOTs provided education as part of their Intensive Supervision and Surveillance Programme, this only offered short-term education provision. The education outcomes for Looked After Children were particularly bad; no Looked After Child placed away from their home area had an education placement ready for their release. There was a lack of contingency planning in relation to education, training and employment which meant that children could be left with no provision in place if plans fell through at the last moment. Security restrictions in YOIs which prevent children accessing the internet are likely to become an increasing problem as companies move to online only application processes; we saw one boy unable to apply for an apprenticeship for this reason.
19. Healthcare teams made referrals to outside agencies but these were not followed up to ensure that appointments had actually been made. This meant that good work in custody, particularly in mental health support, could be negated by a lack of attention to continuing support on release. We saw some examples of information sharing on substance use needs between YOIs and external agencies, including YOTs. However, this was made more difficult when it was not known where a child would be released to. As a consequence of this, referrals to local substance misuse providers could not be made in sufficient time for services to be in place immediately on release.
20. Twenty-eight of the 50 children were identified as having issues with finances, benefits and debt while in custody but support was provided in only 16 of these cases. In a number of cases where support was provided, it took an unnecessarily long time to arrange for benefits.

Transition to adult offending services

21. Of the 50 children whose cases we followed, 10 turned 18 while in custody and some of these were transferred to adult offending services (transfer is not mandatory).⁴ Transition to adult services can be difficult, particularly as it comes alongside release, which is already a time of significant change. Supervision by adult offending services can differ considerably from that provided by youth offending services and children may lose access to some services on turning 18 (such as children's social care and children's mental health and substance misuse services). It is therefore important that probation staff forge new relationships with these children before their release, have a good knowledge of how to supervise young people and understand their entitlements.
22. We saw some good practice, such as a probation supervisor who came to a YOI to meet a child and begin to put in place services for when they were released. However, there were also cases where this did not occur and the transition was left to be carried out in the first week of the child's release. Some probation staff we spoke with did not understand the significant differences in sentence planning for children and had therefore failed to carry out basic aspects (such as attending planning meetings in custody). Probation staff were also less familiar with when children would retain rights to leaving care services. Staff had not always taken into account the age of those they were supervising and moderated their expectations for those who had recently turned 18. This meant that children were at risk of being breached and returned to custody.
23. We were not always assured that it was in the best interests of the child to transfer them to adult services and we did not see any evidence of records being kept about the decision making process (as required in national guidance). We were told that a transfer to adult services was necessary in order for a child to have access to approved premises. However, we felt that transferring in these circumstances could be detrimental to the child and thought that agencies could take a more flexible approach to joint working to ensure children were supported rather than taking an "all or nothing" approach to transfers and sticking to agency boundaries. In one case, a child turned 18 six months before he was released and was transferred to adult services. His YOI case manager unsuccessfully followed up with the YOT on several occasions to find out why this transfer had been made as she thought he would be more safely managed by children's social care services and the YOT. A probation officer was not allocated on transfer and so plans continued as before, including that the young person would return home to live with his family on release (as had been the plan from the outset of his sentence). When a probation officer was allocated, the decision was taken that the young person would live in approved premises. He and his family were only told about this a month prior to his release and it was clear that he did not know what approved premises were and was anxious about living in them. He requested further information but did not receive it. YOI staff told us that they were concerned for his safety if he went to approved premises.

Conclusion

24. A lot of hard work is done by staff in YOIs, YOTs and external agencies. However, too much of it is ineffective and so does not deliver good resettlement outcomes for children. We have made a number of recommendations to improve the effectiveness of the work done with

⁴ The decision to transfer to adult services should 'take into account the views of young people and what work needs to be undertaken to meet the aims of the sentence, to address likelihood of reoffending and risk of harm to others, and to manage vulnerability', see the *Joint national protocol for transitions in England: Joint protocol for managing the cases of young people moving from youth offending teams to probation services*, 2018, between HMPPS, NPS and YJB, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/703310/Joint_National_Protocol_for_Transitions_in_England_for_PDF_-_Final_version.pdf.

children in our thematic reports on the resettlement of children, including in relation to improved training and coordination.

25. We hope that you find this information useful and should you require anything further, please do not hesitate to contact us.

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