



HM Inspectorate
of Probation



A joint thematic inspection of work with children subject to remand in youth detention

A joint inspection led by HM Inspectorate of Probation

November 2023

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Foreword

Children who are remanded in youth detention are some of the most vulnerable in our communities. Numerically they are a small group, typically between 200 and 250 at any one time, and around 1,200 in a year. Many have experienced neglect, abuse and trauma. They have often missed out on schooling and diagnosis of learning needs and disabilities. Some have been victims of exploitation. For many of them, there have been missed opportunities to intervene earlier in their lives. The offences which the children in our sample group were suspected of committing were mostly serious, some involving life-changing injuries and loss of life.

However, not all children in our sample needed to be remanded in custody. A quarter were released on bail before being sentenced, and inspectors judged that more of them could have been safely managed in the community. Children were bailed, often within a week of their initial remand, not because their risk had reduced but because a suitable bail programme with appropriate accommodation had become available which could safely manage those risks. Children's services and youth justice services should work together more effectively to provide information and community remand options to the courts earlier. In this report, we set out a range of ways to achieve this, but it mostly involves good communication and clarity of responsibilities between professionals, who take a proactive approach.

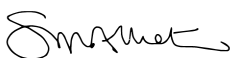
Children who are remanded comprise around 40 per cent of all children in custody. There is a gulf between the quality of care given in the three types of secure facilities used for children who are remanded in custody: secure children's homes, secure training centres and young offender institutions. The quality of care is good in the secure children's homes but less so in the others, where we identified many weaknesses in the management of remanded children.

Children acquire child in care status as a result of their secure remand, and that is applied in widely different ways. The assistance they should receive is not consistently good enough, as a result of ineffective care planning and because their social workers lack knowledge of both the criminal justice system and secure estate processes. As a result, children do not always have timely access to basics such as pocket money to pay for phone calls (including to their social workers) and essential items. Families of sentenced children receive help with travel costs for visits from the secure estate, but families of remanded children rely on assistance from youth justice and children's services, which is not always forthcoming. Social workers do not sufficiently implement the care planning regulations in the context of children's circumstances when they are in the secure estate. As a result, the benefits of 'in-care status' are not realised to improve children's circumstances. National standards and guidance are needed in this area.

When the remand ends, some children return to their communities, and sometimes that return is unexpected. They do not always receive the support they need, and if they have reached 18 their case may need to transfer to the Probation Service. That does not always happen effectively.

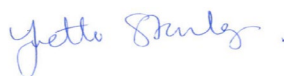
Underlying these shortcomings in remand are racial and ethnic disparities at many of the key decision points in the system, which result in black and mixed heritage children being over-represented in custody. This needs urgent attention.

Our recommendations are designed to improve the quality of services across the whole remand process, to ensure that only those children who need to be detained are in custody and that those children receive a high-quality service that keeps the community safe but meets their needs, both when they are in custody and as they prepare to return to their communities.



Sue McAllister

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Contextual facts

National statistics

234	Children remanded in youth detention on 31 May 2023 ¹
39%	Remanded children as a proportion of all children in youth detention on 01 May 2023 ²
40%	The reduction in the total number of children given all bail, community remand or remands to youth detention between 2018 and 2022 ³
21%	The reduction in the number of children remanded in youth detention between 2018 and 2022 ⁴
22%	Children whose period of remand in youth detention (out of all youth remands) was seven days or less ⁵
27%	Children sentenced to custody following a period of remand in youth detention ⁶

HM Inspectorate of Probation youth justice service survey, 2023

53%	of youth justice services (YJSs) reported that remand had been discussed as a substantive item at their management board in the last 12 months
38%	of YJSs reported that they had access to remand fostering placements or other dedicated accommodation for children at risk of remand in youth detention
30%	of YJSs reported that a child had been released from police custody pending an overnight court appearance in the previous 12 months
36%	of YJSs reported that they have not had any children remanded in local authority accommodation in the previous 12 months

Of the remand in youth detention cases we inspected:

27%	Cases where the YJS supported a bail application at first court appearance
26%	Children who were bailed after initially being remanded in youth detention
64%	Children who were remanded in youth detention for more than 90 days

¹ HM Prison and Probation Service and Youth Custody Service (May 2023). Youth custody data. Table 1.6. <https://www.gov.uk/government/publications/youth-custody-data>

² As above.

³ Youth Justice Board (2023). Youth justice annual statistics. Supplementary tables. Table 6.2. <https://www.gov.uk/government/statistics/youth-justice-statistics-2021-to-2022>

⁴ As above.

⁵ Ministry of Justice (2022). Review of custodial remand for children. London: Ministry of Justice. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1050218/youth-remand-review.pdf p. 23.

⁶ Ministry of Justice. Youth justice annual statistics. Supplementary tables. Table 6.6. <https://www.gov.uk/government/statistics/youth-justice-statistics-2021-to-2022>

Executive summary

Context

At any given time, between 200 and 250 children⁷ are remanded in custody. In the last year for which figures are available (2021/2022), 1,200 children⁸ were remanded in youth detention accommodation (RYDA) over the course of the year by the courts. These children are some of the most vulnerable in the country, and many have experienced significant trauma and exploitation in their lives. Some, but not all, are charged with having committed very serious offences that have resulted in loss of life or life-changing injuries to victims. In January 2022, the Ministry of Justice (MoJ) published a review of custodial remand for children. The review identified that remanded children make up an increasing proportion of the child custodial population. Children from black and minority ethnic backgrounds are over-represented in the remand population, and that over-representation is increasing.

HM Inspectorate of Probation and Ofsted undertook fieldwork in 11 local authority areas. HM Inspectorate of Probation reviewed 125 children's remand cases, of which 22 were also subject to a 'deep dive' review by Ofsted. The sample comprised 85 children who had been RYDA, and two smaller sub-samples: 17 children who had been remanded in local authority accommodation (RLAA), and 23 children who had received bail programmes. Fifty-one children were of white ethnicity, 44 were of black ethnicity, 19 were of mixed heritage, nine were Asian, one was 'other' ethnicity and one was not clearly recorded.

HM Inspectorate of Prisons undertook fieldwork at three young offender institutions (YOIs) and the single secure training centre (STC) currently operating. It reviewed the cases of 38 remanded children. Ofsted visited two of the secure children's homes that currently accommodate remanded children.

A number of regional and national meetings were held, which included YJS managers in Wales and North East England, as well as officials from the MoJ, the Youth Justice Board (YJB), the Department for Education (DfE) and the Youth Custody Service (YCS). Additionally, User Voice interviewed eight children who had previously been RYDA. The inspection was also informed by a survey of YJSs. We had 115 responses from 154 questionnaires.

In conducting this joint inspection, the inspectorates recognise the importance of independent judicial decision-making in individual cases.

A detailed breakdown of our methodology can be found in Annexe 2.

Governance and leadership

Responsibility for component parts of the youth remand process cuts across multiple government departments and agencies. They come together at the Remand Working Group, along with a wide range of other organisations, including representatives of youth offending services and local authority children's services. There have been demonstrable improvements in the remand process in recent years, such as the more stringent criteria for RYDA introduced in 2022. However, more needs to be done to improve the guidance available to agencies and information exchange between the secure estate and the community.

In our survey, 62 of 115 YJSs told us that bail and remand had been discussed as substantive issues at their management board in the last 12 months. Where governance was most effective,

⁷ HM Prison and Probation Service and Youth Custody Service (2023). Youth custody data. <https://www.gov.uk/government/publications/youth-custody-data>

⁸ YJB (2023). Youth justice annual statistics. Supplementary tables. Table 6.2. <https://www.gov.uk/government/statistics/youth-justice-statistics-2021-to-2022>

we saw comprehensive data on remand being reported to YJS boards. This included data on disproportionality, as well as case studies of remanded children. This needs to become the norm.

Ofsted found that senior leaders and managers had some understanding of the needs of remanded children in their areas. Where oversight was stronger, there was a good connection between strategic boards, including across corporate parenting, YJS management boards and safeguarding partnerships. This supported greater strategic coherence, and a shared culture and approach to working with children.

Operational management in YJSs was good overall, and inspectors judged that management oversight met the needs of the remanded cases 88 per cent of the time. Ninety-three per cent of case managers believed that their YJS policy and procedure framework was sufficient to support effective practice, although inspection findings did not always confirm this.

While there was strong multi-agency collaboration at a strategic level, this did not consistently translate into frontline practice. For example, most local authorities recognised the importance of a shared understanding and joint working with the police. However, they also reported the negative impact of regular changes in senior officer representation at strategic meetings, and delays in decision-making or inconsistent implementation of agreed decisions as a result. On occasions there were unresolved differences in approach between police and YJS colleagues about how to recognise and respond to criminal exploitation.

Nearly all of the practitioners were highly committed to children. They were adaptable and tenacious in their pursuit of information and had a strong desire to help children. In most YJSs, workloads were manageable and staff had time to give complex remand cases the attention that they required. In our survey of YJSs, 70 per cent reported that they had an up to date remand and bail policy. The YJB case management guidance is comprehensive and includes a section on court work and bail and remand. However, for many YJSs, an RYDA is a rare event, and there were occasions when practitioners were unsure of the legal and procedural framework they were operating in.

Ofsted found that sufficiency (local authorities' legal duty to have a suitable range of accommodation for children in care) was a significant challenge across the country. Securing appropriate and timely accommodation that can manage potential risk and meet children's needs is difficult in an already strained market.

Case management – the child's journey through the system

1) Characteristics and typical offences of children subject to RYDA

Nearly half of the children in the cases reviewed had no previous convictions. YJSs often described these children as 'coming out of nowhere'; however, their difficulties were often known to other services. For most of the children tracked by Ofsted, there were missed opportunities to get the right help at the right time. Most children fell into one of two backgrounds. Some children had a significant history of escalating social care involvement, including receiving support through child protection planning, or they were already in care at the time of the initial remand (33 per cent of the RYDA sample). Other children had very little previous involvement with children's social care. Social workers reported that these children had been 'under the radar' until they were charged with very serious offences. Lower-level concerns, such as problematic school behaviour and attendance, were evident for most of these children, and some had previously gone missing from home. Despite this, these children did not benefit from effective early help support.

2) Arrest, interview and police custody

YJSs had good early warning systems that meant they knew when children were in police custody. In most YJSs, seconded police officers provided updates on arrests, and this enabled the YJS to prepare for the child's court appearance. Nearly all children had legal

representation at the police interview, and many YJSs told us that if they were providing the appropriate adult for interview, they would insist on legal representation. In 58 out of 68 RYDA cases where the information was available, children made no comment at interview, usually on the advice of their legal representative. There were indications that this was not always to the child's benefit, and in some cases admitting the offence at the police interview stage might have made bail more likely.

When the police refuse bail and the child has to be held overnight to appear in court the next day, the police should consider releasing the child to children's services' care under section 38(6) of the *Police and Criminal Evidence Act 1984* (PACE). The child was released in just four out of the 61 cases where we could access this information. The reasons for the low release rate included an absence of suitable local authority accommodation. Often the discussion between the police and local authority was perfunctory and did not properly apply the tests set out in the legislation and guidance. YJSs can support police bail to reduce the need for children to be detained, but just 49 of the 115 YJSs that responded to our survey provided this support.

3) Court

Many youth courts have merged, and increasingly they have multiple YJSs within their catchment areas. The joint working arrangements between YJSs are highly variable, ranging from fully integrated joint court teams to separate YJS representation in court. Arrangements for children appearing out of area did not always work well, and occasionally we heard reference to 'our children', who might take priority over those appearing from out of area. Joint working between YJSs that share a court needs to improve in many areas.

In just under three-quarters of cases the YJS did not offer a bail programme at the child's first remand hearing. This was often because suitable accommodation was not available or YJS staff were not confident that they could manage the risks posed by the child in the community. More could be done by YJSs and children's services to avoid remand for some children and provide the courts with the option of a multi-agency bail programme in the community at first court appearance. Some of the remands were long, lasting more than a year. Throughout the remand decision-making process, practitioners across all agencies must be vigilant for racial disparities in their perceptions of children and subsequent decision-making. We saw instances of potential adultification, where children from black and mixed heritage backgrounds were treated as if they were older than their actual age at key points in the remand system.

4) Community remands

The alternative to custodial remand is community remand. This can be RLAA, intensive supervision and surveillance (ISS) bail or another bail programme. In our survey, 41 YJSs out of 115 had not had an RLAA in the previous 12 months. In many areas it was not a practical option, because of the lack of available placements, unless the child was placed at home or with another family member.

YJSs were asked to identify children who had received bail programmes where they judged there was a risk of RYDA or RLAA. Many areas no longer use ISS programmes and simply offer bespoke programmes to the court. The quality of the delivery of bail programmes was variable, particularly where the child lived away from their family home area.

5) The secure estate

Children on remand can be placed in secure children's homes, STCs or YOIs. Multiple overlapping planning and review meetings often take place, leaving the child confused as to their purpose. The quality of care at the secure children's homes is good, and the secure estate and community-based services work together effectively for those children. The experience of children in STCs and YOIs is different. The quality and impact of care planning are not good enough. For the majority of children, review meetings did not include all the

relevant professionals; in particular, key professionals from the secure estate were not routinely in attendance. Most review meetings failed to reflect on the child's needs in the context of their current circumstances. Most joint working between youth justice services and social care is information-sharing rather than a well-coordinated, coherent multi-agency approach to meeting children's wider needs. Children do not always receive their allocated pocket money that pays for phone calls to their family or social worker. They have to rely on social workers and youth justice workers, who do not always provide assistance. This means that children end up having to pay for calls to their social worker themselves. Unlike sentenced children, families do not get help with travel costs from the secure estate. Access to education in custody is limited and the uncertainty about the duration of the remand means children do not have access to the breadth of programmes available in YOIs.

6) Returning to the community

Uncertainty about the length of the remand makes planning difficult. Children can be released on bail unexpectedly, or the child may be acquitted, sometimes after a lengthy period in youth detention. We saw good contingency planning in the secure children's homes, where they often had parallel plans for the child being released imminently and for remaining in custody. This was not the case in STCs and YOIs. Children who spend more than 13 weeks RYDA or RLAA become eligible for care leaver support services. The child in care reviews do not consider longer-term planning for these children. We found that care leaver support was not made available to some children and, as with child in care status, there was no useful guidance on how to deliver these post care services. In some cases, neither the YJS nor children's services were successful in engaging the child in post-acquittal support.

Recommendations

The Department for Education should:

1. develop specific guidance on how 'child in care' status should operate during periods of RYDA, which sets standards of support for children, avoids duplication of activities and focuses on the child's needs.

The Department for Education and Youth Custody Service should:

2. work with relevant bodies representing children's services and youth justice services to streamline planning and review processes for children who are RYDA.

The Youth Custody Service should work with the Youth Justice Board to:

3. improve systems for information exchange between YJSs and the secure estate and improve the performance of the Youth Justice Application Framework (YJAF).

The Youth Custody Service should:

4. make sure that children on remand do not have to pay to telephone or email their family/carers and social worker.

Local authority children's services departments should:

5. review their provision of support to children in police custody so that as many children as possible are released on police bail and into the care of local authority children's services
6. work closely with YJSs and others to make sure that they have an appropriate range of support and accommodation options, including bail and remand to local authority accommodation for children where there is a risk of RYDA
7. work across safeguarding partnerships to develop a shared understanding of and response to child exploitation (in particular criminal exploitation) that is accepted throughout their organisations
8. make sure that the child in care status of remanded children is recognised, that appropriate financial assistance to children subject to RYDA is in place and that family contact is supported
9. make sure that children who have acquired eligibility for care leaver support services as a result of a remand period have access to that support, and that they understand what it means for them
10. make sure that heads of virtual schools include children on remand in local authority accommodation and youth detention in their remit to support children in care and improve their educational progress and attainment
11. improve the quality of care planning for children on remand, by ensuring that it includes edge of care support, visiting that is responsive to children's needs and circumstances, direct work, and looked after reviews that fully consider children's circumstances during the period of remand and beyond so that children's holistic needs will be met.

YJS management boards should:

12. require detailed audit information on children who are subject to RYDA and on wider remand decision-making, including information on potential ethnic disparities at every stage of the youth justice system

13. initiate a multi-agency review when a child is RYDA, which identifies reasons for the offending and missed opportunities to intervene
14. address gaps in specialist provision for black and mixed heritage boys and their parents/ carers to reduce their likelihood of being subject to RYDA
15. where they share a youth court area, in consultation with the court, conduct annual reviews of their joint working arrangements with those neighbouring YJSs.

Police forces should:

16. properly apply the guidance and legislation when considering a child's release from police custody under section 38(6) of PACE, and undertake regular joint audits with the YJSs and children's services to assess the outcomes achieved for these children
17. make sure that operational officers dealing with children recognise and understand how they can be victims of criminal or other types of exploitation and its impact on them.

YJS managers should:

18. make sure that YJS practitioners and social workers have access to and use guidance and training that sets out how bail and remand processes work
19. collaborate with their local police force to be able to contribute to police bail conditions to reduce the need for children to be brought before the court
20. in collaboration with children's services, identify accommodation options for children at their first court appearance where there is a risk of RYDA, including bail and remand in local authority accommodation
21. work with local defence solicitors to make sure that they are aware of data on outcomes for children in police custody, particularly the potential adverse impact of 'no comment' interviews
22. offer voluntary support to children who have been acquitted following a period of RYDA, including when they have reached the age of 18.

1. Introduction

1.1. Why this thematic?

The MoJ review of custodial remand for children (Ministry of Justice, 2022) identified that remanded children make up an increasing proportion of the child custodial population. The number of children sentenced to custody has fallen, and the number remanded in youth detention has also fallen, but not to the same extent. Children from black and minority ethnic backgrounds are over-represented in the remand population, and that over-representation is increasing. The review outlined many of the practice issues in relation to remand but was clear that it did not have the resources to explore all the areas that were relevant to remand practice. The review identified next steps, one of which was to support a future thematic inspection into custodial remand. As remand practice is not covered in HM Inspectorate of Probation's current core programme of youth offending inspections, a thematic review provides an opportunity to shine a light on this area of work.

1.2. Background

The *Youthful Offenders Act 1901* authorised the first remand homes for children facing trial. Rather than be held in adult prisons, young people had remand homes or workhouses as an alternative. Probation, which began its statutory existence in England and Wales in 1907, was conceived primarily as an alternative to custody for young offenders. It was not until 1948 that children were stopped entirely from being held in adult prisons, although previous legislation and provision (such as approved schools and reformatories) aimed to prevent young people mixing with more 'hardened criminals'.

Since then, there have been a variety of initiatives around youth custody and justice, which have impacted on bail and remand for children awaiting trial. The current legislative framework aims to ensure that children are only kept in custody when it is necessary. There are two tests to be applied in bail and remand decisions post-charge, and these are set out in the *Bail Act 1976*⁹ and the *Legal Aid, Sentencing and Punishment of Offenders Act 2012* (LASPO).¹⁰

The Bail Act 1976 (section 4) provides a general presumption to bail, except in limited circumstances where the court is satisfied that there are substantial grounds for believing that the defendant, if released on bail (whether subject to conditions or not), would fail to surrender to custody or would commit an offence while on bail; interfere with witnesses; or otherwise obstruct the course of justice. Where a child is charged with murder, only the Crown Court can grant bail.

If bail is refused, courts must then apply sections 91 to 105 of LASPO. These provisions govern decisions to remand children who have been refused bail. Children must be remanded to local authority accommodation unless certain conditions apply. These are a combination of seriousness of offence, previous history of absconding and likelihood of receiving a custodial sentence.

The intention behind LASPO was to reduce the use of custodial remand and provide more community alternatives for young people facing criminal court proceedings. It does this in part by transferring the funding for secure provision to local authorities. The government argued that the previous system of direct central funding of secure remand disincentivised local authorities from providing alternative provision in the community.

The conditions required for a custodial remand were strengthened by amendments to LASPO in the *Police, Crime, Sentencing and Courts Act 2022* (PCSC),¹¹ which was implemented on 28 June 2022. This included broader application of the 'likelihood of a custodial sentence' test and a new statutory duty for the courts to consider the best interests and welfare of the child when making their remand decision.

⁹ The Bail Act 1976. <https://www.legislation.gov.uk/ukpga/1976/63>

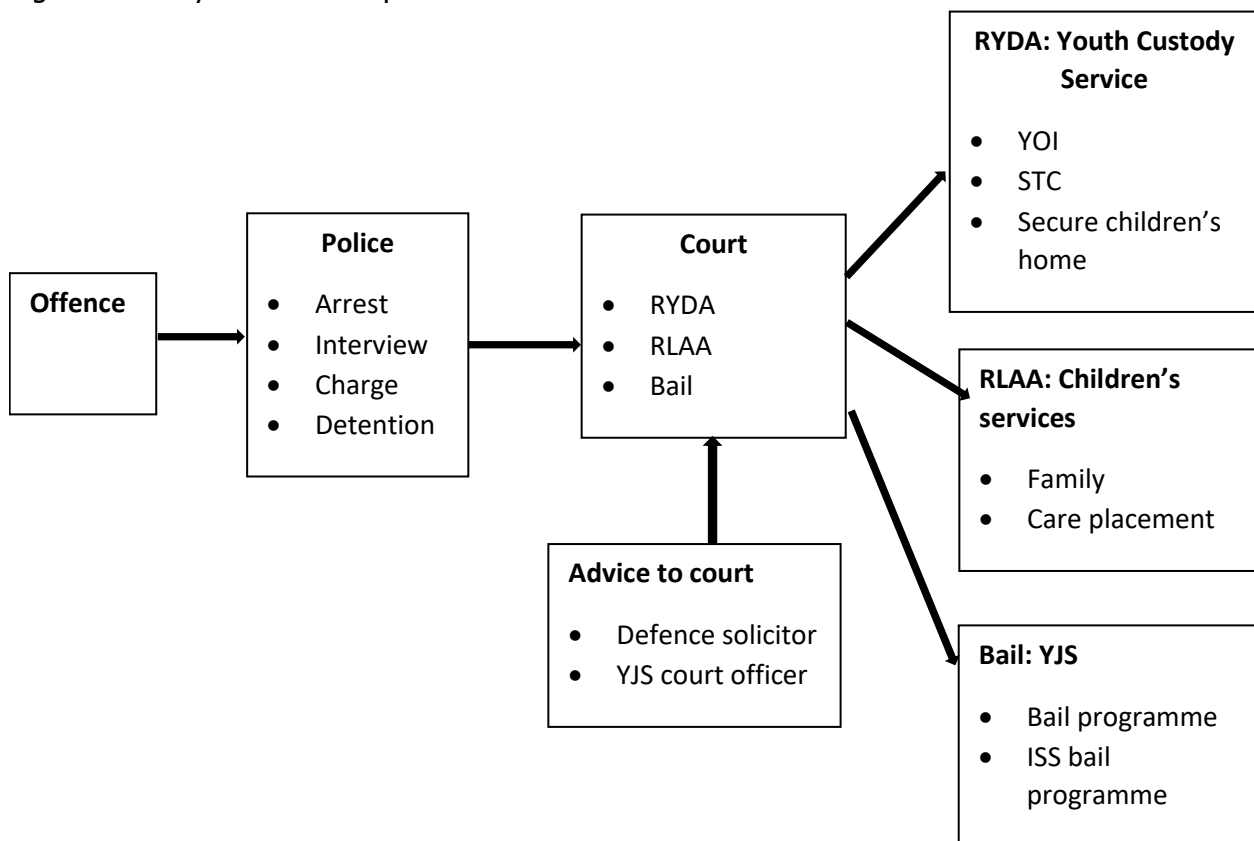
¹⁰ LASPO Act 2012. <https://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>

¹¹ PCSC Act 2022. <https://www.legislation.gov.uk/ukpga/2022/32/contents>

YJSs provide advice to courts on remand options, and will ordinarily work alongside the child’s legal representative and children’s services to offer a community-based outcome where appropriate. These community options include bail supervision programmes; ISS bail programmes with high levels of contact; and remand in local authority accommodation, including children’s homes and foster care.

If a child is remanded in custody, the YJS liaises with the YCS, which identifies a placement. The child has care status for the duration of the remand, and a local authority is identified to take responsibility if the child is not already in care. Figure 1 identifies the key stages of the youth remand process.

Figure 1: The youth remand process



The Prison Reform Trust published a briefing note to YJSs in 2015, recommending strategies for reducing the use of remand to the secure estate. These strategies included:

- “Making use of all available options – including transfer to local authority accommodation (from the police station) and remands to non-secure local authority accommodation (from court).
- Promoting community-based alternatives to police detention and remand to the secure estate.
- Developing a proactive strategy that is evidence-led, informed by analysis of local data and which maximizes the potential to influence decision-making at relevant points rather than responding once decisions have been made.
- Ensuring that staff responsible for implementation have a good knowledge and understanding of the legislation in relation to pre-court diversion/prosecution, police denial of bail and detention, and court bail in order to maximise the potential for effective intervention.
- Ensuring the availability of resources to support children and their families in ways that reduce the risk of criminalisation, prosecution and denial of bail.
- Ensuring the availability of packages of intervention that are able to address the concerns of the police and courts and that might otherwise lead to the denial of bail, including the provision of suitable remand accommodation.”

Key statistics

The MoJ and YJB publish a range of data on the remand of children. This is drawn from a number of sources, including YJSs, the YCS and courts.

The data is not always consistent because of the different ways it is collected and reported across agencies. The data available illustrates several key trends.

Table 1 shows the distribution of remand decisions for the period 2018-2022.

Table 1: Remand type by year to 31 March 2022¹²

Remand type	2018	2019	2020	2021	2022
Bail remands					
Unconditional bail	9,169	7,180	7,112	6,827	5,422
Conditional bail	5,873	4,212	3,772	3,534	2,909
Total bail remands	15,042	11,392	10,884	10,361	8,331
Community remands with intervention					
Bail supervision and support	352	342	401	526	509
ISS bail	227	203	219	170	190
Remand to local authority accommodation	295	309	317	303	301
Total community remands with intervention	874	854	937	999	1,000
Youth detention accommodation remands					
Remand to youth detention accommodation	1,524	1,561	1,631	1,350	1,200
Total	17,440	13,807	13,452	12,710	10,531

The table shows that, while the total number of remand episodes has fallen over the five years, the number remanded in youth detention has not reduced to the same extent. The MoJ review suggests that a possible explanation is that the number of children committing serious offences who meet the criteria for RYDA has remained steady. At the same time, increasing numbers of lower-risk children receive diversionary-type outcomes, resulting in children who have committed serious offences making up a greater proportion of the remaining youth justice cohort.

The MoJ review identified that 22 per cent of youth custodial remands last seven days or less. The review also found that around one-third of RYDAs originate in London. The factors that lead to remand are complex, and the report speculates that some remands may be seen as being in the interests of the child – that is, the custodial environment was judged to be safer or more likely to effect change than anything else available.

The report observes that the ethnic disparities that are present across the youth justice system are particularly pronounced in remand, and that the most recent data indicates that 58 per cent of custodial remands relate to minority ethnic groups (see table 2). This figure has risen from 38 per cent in 2009. Of the 58 per cent, 31 per cent are black, 15 per cent are mixed heritage and 11 per cent are Asian or of another ethnicity.

¹² YJB (2023). Youth justice statistics: 2021 to 2022. Supplementary tables. Table 6.2. <https://www.gov.uk/government/statistics/youth-justice-statistics-2021-to-2022>

Table 2: Proportion of remands by ethnicity, year ending March 2022¹³

Ethnicity	2012	2014	2016	2018	2020	2022	Share of population March 2022	% change March 2012 to March 2022
Asian and other	37	26	28	25	21	22	11%	-40%
Black	93	72	56	71	82	62	31%	-33%
Mixed	30	29	21	25	33	31	15%	2%
Ethnic minority groups total	160	126	104	121	135	115	58%	-28%
White	260	133	107	94	100	85	42%	-67%
Unknown	56	0	1	2	4	6	-	-89%
Total	477	260	212	217	240	207	100%	-57%
Total population in custody (under 18)	1,963	1,216	960	894	781	454	-	-77%
Share on remand	24%	21%	22%	24%	31%	45%	-	21.2

Report outline

Chapter	Content
2. Governance and leadership	In this chapter, we report on both the national and local governance arrangements that provide oversight of the youth remand system. We identify the national bodies responsible for the remand process, and comment on the effectiveness of their individual and joint activities. We also consider the work of local partnerships and their ability to ensure the highest quality services for children.
3. Case management – the child’s journey through the system	This chapter traces the child’s journey through the remand process. It begins by looking at the characteristics of children who are subject to remand, and tracks the decision-making process from police to court. It comments on the experience of children where the court may have been considering custody but opted for a community remand.
4. The secure estate	This chapter focuses on practice with children remanded in youth detention, commenting on the experiences of children placed in one of the three categories of placement: secure children’s home, secure training centre and young offender institution. It also considers children’s needs when they return to their community after a period of remand.

¹³ YJB (2023). Youth justice statistics 2021 to 2022. Supplementary tables. Table 6.3. <https://www.gov.uk/government/statistics/youth-justice-statistics-2021-to-2022>

Governance and leadership

In this chapter, we report on both the national and local governance arrangements that provide oversight of the youth remand system. We identify the national bodies responsible for the remand process, and comment on the effectiveness of their individual and joint activities. We also consider the work of local partnerships and their ability to ensure the highest quality services for children.

National governance and leadership

Responsibility for the youth remand process cuts across multiple government departments and agencies, specifically the MoJ, the DfE, the Home Office and the YJB.

The MoJ is the lead department responsible for youth justice policy. HM Prison and Probation Service (HMPPS) and the YCS, which sits within HMPPS, are responsible for placing children in the secure estate. In January 2022, the MoJ published a review of custodial remand for children (Ministry of Justice, 2022). This provided a detailed analysis of remand in youth detention, and included many valuable insights into the functioning of a part of the youth system that had previously received limited scrutiny. We found a good awareness of the review in the areas we inspected.

The MoJ is seeking ways to improve the youth remand system. A recent significant legislative change that it initiated was a new provision in the Police, Crime, Sentencing and Courts Act 2022. This was implemented in June 2022 and imposed new, more stringent, conditions on courts when making RYDAs. MoJ circular 2022/03¹⁴ gives a clear explanation of the changes. The MoJ plans to open the first secure 16–19 academy, a new category of secure establishment for children, in 2024. Some children subject to remand in youth detention are expected to be placed in the secure academy from when it opens.

The YJB is responsible for monitoring the performance of the youth justice system. It provides guidance to YJSs on a wide range of practice issues.

The Home Office is responsible for policing policy, which includes the investigation of offences committed by children and subsequent decisions by the police on charging and detention.

The DfE is responsible for policy on children's social care, including children who are in care and secure children's homes. It is responsible for approving secure children's homes, which provide a total of 219 places. Of these, 101 are allocated to the YCS for children on remand or serving custodial sentences. The DfE is also responsible for care planning regulations and guidance. In the later sections of this report, we identify gaps in the guidance and ways in which it can be improved to meet the needs of children on remand.

Children's social care is a devolved function in Wales, but youth justice remains the responsibility of the MoJ, which covers England and Wales. There is a working agreement¹⁵ between the MoJ and the Welsh Government, which includes a short section on remand. The Wales and South West England Youth Remand System Group was established following publication of the MoJ review, and we were provided with a copy of a helpful mapping exercise it had undertaken on remand issues in the region.

A wide range of representatives from the key government departments and agencies, including representatives from Wales, come together at the Remand Working Group, along with a range of

¹⁴ Ministry of Justice (2022). Circular 2022/03: Amendments to the youth remand framework. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1086255/youth-remand-bail-moj-circular.pdf

¹⁵ Ministry of Justice. Youth Justice Blueprint Implementation Plan. <https://www.gov.wales/sites/default/files/publications/2021-03/youth-justice-blueprint-implementation-plan.pdf>

other organisations, including representatives of youth offending services, courts and local authority children's services. We were provided with a copy of the Remand Working Group's action log, where follow-up activities from the remand review are tracked across organisations. The group is based on consensus and, although the MoJ is the lead department, ultimately it relies on cooperation from others to drive many aspects of system change.

A wide range of national data on remand is produced, and we have referenced that data throughout this report. The two key sets of data are the annual youth justice statistics and the monthly youth custody report. Chapter 6¹⁶ of the supplementary tables of the annual youth justice statistics provide particularly useful data on the remand population, such as data on population trends and outcomes. The youth custody report¹⁷ provides information on the population of the secure estate, including legal status, ethnicity, and placement type. This data brings transparency to the use of secure facilities for remand and provides YJSs with data for benchmarking local activity and performance.

We met with data specialists, who described how they continually refine their data collection processes, and expressed a desire to identify, through data, racial disparities throughout the youth justice system and particularly with remands. Their data was broadly consistent with inspection data, although there was a significant difference in the extent to which children were acquitted for the offence which led to the remand. We consider this in section 4.4.

A national system known as the Youth Justice Application Framework¹⁸ (YJAF) has been developed to allow the standard assessment tool, AssetPlus, to be exchanged electronically between YJSs and the secure estate. This enables updates to be made to the YJS AssetPlus while the child is in custody. In practice, however, this was not being used in many of the YJSs we visited. The result was that, in some cases, there was no up to date AssetPlus on the YJS file or the AssetPlus was not informed by the child's custodial remand status.

Children acquire child in care status on becoming remanded in youth detention. In applying this status, multiple overlapping planning and review meetings can take place in the secure estate, leaving the child confused as to their purpose. Children and their families do not always receive the practical and financial support they need to stay in touch, and agencies often have a limited understanding of their needs. There is an absence of national guidance on how best to effectively implement the child in care status and the role of children's services in supporting children on remand.

Many of those we met in the organisations with national responsibility spoke of the complexity of the youth remand system, with its multiple constituent parts. Currently, the Remand Working Group is the forum for driving further changes needed in this area.

Local governance

Local leadership and governance

Of the 115 respondents to our survey, 62 told us that bail and remand had been discussed as substantive matters at their YJS management board in the last 12 months. Most of the YJSs subject to fieldwork had discussed remand at their boards. In the YJSs where governance was most effective, a range of data on remands was reported to the boards. This included data on

¹⁶ YJB (2023). <https://www.gov.uk/government/statistics/youth-justice-statistics-2021-to-2022>

¹⁷ HMPPS and YCS (2023). <https://www.gov.uk/government/publications/youth-custody-data>

¹⁸ HMPPS, YCS and YJB (2018). AssetPlus Joint Working Protocol.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705579/AssetPlus_Joint_Working_Protocol_v1.3.pdf

disproportionality, as well as case studies of children remanded. It was clear, however, that bail and remand is an area of practice that receives limited attention from many YJS boards.

Good practice example: Derby YJS

Derby YJS had produced a comprehensive report on remand, which had been presented to its management board. The report included detail on annual trends in numbers and duration of remand, offence types, age and ethnicity. It compared the ethnicity of the remand population with that of the general population of Derby to identify any disproportionality. It also tracked the final court outcomes of children who had been remanded. The YJS used the findings to improve service activity for children at risk of remand or who had been remanded.

When a child commits certain serious offences, the YJS must report the incident to the YJB under its serious incident notification procedure.¹⁹ Many of the offences that led to RYDA fell within scope of the procedures and, although not a requirement, most of the reports were submitted to YJS boards. The reports were mostly descriptive. They focused on the role of the YJS and provided limited opportunity for analysis. Some areas went further than the minimum YJB requirements and undertook more comprehensive reviews, as shown in the example below:

Good practice example: Salford

Salford YJS provided us with a summary of its serious offence review of Vincent. The offence was a very serious assault that had led to a lengthy period on remand. The review identified the extent of trauma in Vincent's early life. It considered the quality of assessment and whether there were missed opportunities to intervene earlier. It took account of Vincent's ethnicity and culture. Actions resulting from the review included updating the YJS children's services protocol and cultural competence training, and adopting a partnership approach to identifying placements.

We undertook our fieldwork in areas that had had at least 10 RYDAs in the previous 12 months. For many YJSs, however, an RYDA is a rare event, and some may not have one for several years. YJSs are charged a recovery cost by the MoJ²⁰ for the use of remand placements, and they receive a grant to offset these charges based on historical use of remand placements. Occasionally, spikes in demand have caused financial pressures for YJSs. A number of areas conceded that when remand was raised as a specific item at their YJS board, it was in relation to the financial aspects rather than as a policy or practice issue.

Ofsted found that senior leaders and managers in children's services had some understanding of the needs of remanded children in their authorities. Where oversight was stronger, key strategic boards were interconnected, including corporate parenting, safeguarding partnerships and YJS management boards. This supported greater strategic coherence and consistency and a shared culture and approach to working with children.

In all but one of the areas inspected, the YJS board chair was the director of children's services (DCS) or a senior manager in children's services responsible for child safeguarding. DCSs frequently expressed frustration at their inability to find placements for children at risk of RYDA. Sourcing suitable placements for any child is currently difficult, and the characteristics of the remanded children – teenagers who present significant risk factors sometimes previously unknown to the services – were particularly challenging.

¹⁹ YJB (2022). Serious incidents notification: standard operating procedures for YJSs.

<https://www.gov.uk/government/publications/serious-incidents-notification-standard-operating-procedures-for-yots/serious-incidents-notification-standard-operating-procedures-for-yots>

²⁰ Recovery Costs Regulations 2023. https://www.legislation.gov.uk/uksi/2023/310/pdfs/uksiem_20230310_en.pdf

In our survey of YJSs, 70 per cent reported that they had an up to date remand and bail policy. The YJB case management guidance²¹ is comprehensive and includes a section on court work and bail and remand. Occasionally, very unusual situations arise, such as where there is an extremism or terrorism aspect to the case or where the child has severe mental health issues. YJSs need to be able to access specialist advice and guidance to deal with these rare but complex cases.

There were occasions when YJS practitioners were unsure of the legal and procedural framework they were operating in. Three-quarters of case managers told us that they believed they had received adequate training in bail and remand. Eighty-eight per cent of case managers stated that their YJS policy and procedure framework was sufficient to support effective practice. However, the inspection findings did not always support this. Occasionally, we found situations that were not covered by procedure or staff did not follow national and local procedures. None of the social workers interviewed had received any training to understand the remand processes. As a result they were highly dependent on their YJS colleagues for guidance and support.

Poor practice example

Occasionally, we found practice where staff did not understand or follow legislation and guidance. In one case, a child was remanded to the local authority at an out-of-area court. The YJS did not become involved, despite YJB case management guidance stating that the YJS should 'work with the child and support them through the remand period and should also work with children's services and the residential provision to assess and address the child's needs'. In another area, we found a case where the YJS worker did not understand the legal basis for a child remanded in youth detention becoming a child in care and later did not inform children's services that the child had been bailed and was no longer in care.

A number of focus groups and interviews with managers highlighted the increasing prominence of contextual safeguarding in their work, and saw it as a useful perspective from which to view remand cases. Contextual safeguarding emphasises neighbourhoods, schools and peer-group influences on children's lives, and these were significant factors in many of the cases we reviewed.

Operational management in YJSs was mostly good. Inspectors judged that management oversight was sufficient in 88 per cent of RYDA cases.

Equipping staff to work with remanded children

Nearly all of the practitioners across youth justice and children's services were highly committed to children. They were adaptable and tenacious in their pursuit of information and had a strong desire to help children. In most YJSs, workloads were manageable and staff had time to give complex remand cases the attention that they required. They were mostly able to attend court at short notice, liaise with families and travel some distance to visit children in custody or in placement, as required by the demands of the case.

When children appear in court at the first remand hearing, the YJS has to provide the court with information about the child and their circumstances. Where the child is not previously known to the YJS, this can be challenging. We saw the most able practitioners respond to this by checking information sources that could provide them with some insight. These included social care records, YJS records on co-defendants and siblings, and information held by police colleagues. They were quickly able to build a picture of the child, which enabled them to provide helpful information to the courts.

There are clear challenges when dealing with events that are rare, complex and present a high risk of harm. Many YJSs had specialist court officers who were knowledgeable and confident in court. Occasionally there was a court duty rota in place, which meant that staff who were not confident in

²¹ Youth Justice Board (2022). Case management guidance: how to manage bail and remands. <https://www.gov.uk/guidance/case-management-guidance/how-to-manage-bail-and-remands>

the court environment were required to attend. The crucial importance of court work means that practitioners must be able to operate effectively in court.

Partnership working

There was strong multi-agency collaboration at a strategic level, but this did not consistently translate into frontline practice. For example, most local authorities recognised the importance of a shared understanding and joint working with the police. However, they also reported the adverse impact of regular changes in senior officer representation at strategic meetings, or delays in decision-making caused by officers being unable to follow through on actions agreed by their predecessors. One DCS reflected that it felt like 'Groundhog Day' when resolutions were agreed and then a change in senior officer meant that they were not always accepted and acted on. As a result, the shared ambition to treat this group as children was not always seen in practice. Occasionally, there were unresolved differences in approach between the police and YJS colleagues on how to recognise and respond to criminal exploitation.

Practice example

In one area, frontline practitioners told us that their YJS police officer assists with information exchange but that they have found response officers²² to be less helpful. Those police response officers can be sceptical about the national referral mechanism (NRM) and are not always sympathetic to concerns about exploitation. A new multi-agency unit led by the police, which includes children's services, has been established to coordinate responses to organised crime and exploitation. This operates at a strategic and operational level and it is anticipated that this unit will help to develop a shared understanding and better coordination of activity between children's services, the YJS and the police.

The community alternatives to remand in youth detention are remand in local authority accommodation or bail support and supervision programmes. We describe in detail the practice issues relating to these outcomes in section 3.4; finding suitable accommodation and having an effective bail programme are key. Ofsted found that sufficiency (the availability of placements for children in care) was a significant challenge for children's social care across the country.²³ Securing appropriate and timely accommodation that can manage risk and meet children's needs is difficult in an already strained market. Many senior leaders are collaborating with other local authorities to broaden the range of accommodation that they have access to. They are also expanding their own provision in a variety of ways, such as upskilling foster carers to support placements for older children with complex needs. Some children were placed at a significant distance from their home, disrupting their education and contact with their family. Some older children went to live in semi-independent placements that are mainly equipped to develop independent living skills rather than manage risks and needs. This lack of placements is a serious barrier to preventing children from becoming remanded to youth detention accommodation, as well as from committing further offences.

2.3 Conclusions and implications

Many of those we spoke to in the organisations with national responsibility spoke of the complexity of the youth remand system. Remand falls within the responsibilities of three government departments and, within those departments, there are multiple units that have responsibility for

²² College of Policing. Response policing. <https://www.college.police.uk/career-learning/career-development/career-pathways/response-policing>

²³ Department for Children, Schools and Families (2010). Sufficiency: statutory guidance on securing sufficient accommodation for looked after children. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/273812/sufficiency_-_statutory_guidance_on_securing_sufficient_accommodation_for_looked_after_children.pdf

some aspect of remand. Notwithstanding some notable work, there is scope for further improvements, which will require, at a minimum, a national steer:

- There are points in the remand process where the decisions made result in racial disparities; data and analysis at national and local level should identify and address these.
- Processes designed to allow information to be exchanged between community services and custody do not always work effectively.
- The child in care status given to children when they are RYDA is implemented inconsistently and there is a lack of guidance on how to deliver care planning for children on remand to capitalise on this status to improve children's lives.

At a local level, remand does not receive the attention it should from YJS management boards. Boards need both quantitative and qualitative information that tells them whether there are ethnic disparities in remand, the extent to which access to suitable accommodation is a factor and how children become involved in the serious offending that leads to remand. Where remand does feature on board agendas, it may be in relation to a new serious incident involving an offence of violence or the impact on the YJS of the remand recovery costs.

Remand cases for children charged with serious offences are likely to be some of the most complex cases on YJS caseloads. It is critical that staff understand their roles and responsibilities and have access to guidance and effective management oversight. Effective collaboration at the frontline between YJSs and children's services is crucial if unnecessary RYDAs are to be avoided. Staff must be able to act quickly to identify accommodation options for children in police custody who are at risk of remand, in preparation for an imminent court appearance.

5. Case management – the child’s journey through the system

This chapter traces the child’s journey through the remand process. It begins by looking at the characteristics of children who are subject to remand, and tracks the decision-making process from police to court. It comments on the experience of children where the court may have been considering custody but opted for a community remand.

Characteristics of children subject to remand

Nearly half of the RYDA cases reviewed had no previous convictions. Both the RLAA and bail sample groups had a smaller proportion with no convictions. This is perhaps surprising, because the criteria for RYDA are stricter than those for the other outcomes. The likely explanation is that when children are previously unknown, the YJS and courts do not have sufficient information to make judgements about potential placement options and potential risks of further offending or absconding. In the absence of this information a cautious approach is taken and the child is RYDA. They may be given bail later as background information and accommodation options become available. We explore these factors further in section 3.3. Table 3 compares the number of previous convictions across the three case samples.

Table 3: Number of previous convictions by remand decision

How many previous court sanctions did the child have?	RYDA		RLAA		Bail	
	No.	%	No.	%	No.	%
-						
0	39	46%	5	29%	8	35%
1	19	23%	4	24%	10	43%
2 – 5	16	19%	5	29%	4	17%
6 – 10	7	8%	2	12%	1	4%
11 – 20	3	4%	1	6%	0	0%
21+	0	0%	0	0%	0	0%

We also collected data on the extent to which the children in the sample groups had been involved with children’s services before their remand (see table 4).

Table 4: Children’s services involvement immediately before RYDA

Was there involvement with children’s services immediately prior to the remand (RYDA, RLAA or bail programme) and, if so, what was the basis of the involvement?	RYDA		RLAA		Bail	
	No.	%	No.	%	No.	%
-						
No	38	45%	5	29%	3	13%
Child in need	8	10%	2	12%	4	17%
Safeguarding	7	8%	0	0%	4	17%
Child in care	28	33%	10	59%	11	48%
Other	3	4%	0	0%	1	4%

Just under half of our the RYDA group had not been involved with children's services immediately before their remand; however, many of this group had previously received services.

Ofsted had access to the children's care histories, and met with the child's current social worker for a sample of children. Overall, opportunities had been missed to get the right help at the right time. Most children shared similar experiences, falling into one of two backgrounds. Some had a significant history of escalating social care involvement, including receiving support through child protection planning, or they were already in care at the time of the initial remand (33 per cent of the RYDA sample). Other children had very little previous involvement with children's social care. Social workers reported that these children had been 'under the radar' until they were charged with very serious offences.

Social workers and managers commented that concerning behaviours had been identified at school, when these children were much younger. This often led to exclusion and alternative education provision. As a result, the protection and safeguards afforded through the routine of full-time education were largely missing, and these missing safeguards were seen as a trigger to worsening behaviours without access to the necessary support. A common feature for these children was regular missing incidents. A number of children had a diagnosis of special educational needs. Others had no formal diagnosis, despite their social workers identifying this as a concern.

Criminal exploitation was a critical risk for a significant majority of the children. This led to some receiving support through child protection pathways and entry into care. For some children, child in need support had been offered on multiple occasions at an earlier stage. This was often declined by parents or children, given the nature of exploitation, leaving children without the help they needed to keep them safe and divert them from future offending behaviours. For some of these children, partners had not identified the signs of potential criminal exploitation, so they had not made referrals to social care to raise concerns.

In focus groups, many YJS staff reported that increasing levels of exploitation and the possession of knives or other weapons (often, but not always linked) were features of children's lives. A third of children in the RYDA sample were referred under the national referral mechanism.²⁴ This is a process where children can be formally assessed as being exploited, and can lead to the charges being reduced or dropped altogether. While these referrals were welcome, the process could be slow and delayed the court outcome. The YCS told us that had they had seen increasing levels of risk and harm among children in custody, particularly since the pandemic.

Several of the children interviewed by User Voice described being excluded from or leaving school as a pivotal moment for them. In the case of Marcus, there were also indications of underlying mental health difficulties. He told the User Voice interviewer:

"I literally got kicked out of school and I thought to myself, I'll just go and make some money for a time. I don't really know what to say as to why it happened. I was just always angry though, all the time, every single time I was angry. Nobody could really help me to be honest. I'm being very honest. Nobody could really help then. I don't know, maybe it's just me but certain things you've got to just sort out by yourself."

User Voice described how Joseph became involved in offending:

At the age of 16, a change in school ended up in a change in friendship group. Joseph made a new friend at sixth form and started to socialise with his new friends. At that time, Joseph's mother noticed he was starting to misbehave and sent him to live with his father. However, despite her good intentions, this experience had the reverse effect of his mother's motives for making him move. He was now living closer to his new group of friends, who were affiliated with a gang.

²⁴ Home Office (2020, updated 2023). Modern slavery: how to identify and support victims. <https://www.gov.uk/government/publications/modern-slavery-how-to-identify-and-support-victims>

As he puts it, "When you start chilling with people then you start getting involved in the things that they're doing." Before Joseph knew it, other gangs started to notice he was involved and at that point his mindset was "I can't change nothing, I'm involved."

The majority of children in our sample were from a black and minority ethnic background. The ethnic composition of the cases we reviewed is summarised in table 5.

Table 5: Ethnic breakdown of remand cases

Ethnicity	RYDA		RLAA		Bail		All cases	
	No.	%	No.	%	No.	%	No.	%
-								
White	35	42%	9	53%	7	30%	51	41%
Mixed	15	18%	0	0%	4	17%	19	15%
Asian	7	8%	1	6%	1	4%	9	7%
Black	26	31%	7	41%	11	48%	44	35%
Other	1	1%	0	0%	0	0%	1	1%

The national data tells us that black children are over-represented in the RYDA population and that this over-representation is growing. In 2021, HM Inspectorate of Probation published the report *The experiences of black and mixed heritage boys in the youth justice system*. The report describes the disadvantage that many of this group have experienced in their lives and within the youth justice system. It identified the phenomenon of adultification, where black boys are perceived as being older than they are, and treated in ways that are inappropriate to their age. The case of Blake illustrated the issue:

Practice example: Adultification

Blake, a 17-year-old black boy, was remanded to custody for offences including aggravated burglary and possession of an offensive weapon. He was arrested after attempting to gain access to a dwelling, and evidence indicates that some of his co-defendants had weapons. He did not enter the property, and the charge was later reduced to attempted aggravated burglary. At the time of the RYDA he was not known to youth justice services or children's services. He had no previous convictions or out-of-court disposals. The objection to bail was that he posed a risk to the public. A bail proposal with accommodation with a family member in a different part of the city was rejected. An out-of-area placement was later found by children's services, and Blake was released on bail with conditions. He complied with the bail conditions and demonstrated his suitability for a community order when sentenced. Blake was a 17-year-old child who had never been in trouble before and could have been managed effectively in the community. He had no history of risk to the public, and on his first contact with the justice system was immediately placed in a young offenders institution. In discussion with the case manager, there appeared to be adultification of Blake.

There was just one girl in our sample of youth detention cases. She had an extensive history of neglect and abuse and had been in care before the remand. Her life had become chaotic, and at the initial remand hearing she was unable to return to her care placement because of her violence towards other residents. Consequently, no bail option was offered to the court. She was RYDA for seven days and placed in a secure children's home. Subsequently, she was remanded in local authority accommodation when a new placement was identified for her.

Police interview, charge and detention

Most YJSs had early warning systems that meant they knew when children were in police custody. In many YJSs, seconded or linked police officers provided updates to their colleagues on arrests,

and this enabled YJSs to prepare for the court appearance. Typically this involved information about children held overnight in police custody and due to be produced in court being available from the beginning of the working day.

In the case of Bryce, information-sharing went further, and the police informed the YJS and children’s services prior to his arrest.

Good practice example

Bryce was previously unknown to the YJS. A week before the arrest, the police told the YJS about Bryce’s possible involvement in a number of violent gang-related incidents, and that he was likely to be arrested. This enabled the YJS and children’s services to be prepared for Bryce’s court hearing and to identify a suitable RLAA placement. Some weeks later, before sentence, the YJS undertook a critical learning review. This looked at the current offence and missed opportunities, and identified any YJS practice that could be improved. The improvements were around communication and assessing risk outside the home.

When children have been arrested and are being interviewed in connection with an offence, they should have an appropriate adult present and are entitled to legal advice. Appropriate adults were mostly from the YJS or a service commissioned by the YJS. YJS staff told us that, when they were acting as appropriate adults, they usually insisted on the child having legal representation. We identified just four cases across the whole sample group where there was no legal adviser present at interview.

The MoJ review (Ministry of Justice, 2022, p. 56) identified a perception within the youth justice sector that the quality of legal advice to children was variable. In July 2023, the Youth Justice Legal Centre published a report identifying shortcomings in the training available for solicitors who represent children in police custody and court. This was not apparent in our case manager interviews. We sought the views of YJS case managers on the appropriateness of the legal advice given to children in police custody in the cases we reviewed, and in just two cases was it regarded by case managers as being inadequate. ‘No comment’ police interviews were common; in 86 cases where we could access the information, 74 of the interviews were no comment. We tested to establish whether a no comment interview made a custodial remand more likely, and compared the data on no comment interviews with inspectors’ judgement on whether the remand could have been avoided (see table 6). We judged that the remand could have been avoided and the child managed safely in the community in a higher proportion of the cases where the children made no comment at interview.

Table 6: No comment interviews

Was the police interview for the offence for which the child was RYDA a ‘no comment’ interview?	Of these cases, in the opinion of the inspector the RYDA could have been avoided and the child managed safely in the community.
Yes (58 cases)	43% (24 cases)
No (10 cases)	30% (3 cases)

The number of cases was low and so the data should be treated with caution. However, it does indicate that, for some offences, the child may have been held by the police, produced in court and RYDA on the basis that, in the absence of an explanation for the offence, the police and courts opted for custody. While making a no comment interview may be a perfectly good course of action, the data indicates that, for some children, an admission in police custody could lessen the chances of remand. This view was echoed by some practitioners and managers we interviewed. This may indicate that legal advisers are routinely advising children to make no comment at police interview when it is not always in their best interests to do so.

These concerns were not always shared by children on remand. In their interviews, User Voice found the children to be mostly happy with the legal advice they were given. They stated that they

were generally advised to make no comment at the police interview and they thought that this was good advice. The comments made by Marcus to User Voice, however, indicate the mixed feelings he had about the legal advice he received. Quote:

“No comment innit. They said to say no comment. My legal advice, I’m not going to lie, has always been beautiful. I just didn’t want to get into detail too much. It has always been good. I’ve had no problems with legal advice...

...I’ve been supported yeah, yeah. I felt supported in court. They could have tried to get me bailed. They didn’t try hard enough just saying. They didn’t try a lot of things.”

There are a number of schemes where YJSs and children’s services provide support for children in police custody. They use the concept of the ‘golden hour’, the period immediately after a child comes into custody, as an opportunity for positive intervention. These schemes can also help agencies prepare for the child’s court appearance, where it is unavoidable. In the Metropolitan Police and some other forces, this is known as Operation Harbinger.

When a child is charged with an offence, there is a presumption under the PACE Act that they will be released on bail unless certain conditions are met. YJS practitioners told us they frequently experienced children being refused bail by the police only for the courts to grant bail at the first appearance. Home Office guidance²⁵ states that the YJS may be able to assist in delivering bail conditions, which may allay the police concerns about granting bail. In our survey of YJSs, just 49 out of 115 provided bail support to children on police bail. While children at risk of RYDA are unlikely to be considered for police bail, we did see cases where the RYDA would not have taken place if suitable accommodation and support had been in place earlier.

When the police refuse bail and the child has to be held overnight to appear in court the next day, the police should consider releasing the child to children’s services’ care under section 38(6) of the PACE Act.²⁶ This aspect of the process was not always clearly recorded, and we were able to access PACE release information in 65 percent of our sample. Table 7 shows that children were released in just five cases out of our sample.

Table 7: Release under PACE, section 38(6)

Did the police seek a PACE 38(6) placement following the decision to charge and decline bail?	RYDA	RLAA	Bail
Yes, and a placement was provided	4	0	1
Yes, but no placement was available	3	2	0
No	54	7	10
Unclear	24	8	12

Our YJS survey showed a similar pattern. Of the 115 areas that responded, 82 had not had a PACE release in the preceding 12 months.

Often the discussion between the police and local authority regarding PACE release was perfunctory and did not properly apply the tests set out in the legislation and guidance. Although the police would request a ‘secure bed’, these requests generally lacked clarity about what they were asking for and why. They were mostly met with a standard response that no placement was available, without exploring what was needed or checking availability. There was often a misunderstanding

²⁵ Home Office. Concordat on children in custody, p. 11.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/655222/Concordat_on_Children_in_Custody_ISBN_Accessible.pdf

²⁶ PACE Act 1984. <https://www.legislation.gov.uk/ukpga/1984/60/section/38>

between the police and children's services of the threshold for using secure accommodation, with the police only being prepared to release a child to a secure children's home, even when an open placement was appropriate. In Derby, the police and YJS had developed a 'script' to ensure compliance with guidance. These police requests were not recognised as indicating the potential for a subsequent RYDA, and so edge of care²⁷ support and wider placement searches to support bail packages were not made.

We heard a number of reasons for the low rate of release under PACE provisions. These included the absence of suitable accommodation at short notice and the practical difficulties of transporting children, possibly late at night, to dedicated emergency accommodation. A small number of authorities did have access to emergency placements for children who were released from police custody. The Greater Manchester Authorities had jointly commissioned an emergency PACE bed from a voluntary sector provider, but we were told that it was only used intermittently. Salford YJS had access to the Greater Manchester PACE bed, as well as an emergency secure placement in its own secure children's home, Barton Moss. Again we were told that this facility is rarely used. A practical barrier to its use was that it did not take admissions after 9.30pm, and many of the typical cases considered for release were unlikely to be fully resolved by that time of day.

The highest number of PACE releases reported by a YJS in our survey was 10 in the previous 12 months, and we followed up with that area. Its circumstances were unusual in that there was a large secure children's home in the area that was a short distance from one of the main custody suites of the local police force. This was an exceptional set of circumstances, and the effect was that the practical barriers to transfer were simply not present.

Court

When the police refuse bail, the child should be produced at the next available youth court, or at an adult magistrates' court if no youth court is due. The court has three broad options. It can bail the child, remand the child in local authority accommodation or remand the child in youth detention. If it grants bail, it can apply conditions to the bail to ensure that the child has some support and supervision before sentence. Where the YJS judges that the court is considering RYDA or RLAA, it may offer a bail supervision and support programme. As outlined in section 3.4 below, the bail programme can be a set of bespoke conditions or the ISS scheme. Table 8, drawn from annual youth justice statistics,²⁸ shows the distribution of court decision-making in the year to March 2022. It groups decisions into bail, community remands (bail support programmes and RLAA delivered by the YJS) and remands to youth detention. The data is consistent with what we found in our YJS survey. It shows that RLAA and ISS bail are used less frequently than RYDA and bail supervision programmes. Within our sample group of RLAA cases, 10 of the 17 children were already in care at the point of the remand. This meant that children's services knew them well and they may have been able to continue in their existing placement. In practice, for many areas, RYDA and bail programmes are the only options they have in place for most children.

²⁷ DfE (2014). Assessing parental capacity to change when children are on the edge of care: an overview of current research evidence.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/330332/RR369_Assessing_parental_capacity_to_change_Final.pdf

²⁸ YJB (2023). Youth justice statistics. Supplementary tables. Table 6.2. <https://www.gov.uk/government/statistics/youth-justice-statistics-2021-to-2022>

Table 8: Youth justice annual statistics, number of remands by type given by the courts, year ending 2022²⁹

Remand group	
Unconditional bail	5,422
Conditional bail	2,909
Total bail remands	8,331
Bail supervision and support	509
ISS bail	190
Remand to local authority accommodation	301
Total community remands with intervention	1,000
Remand to youth detention accommodation	1,200

In focus groups, practitioners and managers gave us a possible explanation for the low use of RLAA and ISS. They argued that most of what could be achieved with an RLAA or ISS bail could be achieved through a bail support and supervision programme, but with a greater degree of flexibility. As a consequence, if the court was considering RYDA, the community option most likely to be offered was bail support.

In our sample of RYDA cases, there was even split between the initial remand being made in a scheduled youth court and in an adult magistrates' court. The children in our RLAA and bail samples were more likely to have had their first appearance in the youth court (see table 9).

Table 9: Initial remand decision by court type

What type of court was the initial remand decision made in?	RYDA		RLAA		Bail	
	No.	%	No.	%	No.	%
-						
Scheduled youth court	41	48%	13	76%	14	61%
Magistrates' court	40	47%	3	18%	5	22%
Crown Court	2	2%	1	6%	2	9%
Other	2	2%	0	0%	2	9%

Representatives of the court were interviewed at all the fieldwork sites. These included district judges, lay magistrates and legal advisers. Overall, they were positive about the quality of YJS representatives, and found them knowledgeable and helpful. The consistent area of concern was the availability of suitable accommodation in complex cases where they were considering custody, and this was a consistent issue throughout the inspection.

Many youth courts have merged, and increasingly they have multiple YJSs within their catchment areas. The joint working arrangements between these YJSs are highly variable, ranging from fully integrated joint court teams to completely separate YJS representation, where court officers only deal with the cases of their own YJS. Children can appear in courts outside their home area for a number of reasons. They may be placed away from their home area by children's services if they are in care. They may have offended away from where they live, and sometimes that is because they are involved in county lines or other types of exploitation. A fifth of our RYDA sample appeared

²⁹ YJB (2023). Youth justice statistics. Supplementary tables. Table 6.2. <https://www.gov.uk/government/statistics/youth-justice-statistics-2021-to-2022>

in a court that was not the local court to where they lived. Arrangements for children appearing out of area did not always work well, and occasionally we heard practitioners refer to 'our children', who might take priority over those appearing from out of area. The YCS told us that they sometimes had cases where the children were in court facing RYDA and both the courts and YCS had difficulty finding a YJS to take responsibility, despite there being a national protocol for case responsibility published by the YJB.³⁰ Where YJSs share a court area, they should undertake regular audit and review of their working arrangements to ensure that a comprehensive service is available for all children appearing in their courts. Where possible, they should seek opportunities to develop consistent approaches to the information that is provided to the court, such as report formats. When reviewing their court work, they should consult with the courts and report their findings to their YJS respective management boards.

In some areas we saw effective joint working between YJSs that share courts.

Good practice example

Two of the YJSs we visited, Lambeth and Lewisham, were part of a group that shared Bromley Youth Court. Staff described how six YJSs meet monthly to review practice. They went beyond administrative issues such as staffing court rotas to look at concordance, disproportionality, gang affiliations, intelligence and sentencing outcomes. They had developed common document formats, so that courts received information in a consistent format.

Many practitioners told us that they believed a child being released from police custody to the local authority under PACE, to a non-secure placement before appearing in court, was less likely to be remanded in youth detention. This was because they had demonstrated that the child could be managed in the community, albeit for just one or two nights. However, court representatives that we interviewed were clear that they would not be influenced by a PACE release and would apply the remand criteria rigorously. Inspection data was inconclusive on this issue, as it was based on low numbers.

Suitable accommodation

A critical issue when considering bail for these more serious offences is suitable accommodation. This is normally the responsibility of the children's services department. Ofsted found that social care and youth justice services did not work together well enough to develop comprehensive bail options as a viable alternative at the earliest opportunity. Despite arrangements with the police alerting children's services of a potential remand, for the vast majority of children, this did not trigger immediate placement searches. In many instances, the information on arrest and detention was shared with out-of-hours emergency duty services, who recorded it and passed it on to day services to action. Very few social workers and youth justice workers collaborated to consider what additional services and support could be provided to strengthen bail proposals. In better examples, placement searches were carried out quickly, including the consideration of wider family members. In a very small number of instances, particularly for children already in care, social workers understood very well the child's fear of the impending court appearance, and its impact on them. Social workers attended the initial remand hearing, answering specific questions about the placements and additional support that would be provided. This was instrumental in securing alternatives to youth detention.

In just under three-quarters of cases, the YJS did not offer a bail programme at the child's first court appearance. Of the 85 children who were RYDA, 22 were released on bail before being sentenced. Of those 22, the reason the YJS did not support bail at the first hearing but did later was the availability of accommodation that was appropriate to the risks and needs of the child. There was no evidence that the reason for bail being granted later in the proceedings was that the child's

³⁰ YJB (2018). National protocol for case responsibility.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/678841/National_protocol_for_case_responsibility.pdf

risks had reduced. Inspectors were asked to make a judgement, based on their discussions with the case manager, on whether the child could have been managed safely in the community with the right accommodation and support. Table 10 shows that they judged 38 per cent of the sample to have been capable of being safely managed in the community.

Table 10: In the opinion of the inspector, could the child have been managed safely in the community?

In the opinion of the inspector, could the remand have been avoided and the child managed safely in the community?	No.	%
Yes	38	46%
No	40	48%
Insufficient information to judge	5	6%

In 17 per cent of the cases reviewed, the remand lasted seven days or less before the child was given a community remand. Typically, the reasons for the change in remand status were suitable accommodation being identified (sometimes out of area), the most serious offence was discontinued or reduced, or exploitation had been identified through the NRM. We tested to establish whether Saturday courts, which may be held by magistrates who are not youth specialists, might be slightly more cautious about giving bail than a specialist youth bench would be in the same circumstances. Our data showed that there was no noticeable effect. Occasionally, children expressed a preference for remaining on remand in youth detention, as they were expecting a custodial sentence and calculated that the time on remand³¹ would come off their sentence. In these cases they instructed their solicitor not to make a bail application on their behalf.

As stated above, in our sample groups, the children remanded in youth detention had fewer previous convictions than those remanded in local authority accommodation or bailed. Given that the extent of previous offending is likely to influence courts towards RYDA, this is unexpected. In focus groups, practitioners suggested that the reason may be that, if a child is not previously known to the YJS, they may be more cautious about offering a bail programme because they do not understand the risks posed by that child. Additionally, they will not have information about the child's family when identifying a possible bail address. Similarly, children's services will have little information to give to potential accommodation providers.

Research published by Van den Brink (2021, p. 486) illustrated this issue very clearly in an observation of youth court decision-making:

'A 15-year-old girl without prior convictions was accused of a violent street robbery. At her first appearance in the youth remand court, the District Judge considered that given the lack of available information about her personal circumstances it was uncertain whether a bail package would be sufficient to protect the public.... The judge referred to the 'unknown risk' as the main justification for his decision to remand the young defendant into custody. A week later, when more information was available and a bail package was prepared by the YJS, the young defendant was granted conditional bail.'

The research suggests that it is not simply a lack of accommodation that results in custodial remand, but the uncertainty of the risk factors in the case. Furthermore, faced with having to make a decision under time pressure, with limited information, a consensus view may form in the court between YJS court officers, defence solicitors and prosecutors that custody is necessary in the first instance. This may explain why bail programmes were proposed at the initial remand hearing by the YJS in just 27 per cent of the RYDA cases inspected.

³¹ Criminal Justice Act 2003. Section 240ZA. <https://www.legislation.gov.uk/ukpga/2003/44/section/240ZA>

Many of the RYDA cases were lengthy, and we saw some where more than a year elapsed between the initial remand and sentence. Typical factors in the lengthy cases were the case being heard in Crown Court, a not guilty plea, or an adult being co-defendant.

We collected data on the length of time between first appearance and sentence, and found that 51 of the 80 children had spent over three months in youth detention (see table 11).

Table 11: Length of period between initial remand and sentence

Number of days between first court appearance (for the alleged offence that led to the RYDA) and sentence/ acquittal:	No.
Less than 30	17
30–90	12
More than 90	51

Community remands

We examined a sample of children who had been identified by the YJS as being at risk of RYDA but who were remanded in the community through an RLAA or a bail programme.

Remand in local authority accommodation

The national data combined with our survey tells us that RLAA is used relatively rarely. More than half of the children in the RLAA cases were already in care before the RLAA was made. On some occasions, the court had imposed the RLAA in order to force the local authority to identify suitable accommodation. This happened in the case of Callum, a 17-year-old boy who was subject to RLAA for 17 days because of an alleged breach of court bail conditions. The inspector observed that:

“the RLAA appears to have been an attempt by the court – out of the YJS area being inspected – to force action by the local authority to find a suitable placement to best meet Callum’s needs. When the RLAA was reviewed in the youth court local to the YJS, the bench removed the RLAA and imposed similar conditions under the auspices of a bail support programme.”

An unrequested RLAA was rare, but if the court identified that it did not wish to make an RYDA, and no suitable accommodation was available then, as in the case of Callum, it may make an RLAA and the local authority then has to identify a placement.

None of the children were placed in remand fostering. Most were placed in independent accommodation or with family members, although one child was placed in a children’s home, one was recorded as having spent at least part of his remand period in an immigration detention centre and another in a mental health facility. Occasionally we came across poor practice in relation to RLAAs, which may in part have been as a consequence of practitioners’ unfamiliarity with the legal status.

Poor practice example

Jayden was a 16-year-old child who was arrested for possession and supply of drugs out of his area. He was being actively exploited as part of county lines activity. Although he was not known to the YJS in his home area, he was in the care of the local authority and there were concerns about episodes when he had gone missing. He was remanded in local authority accommodation. The case was managed by an out-of-area YJS, where he had been placed. YJS assessment and planning were poor, and there was virtually no record of any case management activity on either the YJS or social care systems. Transfer arrangements with the out-of-area YJS were very poor, and it did not accept caretaking responsibilities for Jayden for a number of months. Clear risks, such as continued cannabis misuse, contact with co-defendants, trips to London and superficial engagement, were not analysed and reviewed. There was little evidence that the YJS and social care services had any meaningful contact and engagement during the RLAA.

The case of Jayden was one of seven out of the 17 RLAA cases where the child was not known to the YJS at the point of the RLAA. Despite YJB case management guidance being clear about the roles of YJSs in RLAA, YJSs did not always become involved in the way they should in these cases. The shortcomings in this case were compounded by the child being placed out of area, which is not unusual for children in care and which created an additional layer of complexity.

Overall, the quality of joint planning between YJS and children’s services was disappointing, and we found that in five of the 17 RLAA cases there was no remand management plan in place (see table 12).

Table 12: Remand planning RLAA cases

Was there a remand management plan in place?	No.	%
Yes	8	47%
No, and there should have been	5	29%
No, the period of RLAA was too short to have a meaningful plan	4	24%

When a child is RLAA, the YJS should become involved, and if the child is placed out of area the national protocol for case responsibility should be applied. Children’s services should work closely to support the remand and contribute to effective planning and review processes.

Bail programmes

Bail programmes fell into two categories: ISS or bespoke bail programmes. ISS programmes were originally developed to deliver community programmes for children facing custodial remand or sentence. When first implemented, they included 25 hours of contact time per week, electronic monitoring and an education component. In 2022, new case management guidance³² was issued to YJSs, giving them greater flexibility in the composition of ISS programmes, and the 25-hour requirement no longer applies. Bespoke bail support programmes can contain a range of residence, reporting and curfew conditions. We asked YJSs to identify children who had received bail programmes, where they judged there was a risk of RYDA or RLAA. We reviewed 23 of these cases. Seven were ISS programmes and 16 were non-ISS bespoke programmes.

Many larger YJSs continue to have specialist teams that provide ISS bail programmes. We saw that many smaller YJSs had moved away from ISS and their bail programmes were bespoke to each child. In our survey, 64 of 115 YJSs stated that they had not had an ISS bail case in the previous 12 months. We did not see any significant difference in the quality of ISS and non-ISS bail programmes. Where YJSs share a youth court and take differing approaches to ISS, it will be important to communicate with sentencers so that they understand why apparently similar cases take different approaches to bail programmes.

The quality of planning in bail cases was mixed. Table 13 shows that there was no plan in just under a third of cases where the bail programme was long enough to require one.

Table 13: Remand planning bail cases

Was there a remand management plan in place?	No.	%
Yes	14	61%
No, and there should have been	7	30%
No, the period of the bail programme was too short to have a meaningful plan	2	9%

³² YJB (2022). Case management guidance. <https://www.gov.uk/guidance/case-management-guidance/how-to-manage-bail-and-remands>

The case of Nathan illustrated the weaknesses in planning of some bail cases.

Poor practice example

Nathan had a number of offences that had been delayed in getting to court because of the pandemic. He had recently completed the ISS element of a youth referral order (YRO) given three months earlier for an offence in 2020. He was then arrested for a burglary and car theft. He was given ISS bail in court, effectively restarting the ISS programme. This was a good outcome, but there was no plan on file for the bail period. Effectively, the case manager kept doing what they were doing already on the YRO.

In many bail cases we saw cross-border issues. Sometimes this was because the child was placed out of area, and sometimes it was the family who made their own arrangements to move. In a small number of cases we found that the differing approaches to ISS resulted in a YJS transferring an ISS bail programme to another area, and the programme was then not implemented. The example below illustrates the issue.

Poor practice example

Josh was a 17-year-old from out of the area being inspected. He was initially RYDA for a GBH offence while subject to a referral order. However, when his family moved to the other side of the country, he was released on ISS bail to reside at their new address. This decision was appropriate, but transfer arrangements were weak and the information provided to the new YJS was incomplete. The receiving YJS worked with Josh and his family, but the focus of intervention was on the referral order. There was little sense that the YJS was providing additional bail support, and certainly not the 25 hours of ISS that the home YJS had promised to the court.

We saw a number of cases where a YJS had agreed an ISS bail programme in its local court in the knowledge that the child would be moving out of the area. The receiving YJS could be in a position where it was unable to deliver the agreed programme when the child moved into their area. It is important that, if bail programmes are to be transferred to another YJS, there is full consultation on the court's expectations and the ability of the receiving YJS to deliver the programme.

A critical issue in developing a credible bail programme is accommodation. As has been stated previously, it is the responsibility of children's services and the YJS to work together to identify an appropriate placement. The London accommodation pathfinder offered a promising approach to providing accommodation for this group of children. It was not yet in a position to take children at their first remand hearing, but plans to include those children once it is established.

Good practice example: London accommodation pathfinder

The pathfinder has identified two accommodation units of five beds, which are owned and refurbished by a local authority and operated as supported accommodation for children aged over 16. They are managed on a day-to-day basis by a voluntary organisation. The initial set-up costs were paid by a YJB grant. They provide accommodation to two sub-regional groups of London YJSs. The national protocol for case transfer does not apply, and YJSs will maintain their involvement if the placement is out of their area.

They have three priority groups (in order):

- children currently RYDA
- children at risk of a custodial sentence as part of an accommodation package
- resettlement – children coming out of custody.

The pathfinder is still in the early days of development but it is a promising response to the shortage of accommodation for this group of children.

In order to satisfy the courts that a bail proposal represents a robust alternative to secure remand, the programmes must have sufficient contact time with the child. Children were normally seen several times each week, sometimes at weekends.

Marcus expressed his views to User Voice on contact levels and the relationship he wanted to have with his YJS case manager:

“...That’s the thing though as well, the appointments were way too frequent. Way too frequent still. They can’t expect someone to come and see them three times a week. That’s crazy... I guess just try to have more phone conversations or something...”

“...Well, they should be helping us instead of them trying to punish us. When you make a little mistake, they should try and edge us on to do better things and help us even more. Do you get it?”

Conclusions and implications

Children remanded in youth detention have almost always committed serious offences. Many are previously unknown to youth justice services, and partnership management boards should draw lessons from the case histories of these children.

YJSs had early warning systems that alerted them to children in police custody; however, these did not always trigger placement searches that would allow suitable accommodation to be offered at the initial remand hearing. The courts were mostly positive about the service they received from their local YJSs. Nonetheless, there was scope for improvement. Where YJSs share a youth court, they must make sure that their joint working arrangements are effective and meet the needs of all children appearing in their court.

A quarter of our sample group of children remanded in youth detention were given bail before their sentence. This was usually because suitable accommodation to meet their needs and manage risk had been identified after the first appearance. YJSs and children’s services need to work effectively and act quickly to identify bail options. In too many cases the child went into custody at the first court appearance to ‘buy time’ to enable children’s services and YJSs to prepare for the next appearance. When children are given community remands (bail or RLAA), YJSs must make sure that they meet their responsibilities, particularly where there are cross-border issues in the case.

6. The secure estate

This chapter focuses on practice with children remanded in youth detention, commenting on the experiences of children placed in one of the three categories of placement: secure children’s home, secure training centre and young offender institution. It also considers children’s needs when they return to their community after a period of remand.

Placement decision-making

Children who are subject to RYDA can be placed in a secure children’s home, STC or YOI. The placement decision is made by the YCS placement team, using information provided by the YJS. YCS policy is that children will be placed in the most appropriate available establishment to meet their needs. Table 14 below summarises the recommendations and actual placements in our sample.

Table 14: YJS placement recommendations

What type of placement was recommended to the YCS by the YJS?	Recommendation ³³		Outcome ³³	
	No.	%	No.	%
-				
SCH	6	7%	6	7%
STC	16	19%	9	11%
YOI	51	61%	67	81%
Unclear	11	13%	0	0
Adult custody	0	0	1	1%

Our figures broadly reflect the national data for the period that we were undertaking fieldwork (see table 15).³⁴

Table 15: Number of children in the secure estate by sector type (remand and sentenced)

Placement type	No.	%
SCH	67	11%
STC	60	10%
YOI	467	79%

Racial disparities are well documented across the youth justice system decision-making process (YJB, 2021), and we identified a potential disparity in the placement recommendations made by YJS workers to the youth custody service. The data indicates that black and minority ethnic children were less likely to be recommended for a secure children’s home and more likely to be recommended for a YOI (see table 16). This may be an example of adultification, where children from black and mixed heritage backgrounds are seen as more able to cope with the less protective environment of a YOI.

³³ The number of cases quoted may not match the number of cases in the sample. This is due to the question not being applicable or missing data.

³⁴ HMPPS and YCS (May 2023). Youth custody report. Table 1.8. <https://www.gov.uk/government/publications/youth-custody-data>

Table 16: Placement recommendation by ethnicity (excluding cases where the recommendation was unclear)

What type of placement was recommended to the YCS by the YJS?	White children %	Black and minority ethnic children %
SCH	13%	5%
STC	23%	23%
YOI	65%	73%

The experience of children in SCHs was very different from those in STCs and YOIs, and they are reported separately.

Secure children’s homes

Ofsted visited two SCHs as part of the inspection. Overall, the quality of care was good. Inspectors found that children’s needs were thoroughly assessed on admission, leading to good care and risk planning with the children involved. Children felt safe, made good progress and had good experiences. They were attending full-time education and had access to health care professionals and services. Children were encouraged and supported to maintain regular telephone and face-to-face contact with their families, friends and professionals, as appropriate.

Children’s views were valued. They influenced decisions about the day-to-day running of the home through children’s meetings. However, due to the nature of remand care, they felt unsettled and not in control of their futures.

Children were prepared and supported by staff in the best way possible for what the future may hold. There were contingency plans in place because of the nature of children’s legal detention and because the future is uncertain. Plans are multi-faceted – there is a plan for if they receive a custodial sentence, if they need to transfer to the adult estate, if they are bailed or if they are found not guilty. Staff at the home held relevant authorities to account, reminding them of their responsibilities to the children. For example, they engage their escalation procedures when there are no clear plans for children.

Comments made to User Voice by Noah about his time in an SCH were consistent with our findings:

“So when I actually got to the secure unit, they was all very supportive and talked to me a lot about my mental health and stuff and I actually felt safe around them.

“The first day was obviously a little nervous because I didn’t know anyone in there and everything was new to me. I didn’t know what was really going on but after a few days it started to get easier, I started to get to know the staff and others there.

“...No I didn’t see any violence or anything like that. What I saw was more mental health problems. I tried to support others because I know how it is with that but after a while it was playing on my mind as well...

“...There was nothing really negative when I was at the secure unit, it was actually quite positive. Everyone was very supportive.”

Secure training centres and young offender institutions

HM Inspectorate of Prisons visited three YOIs: Werrington, Wetherby and Feltham, and the single STC currently in operation, Oakhill. There were 679 children remanded into either a YOI or an STC

in the year April 2021 to March 2022: 87 per cent (591 children) were placed in one of five YOIs, and the remaining 13 per cent (88 children) were held in the STC.

Children who experienced remand during this year differed from the population of children in England and Wales in several ways. Fifty-seven per cent were from a black, Asian or other minority ethnic background. They were also more likely to come from the urban areas: 32 per cent from London, 14 per cent from the West Midlands and 12 per cent from the North West of England. In contrast, only nine per cent of the children came from local authorities outside London in the south of England. The custodial institutions are not in these communities, with far too few places available in London and the North West. This leads to many children being remanded to institutions a long way from home, exacerbating the inevitable disruption caused by being remanded.

On average, children spent longer on remand in 2021/2022 than in previous years. The median length of time spent on remand was 68 days, compared with 59 days in the previous year and 43 days in the year ending March 2020. This average masks wide variations. In YOIs, the longest period of remand in 2021/2022 was 731 days, and 31 children were remanded for more than 12 months. In STCs, remands were slightly shorter, with the longest stay being 547 nights, and three children being held on remand for more than a year. This increase in time spent on remand has meant that children on remand now make up 45 per cent of the population of children in custody. This is the highest proportion seen in the last 10 years.

This increase in the proportion of children on remand, and the long periods of time spent on remand, is concerning. It puts additional pressure on both the YOI and STC sectors, making it more difficult to achieve positive outcomes for all the children held. More importantly, as already identified, a proportion of the children remanded could be managed safely in the community.

We interviewed 38 children in YOIs and the STC. Most remanded children that we saw were in custody because of the severity of their offence or because they had breached their bail conditions. In some cases, particularly with girls, it was clear that the child had been remanded simply because there was no other option available in the community. Many professionals told us that a lack of realistic community placements is a problem that leads to children being remanded unnecessarily. Children we interviewed arrived in custody with little knowledge of the reasons why they had been remanded or why they had been sent to the particular YOI or STC they were in. Some had been told the reason by the judge or magistrate, and others by their legal representative or YJS worker. A few were told on arrival in prison, and just one, of our sample of 38 children, was given written information stating the reasons they were remanded to custody. Similarly, children were not aware of the reason they had been placed in a YOI or STC.

On arrival into custody, children were faced with an array of meetings. The name and structure of these varied between each establishment. The key forums were remand planning meetings and child in care review meetings, as well as other planning meetings, such as enhanced support team meetings and reviews for children at risk of self-harm or suicide. The cumulative effect on the child of these meetings was confusion. Many were unclear about the role of professionals such as YOI- or STC-based caseworkers, YJS workers and social workers, and how they differed from each other. Meetings were often scheduled to meet the statutory timeframes rather than the needs of the child. This meant that, while a few children with very high needs had too little input, many children were reviewed too frequently in multiple overlapping forums that led to little change in their day-to-day experience.

A key weakness of the system of reviews was that the professionals who knew the children best were often absent. Attendance was worst among residential staff, teachers and health care professionals. This was because the volume of meetings taking place made it difficult for these professionals to contribute. In contrast, establishment-based caseworkers and YJS workers were nearly always present. Many children were unsure of the purpose of the meetings they attended and regularly could not distinguish one from the other. They were, however, appreciative of the opportunity to speak to their YJS worker. Children told us that these review meetings were focused on time in custody and how they were coping, rather than dealing with any remand issues or bail.

We found that there were frequent delays in some remand planning meetings at some establishments, particularly Feltham YOI. The development of virtual and telephone meetings during the pandemic meant that community professionals, particularly social workers, were much less likely to attend in person.

All children on remand automatically become children in the care of their local authority (LASPO Act 2012).³⁵ We found that, unless a child was in care before the remand period, the engagement from local authorities was often limited. Children who were not actively involved with children's social care prior to the remand experienced a number of different social workers over a short period of time. This was largely due to the already established pathways and handover points within social care. For example, children may be initially allocated to a dedicated team to undertake assessments; they are then quickly transferred to locality or safeguarding teams, then again to children in care teams and onto leaving care services. This is a more rapid succession than experienced by children who are in the long-term care of the local authority. This does not help children to establish positive relationships with their social worker.

Caseworkers based in both YOIs and the STC told us that local authority social workers often did not engage with children who were in care solely because of their remand status. Many children also reported having a limited relationship with their social worker, and we found that many statutory visits by social workers took place virtually or not at all, which was inappropriate.

The quality of children in care planning for children RYDA was mostly poor. For those children already in care prior to the remand, the move to a YOI was not always recognised as a change in placement, so the need for a swift looked after review was missed. Most looked after review meetings failed to reflect on the child's needs in the context of their current circumstances or consider the criminal justice aspect in preparing for subsequent hearings. We found insufficient focus on the impact on children of losing their liberty, particularly at this highly stressful time.

Children in care review meetings did not routinely include all relevant professionals. Joint working between youth justice services, YOIs and social care was mainly information-sharing rather than a coherent multi-agency approach to meeting children's holistic needs. This is despite the heavy reliance on the YOI for all the child's day-to-day needs.

Most children did not benefit from direct work during the remand period. This is a missed opportunity to capitalise on 'reachable moments' with these children. In weaker practice, some statutory child in care visits were undertaken over the telephone, via MS Teams calls or when social workers attended subsequent court hearings. This is inappropriate, as seeing children in their placement is essential to check on their safety and wellbeing. Visits with social workers are not private, which limits children's ability to share their worries or discuss their experiences.

In stronger practice, children were supported effectively through visits that were responsive to their needs. The frequency of such visits was over and above expected standards, recognising that, following the initial RYDA, this is a traumatic and worrying time for children. In addition, social workers supported their children through their court appearances and hearings. One social worker took the time to write letters to the child, which were clearly appreciated. This regular contact was something for the child to look forward to.

One local authority purchased a suit for a child to wear at court, boosting his confidence so he didn't feel 'out of place'. In a small number of cases, social workers took the opportunity to understand the children's experiences or repair fractured relationships between children and their families. This was helping the children to build resilience in their support network. For another child, the use of family group conferencing was used as part of his resettlement planning. As a result, these relationships between young people and their social workers were strong, and helped children to cope through these worrying times. Overall, however, the tangible benefits of being a child in

³⁵ Legal Aid, Sentencing and Punishment of Offenders Act 2012
<https://www.legislation.gov.uk/ukpga/2012/10/section/104/enacted>

care while on remand were limited to pocket money and the entitlement to support from a leaving care personal adviser if the period of remand exceeded 13 weeks.

The provision of pocket money was also an issue. Some children did not know that they were entitled to it. Many children at Oakhill STC received no money, as the establishment would only accept postal orders or cash, both of which were difficult for social workers to provide. In YOIs, there was huge variation in the amount of support. Some children received no financial support, while others received £40 a week. Some children received birthday presents and a clothing allowance from the local authority, but, as with pocket money, many did not. Social workers that we spoke to said there was a need for national guidance to ensure that children on remand received equitable financial support.

The HM Inspectorate of Prisons findings were consistent with those of Ofsted in the community. Most local authority based social workers found it difficult to navigate YOI systems, such as arranging visiting. This meant that some children were not seen as often as they should have been, or were not helped to maintain contact with those who were important to them. Many social workers were unaware of how to provide children with their entitlements, such as pocket money. Some did not know that children had to pay for telephone calls to their social worker. This lack of knowledge had an impact on social workers' ability to act as effective advocates for children or challenge partners when needed.

Most local authority social workers reported that they had no clear written procedures detailing the actions to be taken when there is an RYDA. They were unaware of how systems and processes could be aligned to minimise confusion for children, or what the pathways to ensure children get the right longer-term support following sentence will look like. Most social workers could not recall any joint training with youth justice services to help them understand the criminal justice system.

While most senior managers and leaders in local authorities reflected on the need to retain the legal status of children entering care through LASPO, much of the social work practice was not good enough. For children not actively involved with social care at the time of the remand to youth detention, the work of the social worker is often perfunctory. YJSs tend to lead the work through this period. While social workers still undertake care planning functions, their involvement is mostly basic, and focused on processes. For too many children, social workers rely on the secure estate to meet children's needs. As a result, children's holistic needs are not consistently met quickly enough.

Daily life

There was almost no dedicated provision for remanded children in YOIs or the STC. At all sites, remanded children received services that were the same as or similar to those received by their convicted counterparts. The experience of remanded children depended most on the performance and culture of the establishment in which they were held. In the STC, children generally had better access to activities and time out of cell than in the YOIs we visited.

We found little difference between the amount of time that remanded and sentenced children spent out of cell. Many institutions were characterised by group-based conflict, which was managed by keeping children in conflict apart from one another, limited time out of cell and access to activities for all children. Time out of cell and attendance at activities, including exercise, were mostly limited by the groups children could mix or socialise in.

The difference in entitlements was limited to access to visits and personal money in YOIs and access to offending behaviour programmes and other interventions in all settings. In YOIs, children on remand had more access to their own money and were able to spend more (if they had money) on telephone credit and canteen items than their convicted counterparts.

Access to personal clothing was also inconsistent and caused some children significant problems. During our interview, one child at Feltham was wearing clothing issued to him at the police station after the police had taken his personal clothing. He had no trainers and insufficient clothes to wear, and did not know how to purchase his own or have it sent in, or how long this would take.

Although all three YOI sites had access to the same suite of offending behaviour interventions, for children remanded at Feltham and Wetherby there was little likelihood of completing an intervention. In both establishments, interventions were confined to sentenced children. This was a significant issue for children who had been remanded for a long period of time, and represented a missed opportunity to work with them. In contrast, we encountered a number of remanded children at Werrington who had benefited from access to some interventions.

Contact with family, friends and significant others

A significant issue for children on remand was their distance from home. This was especially pronounced for girls, who were only held in Oakhill STC and Wetherby YOI. Being placed a long distance from home made it difficult for family or friends to travel for visits. A previous thematic inspection by HM Inspectorate of Prisons (2016) found that children held further from home received fewer visits from family and friends, as well as from professionals. This makes it much harder for children to maintain ties with their community, and impedes effective resettlement planning.

The cost of phone calls made it difficult for children on remand to keep in touch with their family, friends and professionals. This was not sufficiently considered in child in care review meetings. UK calls cost between two to six pence a minute, depending on the time, day of the week and type of phone line. Children did have the option to email family and friends, but sending and receiving emails also cost money. While children on remand are entitled to additional money from their social workers, they did not always receive it. They commented that the money they did get ran out very quickly on phone calls. For too many children, who had few resources, the cost of calls and emails was an obstacle to maintaining contact with their family. In the STC, this was mitigated, in part, by the ability of family members to phone into establishments. It was inappropriate that children who had not been convicted of an offence had to pay to contact family and friends.

In the STC, all children were entitled to one visit a week, and this was delivered for all children. In YOIs, remanded children were entitled to three visits a week, compared to a minimum entitlement of two visits a month for convicted children. However, it was not possible for remanded children in YOIs to access this entitlement. In practice, in-person visits were the same for remand and sentenced children in each establishment, usually lasting between one and two and a half hours. Access to visits was dependent on the child's incentive level³⁶ and the availability of visit slots. In addition, the inability of sites to manage conflict between children further reduced the availability of visits at some sites, which only allowed children from one wing access to the visits at any one time. Children did have the option to use video calls, which could mitigate some of these issues, but this facility was underused. Some children opted not to use video calls, as they were viewed as impersonal, but many reported barriers, including a lack of awareness, difficulties in booking and poor facilities where these visits took place.

We also found examples of establishments making poor decisions about family contact. In one example, a social worker and mother were attending a review meeting, but the social worker arrived in unpermitted footwear. The mother was asked to lend the social worker her shoes so that the meeting could go ahead, resulting in the child not being able to see their mother.

An additional factor was the travel cost of families visiting. Parents of children serving custodial sentences can apply to HMPPS for help with travel costs, but this assistance is not available to the families of children on remand. They are advised to contact their local YJS for assistance.³⁷ As the child has become a child in care, the allocated social worker should also support family contact. In practice, the provision of support for family visits was variable. Some children were remanded for lengthy periods, a long distance from home, and the family received little help with travel costs.

³⁶ MoJ and HMPPS (2022). Incentives policy framework.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1105714/incentives-policy-framework.pdf

³⁷ MoJ. Children in custody <https://www.gov.uk/children-in-custody/print>

Relationships with staff

Relationships between staff and children varied across the sites generally; however, we found that, where children spent more time unlocked, relationships with staff were better. Most children reported no difference in how remanded and convicted children were treated. A common perception was that children who had been in an establishment longer were treated better because they had developed better relationships with staff.

At Oakhill, which held the smallest number of children out of all the sites we visited, relationships were reported to be better than at the YOIs. One child at Oakhill, said:

“Overall, staff are good; they don’t feel like officers, more like normal people you can chat with.”

At other sites, children were more negative about their relationships with staff. Some children spoke to us of unhelpful staff attending work only to get paid, and a lack of care:

“The good ones listen; the bad ones are lazy.”

Education

Before entering custody on remand, 19 of the 38 children whose cases we reviewed were in formal education, at a secondary school, sixth form or college, or had an alternative provision placement. Some children not in formal education were working. Only a very small number of children were able to continue their studies in prison or use their time on remand effectively to continue their community courses. The uncertainty of remand periods meant it was challenging to settle children into education, particularly during exam season, when this inspection was carried out. One child explained that they were set to complete their construction qualification in the community, but this had been delayed because they were remanded in custody and no spaces were available in the relevant class in the establishment.

“If I get bail, it’s going to be a waste of my life these past few weeks where I could have been doing my CSCS card... I was passing my mock tests [in the community], I was getting full marks. I was supposed to be in some multi-skills thing [in prison] to do it but there ain’t any room in there... I don’t want to get it all in place here for me to get bail tomorrow... it would a waste their time [education providers] and my time.”

Access to education for children on remand varied dramatically. For those who were allocated to classroom-based education, this ranged from 25 hours a week at Oakhill STC to around 15 to 19 hours in the YOIs we visited. This was no different from children who were sentenced in those establishments. However, in practice children did not always receive the full offer, due to movement delays and arrangements in place to keep children apart for safety concerns (often known as ‘keep apart’ lists). Those accessing outreach education received much less, typically an hour every other weekday.

A key issue for children on remand was delays in starting education after arrival. At Oakhill, some children could begin education the day after arrival, as their initial assessment had been conducted on their first day. In YOIs, children started education after an induction period that could be two weeks long. This delay further limited the education received by children who were only remanded for a short period, who could end up accessing no education during this time.

There were a small number of positive examples of children who were not in education in the community being able to re-engage with learning while on remand. However, the uncertainty of their status undermined efforts to provide the consistency of education that would help them to make progress. The lack of clarity in remand timescales and when bail applications were submitted limited the education pathways available for children on remand.

All children received the same assessment of their educational level and learning needs on arrival, regardless of their status. In theory, children would be placed in classes based on their individual needs and pathway preference, but this was limited by ‘keep apart’ lists, as well as class sizes.

Children on remand were also often missing out on longer courses, as there was no clear release date and allocations were not always flexible enough to accommodate this uncertainty. This was particularly frustrating for children who had been on remand for long periods of time.

The case management guidance for children on remand requires YJSs to liaise with community education providers to maintain continuity of provision for children while they are in custody. However, complete information about a child's educational background, such as learning needs or qualifications, was not always provided to the establishment in a timely fashion. Delays were especially problematic during exam periods. Some children reported being given the opportunity to sit exams in custody, but not being given the revision materials or support to successfully complete them. Some children missed their exams completely. The support available for specialist subjects beyond maths and English was especially low, and would often consist of self-learning materials, if anything. In a small number of cases there was excellent support, including the provision of learning materials. In one example, Tower Hamlets provided online teaching for a boy in Oakhill STC.

Local authorities are required to employ a virtual school head (VSH) to promote the education of children in care or to have a social worker. The DfE has issued guidance³⁸ that specifically states that children on remand are included in the remit of the VSH. We saw no impact of the role on children in youth detention.

Health

Health services for children on arrival into custody were reasonably well coordinated. Remanded children went through a standard reception process that all children received, irrespective of status, and so our findings were mostly similar across each establishment.

This initial health screening sought to identify any health issues or immediate concerns and to allow health care practitioners to keep children safe.

Children generally reported that they received better access to physical and mental health services while in a YOI or STC than when they did in the community. This was because they received an initial assessment that identified their needs, and the establishment responded to them. Health care teams in custody were better resourced than those in the community, and there were fewer barriers to accessing them. This meant that children were less resistant and happier to engage with health care in custody than in the community.

Children were given vaccinations if they were due, or if the child disclosed that these had not taken place in the community. There was also access to health promotion services, such as sexual health screening and information sessions.

Remand could be a barrier to some services, however, especially those that were in demand or were lengthy, such as work to address trauma. The potential for children on remand to be bailed or acquitted meant that establishments prioritised convicted children.

Children who self-harmed had good access to mental health support, and there was evidence of preparation for ongoing support, either in custody or in the community. This was generally discussed as part of an enhanced support team meeting.

Returning to the community

Youth justice statistics provide data on the eventual outcome for children remanded in youth detention. Table 17 shows the outcomes for children who are RYDA.³⁹

³⁸ DfE (2018). Promoting the education of looked after children.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/683556/Promoting_the_education_of_looked-after_children_and_previously_looked-after_children.pdf

³⁹ MoJ (2023). Youth Justice Statistics 2021 to 2022 Supplementary tables. 6.6
<https://www.gov.uk/government/statistics/youth-justice-statistics-2021-to-2022>

Table 17: Outcome following RYDA

Eventual outcome following RYDA	2022
Acquitted, dismissed, or not proceeded against	35%
Immediate custody	27%
Non-custodial sentence: total (community and other sentences)	38%

Table 18 shows that inspection data found a slightly different picture.

Table 18: Inspection sample – eventual outcome

What was the eventual court outcome?	No.	%	% excluding cases not concluded
Acquitted	4	5%	8%
Non-custodial sentence: total (community and other sentences)	13	16%	27%
Immediate custody	28	33%	57%
Sentenced as an adult	4	5%	8%
Matter not concluded at time of the inspection	36	42%	Not applicable

The acquittal rate in the inspection sample (five per cent) was much lower than that of the national data reported by the MoJ, which is 35 per cent.⁴⁰ Even when the acquittal rate is recalculated to exclude those cases not concluded, the acquittal rate in the inspection sample is only eight per cent. We discussed possible reasons for this inconsistency with data specialists in the MoJ, but were unable to reach a conclusion. In our YJS survey, a ratio of approximately two to one YJSs stated that the majority of their children receive custodial sentences following remand, and that their community sentence and acquittal rates were lower than indicated by the national data.

The children in our custody sample were released from custody at the end of their RYDA for one of three possible reasons:

- acquittal
- non-custodial sentence
- a custodial sentence where time spent on remand was deducted from the custodial period and the child qualified for immediate release, often referred to as time served.

Despite the number of remand planning meetings that took place, many children were released in an unplanned and poorly coordinated way. This was because establishment caseworkers were unable to predict whether children would receive bail or be released from court. This inability to plan created practical problems, and we saw examples of children receiving bail late in the day and establishment-based caseworkers struggling to find someone who could collect them.

While all children left YOIs and STCs with an address, planning for ETE was impossible in many cases. This meant that the transition back into the community was as disruptive as the initial

⁴⁰ YJB (2023). Youth Justice Statistics. Supplementary Table 6.6 <https://www.gov.uk/government/statistics/youth-justice-statistics-2021-to-2022>

remand. Similarly, health care professionals were not able to hand over care to the community adequately.

YJS case managers told us that, occasionally, a child would be released from custody unexpectedly, and they were unprepared and had to find an emergency placement.

If a child was acquitted, the only basis for ongoing support from the YJS would be a voluntary engagement. This relied on the YJS being prepared to offer support and the child being prepared to accept it. If the child was over 16 and had spent more than 13 weeks RYDA (and was therefore in care), they qualified for care leaver support from children's services. Ofsted found that this was not considered in the care planning reviews for children in custody.

HM Inspectorate of Prisons found that most young people in this inspection who had turned 18 had not met their allocated personal adviser, the specialist care leaver support worker. This was limiting their ability to form trusting relationships and for them to get to know each other. Some young people in adult prisons were not visited by their personal adviser, despite this being a highly stressful time, having received significant custodial sentences or the additional stress of transitioning from the youth secure estate.

Good practice example: Lewisham

Kyle was a 15-year-old who had been involved in a group offence that had resulted in the loss of life. He spent a lengthy period on remand but, ultimately, because he was on the periphery of the offence, he was acquitted, while many of his co-defendants received lengthy custodial sentences. On returning to his community, he was immediately at risk from associates of both his co-defendants and the victim. There were considerable community tensions. He was too young for care leaver support and had no involvement with the YJS once released.

The YJS put a voluntary support programme in place to help him manage the potential risks in the local area and to support his reintegration to the community.

Just over a third of our sample had reached the age of 18 at the point of fieldwork and were transferring to adult probation services. We found a mixed picture. In the best areas, seconded probation officers worked with YJS and probation colleagues to ensure a smooth transition at the appropriate point. In some cases, the complexity of the case, which might include multiple offences in the adult and youth justice systems, and cross-border issues, meant that transition to probation did not take place as it should have.

Poor practice example

Finn was remanded after his 18th birthday, and the case had been recorded as an RYDA when in fact it was an adult remand. He should have transferred to the Probation Service earlier, but this did not happen. This left the YJS managing a situation where it was unable to provide Finn with the support it would normally provide because he was an adult in the adult prison estate. The YJS did not have a seconded probation officer who could have helped to unblock some of the barriers and identify what support was available in the adult estate, and the local probation delivery unit was unable to provide this resource.

Conclusions and implications

Children remanded in secure children's homes receive a good service. The quality of provision in the YOIs, and to a lesser extent the STC, is variable. The acquisition of child in care status when children are remanded in youth detention does not currently provide them with the intended benefits. Most social workers are unfamiliar with the justice system and are unclear about their roles and responsibilities. Multiple meetings with overlapping responsibilities are often held and children can be left confused by the processes. The potential benefits of being a child in care, such

as pocket to money to pay for calls to family or social workers, or assistance with family visits, are often not realised. Children may also qualify for care leaver support, but we saw little evidence of impact. Children on remand can easily miss out on education and programme opportunities while in custody because of uncertainty about the duration of their stay. There needs to be comprehensive guidance in place to enable social workers and secure establishments to provide a high quality of service to children on remand.

When remand periods end unexpectedly, support services need to be available for children returning to their communities, to help them to resettle successfully.

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Annexe 1: Glossary

Adultification	The treatment of black and mixed-race children as if they are older than their chronological age
AssetPlus	Assessment and planning framework tool developed by the Youth Justice Board for work with children who have offended, or are at risk of offending. It reflects current research and understanding of what works with children
Case manager	The practitioner who holds lead responsibility for managing a case of a young person under youth justice supervision
Contextual safeguarding	An approach to safeguarding that considers a child's experience of harm outside the home, for example with peers, in school and in the neighbourhood
County lines	The illegal movement of drugs around the UK, often involving the exploitation of children or vulnerable adults to hold and move the drugs
Director of children's services (DCS)	The chief officer within local authority children's services
Disproportionality	The differential treatment of black and minority ethnic groups in the criminal justice system, leading to greater use of restrictive outcomes
Edge of care	A term that refers to children at high risk of family breakdown and going into local authority care. Many authorities have specific services designed to reduce the likelihood of this happening.
Ethnic disparities	Differences in treatment or outcome based on race
His Majesty's Prison and Probation Service (HMPPS)	The single agency responsible for both prisons and probation services
Incentives and earned privileges (IEP)	A scheme that rewards good behaviour in custodial settings
Intensive supervision and surveillance (ISS)	A rigorous alternative to custody for the most active repeat young offenders and children who commit the most serious crimes
Local authority children's services department	The department in local government responsible for helping and protecting children.
Looked after child (LAC)	<p>The term 'child in care' has generally replaced looked after child. Under the Children Act (1989), a child is legally defined as 'looked after' by a local authority if they:</p> <ul style="list-style-type: none"> • are accommodated by the local authority for a continuous period of more than 24 hours • are subject to a care order (to put the child into the care of the local authority) • are subject to a placement.

National referral mechanism (NRM)	The national framework for identifying and referring potential victims of modern slavery in order to get help to support and protect them
Police and Criminal Evidence Act 1984 (PACE)	The PACE Act sets out the powers of the police in England and Wales and codes of practice for these powers
Pre-sentence report (PSR)	When somebody pleads guilty to an offence, or is found guilty after trial, the court may request a pre-sentence report to assist them in sentencing
Sufficiency	The duty on local authorities to have sufficient placements for children who become looked after
Remand in local authority accommodation (RLAA)	Where the court refuses bail and requires the local authority to take responsibility for finding accommodation for the child
Remand in youth detention accommodation (RYDA)	Where the court refuses bail and places a child in a secure facility
Secure children's home (SCH)	A secure facility provided by local authorities and others that offers accommodation for children in the justice system and children who have very high-risk behaviours
Secure training centre (STC)	A single establishment providing custodial facilities for children
Youth Custody Service (YCS)	Sits within HMPPS and is responsible for commissioning the youth secure estate and allocating remanded children to establishments
Youth Justice Application Framework (YJAF)	An electronic system for exchanging information between YJSs and the secure estate
Youth Justice Board (YJB)	A government body responsible for monitoring and advising ministers on the effectiveness of the youth justice system. The YJB provides grants and guidance to the youth offending teams
Youth justice service (YJS)	The term used in this report to refer to the service that provides support and supervision to children who have offended. Also known as youth offending team (YOT)
YJS Management Board	The YJS Management Board holds the YJS to account to ensure it achieves the primary aim of preventing offending by children. It is sometimes known locally by a different name, for example Youth Justice Partnership Board (YJPB) or YOT Board
Young offender institution (YOI)	Establishments run by the prison service or private providers holding children remanded or sentenced to custody

Annexe 2: Methodology

The inspection sought to answer the following questions.

National governance and leadership

- Is there a national vision and strategy for the delivery of high-quality, personalised and responsive services for children subject to bail (including bail ISS), RLAA or RYDA?
- Does the secure estate have sufficient and appropriate capacity in the right location to ensure the best outcomes for remanded children?
- Is the decision-making process effective at key stages?
- What are the reasons behind the unexplained patterns seen in remand, including the extent of both short and long periods on remand, regionality, ethnic disparities, acquittal and non-custodial sentences being given following a period of remand?

Local governance and leadership

- Is there a clear local vision and strategy for the delivery of high-quality, personalised and responsive services for all children, including those subject to bail or remand in YDA?
- Do the partnership arrangements actively support effective delivery of a bail and remand service?
- Does the leadership of the YJS support effective delivery of bail and remand services?
- Is the YJS reviewing and learning from previous local patterns, including local disparities? Are remand strategies included in the YJS's youth justice plan?

Staff

- Do staffing and workload levels support the delivery of high-quality, personalised and responsive services for children awaiting trial, including those subject to bail conditions and custodial remands?
- Do the skills of YJS staff support the delivery of high-quality, personalised and responsive services for children requiring bail and remand services?
- Does oversight of work support high-quality delivery of bail and remand services?
- Are arrangements with statutory partners and providers established, maintained and used effectively to deliver bail and remand services?

Partnerships

- Does the YJS partnership provide the volume, range and quality of services and interventions required to meet the needs of children awaiting sentence and to avoid the unnecessary use of custodial remand (including community accommodation)?
- Are arrangements with statutory partners and providers established, maintained and used effectively to deliver bail and remand services?
- Does the YJS partnership have confidence in the quality of advice for remanded children in the youth court?
- Are analysis, evidence and learning used effectively to drive improvement of bail and remand services?
- Is there a policy in place for bail and remand provision that promotes appropriate decision-making and sustainable programmes?

Fieldwork

Joint inspection activity was undertaken across 11 youth justice services and local authorities, three YOIs, one STC and two secure children's homes. The inspection was led by HM Inspectorate of Probation and involved HM Inspectorate of Prisons, Ofsted and User Voice. Additionally, HM Inspectorate of Constabulary, Fire & Rescue Services provided background information.

HM Inspectorate of Probation undertook detailed reviews of 125 children’s cases, of which 22 were also subject to a ‘deep dive’ review by Ofsted. The sample comprised 85 children who had been RYDA, and 40 children who had received a community remand. We defined a community remand as a remand in local authority accommodation or a substantial bail programme delivered by the YJS where it judged that the court was considering a custodial remand. Bail programmes can be delivered under the ISS scheme, which includes electronic monitoring, or by bail conditions involving contact with the YJS.

The ethnicity of the sample groups is shown in table 19.

Table 19: Ethnic breakdown of case samples

Ethnicity	RYDA		RLAA		Bail		All cases	
	No.	%	No.	%	No.	%	No.	%
-	No.	%	No.	%	No.	%	No.	%
White	35	42%	9	53%	7	30%	51	41%
Mixed	15	18%	0	0%	4	17%	19	15%
Asian	7	8%	1	6%	1	4%	9	7%
Black	26	31%	7	41%	11	48%	44	35%
Other	1	1%	0	0%	0	0%	1	1%

During each community fieldwork week, HM Inspectorate of Probation and Ofsted held meetings with a range of staff, managers and senior leaders in each YJS and children’s services department. The inspection was also informed by a survey of youth justice services. We had 116 responses from 154 questionnaires.

We took an end-to-end approach, looking at the characteristics of children who were subject to remand, and tracing their progress from the offence, through the remand decision-making process, to the secure estate and their eventual reintegration back into the community following a period of remand. We engaged User Voice to interview children who had been remanded in youth detention, to hear directly about their experiences. We undertook fieldwork in England only, but also held a number of meetings that focused on Wales. We met with the key national bodies with responsibility for some aspect of youth remand, including the Ministry of Justice, the Department for Education, the Youth Custody Service and the Youth Justice Board.

Ofsted and HM Inspectorate of Prisons spent several days at each of the six secure facilities included in the inspection. Ofsted visited two secure children’s homes, and HM Inspectorate of Prisons visited the STC and three YOIs. Inspectors met with managers, frontline staff and children on remand. HM Inspectorate of Prisons reviewed the cases of 38 remanded children.

Our work was further supported by data provided by the Youth Custody Service for remand periods that ended between 01 April 2021 and 31 March 2022.