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**Special edition:
Recovering from the COVID-19 Pandemic**

Children in the custody during the pandemic and beyond

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Neal Hazel is Professor of Criminology and Criminal Justice at University of Salford, and also a member of the Youth Justice Board. Professor Hazel has led more than 25 funded research projects in youth justice, inclusion and family support. He was formerly HM Deputy Chief Inspector of Probation for England and Wales. The Youth Justice Board (YJB) is the non-departmental public body responsible for overseeing the entire youth justice system in England and Wales. The YJB's vision is for a youth justice system that sees children as children, treats them fairly and helps them to build on their strengths so they can make a constructive contribution to society. The mission of the YJB is to drive improvements that increase children's positive outcomes and prevent offending, leading to safer communities with fewer victims.

The interview took place in December 2021

JB: How did the pandemic change the number of children entering the criminal justice system, including the secure estate?

NH: During the pandemic, there's been a reduction in the number of children coming into the system and that has been particularly pronounced for custody, which has seen the numbers drop to historic lows. At the end of October there were 449 children in the secure estate. Obviously, everybody wants to see how this could be maintained and reduced further moving forward.

We know that there are likely to be pressures the other way, to raise numbers up. People have speculated about the effect of the increase in police numbers. There are also some demographic changes that are likely to happen in the population. Additionally, there is the action to address the backlog of court cases and what effect there will be after the pandemic. But we have shown that it can be done, that the numbers can be brought down. Keeping children out where possible restricts the negative effects of custody. We'd be looking for policy makers across the system to contribute to maintaining this.

There is, however, a particular concern about the high numbers of children remanded to custody. Almost half of the people in youth custody are on remand and that number seems to be growing over the years, and disproportionately includes children from particular ethnic groups. We know that of those children who were on remand, only about a third go on to receive a custodial sentence. That shows that a large majority of children in custody on remand don't need to be there. That risks creating all the trauma, damage to their identity and the stigma that custody entails. It is likely not just to impact on their outcomes as children but also increase criminogenic factors that then leads to unnecessary risk for the general public.

JB: What are the circumstances and experiences of children entering the criminal justice system? How might their lives at home or in the care system have been affected by pandemic? Do those experiences vary between different groups for example people from minority ethnic communities?

NH: At the moment we are limited in what we know about the experiences of children during the pandemic. There's a lot of research going on, but at the moment it's largely anecdotal evidence and educated guesses as to the effects. We do know that the mental health of children has been affected. We know that it has interrupted positive and constructive activities that children are involved in. We know that it has affected their supportive and constructive relationships both inside and outside. All of those factors we know can have a negative effect on children's outcomes and therefore on potential offending. We know that hasn't yet filtered through, so we are anticipating what these issues may be.

With remand, we have a good idea why remand stays high. One particular factor we are aware of is that children are remanded to custody when there is an immediate accommodation issue. If there isn't accommodation to go to, they are sent to custody in the short term instead. To address this, the Youth

Justice Board has funded the London Accommodation Pathfinder to set up short term accommodation. That will give the judiciary the assurances that they need. We are developing small five-bedroom children's homes with support and trauma informed care. That is one way we are trying to solve this problem, but it needs a bigger effort amongst policymakers to try and crack the problem of remand.

JB: Does coronavirus present different health risks for children in custody compared to adults? If so, what is the significance of this in the pandemic response and planning for recovery?

NH: At the start of the pandemic, there was a huge concern — nobody knew what this would mean in custody, how it would affect children, whether there would be negative physical health outcomes for children in custody. Thankfully, to date, that doesn't seem to have been the case. There has definitely been some illness, including amongst staff, and there has been disruption in establishments but thankfully we haven't seen devastation to the health of children. That is partly because children have not been affected to the same extent as adults generally, but it is also because of the measures taken by establishments, staff and children, who have all pulled together to ensure that that everybody was as safe as possible. I think it's also important for us all to remember the amount of fear and unknown we all faced, at the beginning of the pandemic especially. Throughout this time staff in sites turned up day in, day out to keep these children safe. Many went above and beyond to mitigate the negative effects of the pandemic.

Inevitably, the pandemic and responses to it have brought some negative outcomes for life in custody. The most obvious was the amount of time that has been spent in rooms, particularly early on in the pandemic. Inspectors have highlighted that this was unacceptable in certain institutions. That is bound to have some effect on the well-being of children. There have also been effects on case management and resettlement. For example, there was disruption to release on temporary license, which we know is central to preparations for release and helping resettlement.

JB: Is there likely to have been a variation in the effects between different groups, for example

children from minority ethnic communities, children with disabilities, or girls in custody?

NH: We have found that most children in custody have been relatively resilient to the effects of the pandemic, and staff have rallied around and tried to restrict the damage. However, what you tend to find in any crisis like this is that those who it affects most are those who were vulnerable anyway. So, if you have vulnerable characteristics in your health or in your social background, then you are going to be more vulnerable during a pandemic and the effects are going to be greater. We've seen this in particular with children who have a history of social care. Children who have been looked after, are relatively isolated anyway and at risk of becoming more isolated as they

don't have the support from outside. As a result they don't seem to have the same resilience. Those who have health issues anyway find it particularly difficult during a pandemic, and clearly those who already have mental health issues struggle even more and require greater support during this time.

JB: What have been the effects on safety in youth custody since March 2020? Have the rates of violence and self-harm changed?

NH: There is evidence that, certainly early on in the pandemic, figures for self harm, violence and other aspects of safety improved. One thing that's interesting is that the analysis that has been completed has not found that it was related to the amount of time that children spent in their rooms, which is often the first place that people go to for an explanation. It seems much more that it is related to improved relationships between staff and children, and increased phone contact with families. There are broader lessons from these findings — whatever the circumstances, the quality of relationships, the quality of support for children, and the amount of contact that they can have are linked to positive outcomes.

JB: The two Secure Training Centres holding children have both been the subject of recent 'urgent notifications', issued as a result of serious concerns identified through joint inspections conducted by HM Inspectorate of Prisons, Ofsted and the Care Quality Commission. Is this the result of the pandemic or does this reflect pre-existing challenges?

There has definitely been some illness, including amongst staff, and there has been disruption in establishments but thankfully we haven't seen devastation to the health of children.

NH: The challenges of the youth secure state are historical but have been exacerbated by the pandemic in a number of ways. The success of reducing the number of children in custody means that those children who have received a custodial sentence have often committed very serious crimes and have complex needs. The latest data show that of those children sentenced to custody, 98 per cent had five or more concerns identified by a youth justice practitioner. These concerns range from substance misuse to poor mental health to unsuitable accommodation or parenting. To really help these children is a complex task which requires investment, skill and resources. The pandemic has resulted in operational challenges with reduced staffing and changes to regimes, which will have disrupted positive relationships that are critical to children being able to reach their potential, develop pro-social identities and feel safe.

JB: What might be considered in the recovery phase to respond to the potential effects of the pandemic, including disruption to learning and family relations?

NH: In terms of interruption to family relations, what we've seen is that the adjustment has been one of the success stories from the pandemic. Although visits have been disrupted, the amount of contact children have had with their families seems to have gone up. That is largely because of the efforts that have been made to enable children to keep in regular phone contact with their families, for example by having phones in their rooms, and also because of the introduction of video calls. Of course, that benefit has been less for those who are isolated anyway, such as those who have been in care. For those that have benefitted, this contact has been important for preparation for release, building and maintaining supportive relationships.

If there's one silver lining to the pandemic it is that it has crystallized some of the problems that exist within the youth custody estate and given us an opportunity to reflect on the changes that that are required. One issue that it has highlighted is the central importance of the relationship between staff and children. We knew that from research more generally, but it's been writ large with any studies that have looked at the experiences of children during the pandemic. A critical factor is how much positive reinforcement children have received from staff. It is now up to policy makers to respond to this and enable staff to build those positive relationships with children. It is more of

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parenting role, reflecting an understanding that these are children, who are affected, the same as other children, by relationships both positive and negative. Even more so because of their trauma backgrounds. We need to ensure that all staff within custody understand that they are working in childcare institutions and they are childcare professionals.

JB: What are the potential impacts for people who have moved from youth custody into the adult prison estate during this time? How can their needs be taken into account in recovery?

NH: The transition to the adult estate has always been problematic. I'm aware that HMPPS is drawing up a new young adults strategy and that is very welcome. The Justice Select Committee has also highlighted the issues with young adults and the transition to the adult state. It is particularly difficult for girls who transition from institutions that are specifically designed to look after very vulnerable children and then transition straight into the adult women's estate, which doesn't have that specific support for vulnerable people. But even for boys, transitioning into the young adult estate, part of the problem is the lack of continuity in approach. Work that starts in the youth estate seems to get discontinued in the young adult state. There is a bit of a cliff edge

that children encounter when they go up to the young adult estate at the very time when they're undergoing quite a traumatic transition. We also know that those who are on long term sentences are more likely to be those who have experienced trauma, and those who have experienced trauma, we know from research, find transitions particularly difficult.

JB: What role should the Youth Justice Board's 'Child First' principles have in the recovery process? What do these principles mean for how the recovery process should be approached and what actions might be taken?

NH: The 'Child First' principle is now the guiding principle for the youth justice sector. It has four parts, which essentially draw together our contemporary understanding of what works and what is important in youth justice. The first part is treating children as children, which involves understanding how they're developmentally different from adults and they require different support. Second is promoting children's individual strengths and capacities to build pro-social identity, focusing on positive outcomes rather than just

trying to manage offending. Third is collaborating with children because we know that you can't do youth justice to a child, you have to work with them. The fourth part is diverting children from the system where possible or minimising stigma within it, as we know that stigma is the cause of further offending.

The 'Child First' principle simply reflects our contemporary understanding of how to help children towards positive outcomes and away from crime. When we ask about what's going to be important in recovery, the answer is the same thing. It is going to be important all the time. That is what 'Child First' encapsulates.

JB: The initial impact of the pandemic and the introduction of restricted regimes meant that some innovations had to be quickly adopted, including the use of video calls so that children in prison could maintain contact with their families, video links with courts so that the justice system could continue to operate, and the increasing use of video calls for everyday staff and management business. What do you see as the potential role of technology in the future of youth custody?

NH: The pandemic has forced HMPPS to improve the technology it is using and that certainly is welcome. I have already mentioned the use of video calls for family contact, but it can help with resettlement too. For example, given the geographical difficulties of professional visitors travelling across the country, video calls could be more economic and productive. The pandemic has provided a catalyst to overcome some of the barriers that have been put up previously.

We need think carefully about how technology can be used more broadly. For example, in relation to education, we've seen how important it has been when people have been in a restricted, lockdown situation in the community, so surely we can utilize that in a controlled environment, in custody, in a much better way? Education in custody, I believe, needs urgent reform. The pandemic has shown that the old traditional, classroom-based model is not the best way to engage children. The classroom walls need to be much more permeable so that education continues outside of the classroom. We need staff on the wings,

in the residential units, to be more engaged with education. Education should not be demarcated and seen as the property of teachers. Staff should have a similar role to parents and carers on the outside, who would encourage and support children with homework. A large proportion of staff have not seen that as part of their job, but that needs to be part of their role in a childcare setting such a children's secure estate. The curriculum also needs to be developed, so it is not restricted to the 'three R's', but instead it is relevant to each individual. It should be tailored to their interests and strengths.

We now understand much more about the backgrounds of children in custody, the huge vulnerabilities of this cohort, the complexity of needs and, the adverse childhood experiences that these children have had.

JB: As coronavirus moves from pandemic to endemic and we learn to live with it, do you expect to see youth custody restore pre-pandemic regimes and activities or do you expect them to be redesigned or reimaged?

NH: Over the last ten years or so, there have been huge advances in our understanding of children in custody and what help they need to move forwards.

The first big advance is in relation to trauma. We now understand much more about the backgrounds of children in custody, the huge vulnerabilities of this cohort, the complexity of needs and, the adverse childhood experiences that these children have had. They have unmet needs, which adults and the services in the community should have supported, but often have

not. As such, these children have been failed, especially when they were looked after by the state. While I am not suggesting that children in custody haven't committed terrible crimes, we are, however, now in a much better position to understand what may be in the background of those who do commit the most serious crimes. We better understand the part that a lack of support may have played. What happens often is that children who have suffered trauma and have complex needs don't receive the support they need and so respond to that trauma, the trauma plays out in negative behaviour, and they are then punished. It's important that we, as adults, understand our responsibilities to those children now and how we may have failed in our responsibilities to them in the past. The support the children need has to include trauma-informed care, so we don't simply repeat and reinforce that trauma. That is a danger of custody because the

custodial environment can be traumatizing in itself, and so we need to reduce the negative and traumatizing effects of custody rather than double down on our mistakes and simply increase the chances of negative behaviour in the future.

During the pandemic, one huge advantage was the organizing of children into smaller groups. These so called 'family groups' were initially because of social distancing restrictions and often involved residential groups of single figures. What we've found when studying this, is that there have been huge benefits. Children have explained how this has enabled them, perhaps for the first time in custody, to start to lower their guard, to not always be on high alert. It has enabled children to build more constructive relationships with other children but also with staff. We have almost had a circuit break from any negative institutional culture. It is a critical piece of learning that we need to find a way to continue to have children living in smaller groups. Ideally that would mean smaller residential units, smaller institutions, and that reflects all the learning we have from the past about how much more effective small children's homes are compared to large institutions. Where small units are not possible in the short term, we need to organise children into smaller family units. Despite the challenges of delivering that, it is one of the biggest takeaways from the pandemic.

A further area where we have a better understanding than in the past is in relation to risk. Up until recently, everybody in the youth justice system has talked in terms of risk of offending or risk generally, but the Youth Justice Board has challenged those terms. We have, first, recognized that we were focussing on the negative, on a child's deficits. When you do that, you start to characterize children as a bunch of risk factors, which has a stigmatising and negative effect on their identity and subsequent behaviour. We have to reframe our understanding of risk factors in a more positive way if we're going to help children. The second key reason why we have shifted focus is that we have mischaracterized vulnerability as risk. Rather than measuring risk of offending, various assessments actually identify vulnerabilities. If you start measuring vulnerability but confuse that as risk, then you end up

punishing or restricting children for their needs. This has been underlined by the Black Lives Matter movement, because we know that children from certain minority ethnic groups as well as other children from other diverse backgrounds show up on risk assessments as having greater risks. They are not risks, they are vulnerabilities, often structural vulnerabilities associated with poverty and social exclusion. It is critical that that we understand racial disparity within the system. We know that particularly black boys are disproportionately represented in in custody. We need to understand why and address the misuse of and obsession with risk of offending. The answer is to try to address vulnerabilities

as needs and increase positive outcomes. Constantly treating children as risky individuals and potential offenders will simply drag them further into the system and nurture negative and destructive behaviours.

JB: Despite initial fears, the employment market is buoyant as the economy recovers. What are the implications of this for staffing in the youth custody estate? In planning for recovery, what should be the priorities for staff?

NH: The point I made earlier is that it is essential to understand the vulnerabilities of children and to approach custody as a childcare institution. To reflect this, all staff working in custody need to be childcare staff. They need to understand their role as childcare professionals and they need to be trained and qualified

as such. We have seen some excellent examples of staff going the extra mile to ensure the well-being of children, giving them the encouragement and positive reinforcement that has been shown to be so important. We need to rethink our behavioural management approach and support staff to help children develop prosocial identities. We now need to ensure that all staff members are trained effectively and have a contemporary understanding of how to help children change how they see themselves and their future.

JB: The first 'secure school' is currently being developed and will be run by Oasis Charitable Trust. What is the potential of this model? Is this a means to build back better?

Children have explained how this has enabled them, perhaps for the first time in custody, to start to lower their guard, to not always be on high alert. It has enabled children to build more constructive relationships with other children but also with staff.

NH: The first 'secure school' provides us with an opportunity to learn from some of the problems that institutions have faced in the past and to do things differently. There is a history of 200 years of new youth justice establishments which have repeated the same mistakes. There is a cycle each time where we start off with public enthusiasm so courts send a lot of children there, so they are then oversubscribed, so staff are brought in from the adult estate who are untrained or inexperienced with this group so high staff turnover and problems with behaviour, and then there is usually some critical incident or scandal. This leads to disillusionment. Ultimately, it is often revealed that there are poor reoffending rates, and we restart the search for another alternative.

When Medway Secure Training Centre first opened, I evaluated that for the Home Office and warned of this cycle and that the same thing was likely to happen unless we had a childcare staff who were trained to work with children and we actively intervened to avoid this cycle. I have given the same warnings with the 'secure school'. People have said that the 'secure school' is different because it is focussed on being a school, but we have seen this before, going back to reformatory schools, approved schools, and even the secure training centres were intended to be based on education. But in the past, sites caught in this cycle have defaulted to being a detention-type centre. We need to make sure that it doesn't happen this time and that there is something fundamentally different about the regime, based on our contemporary understanding of constructive resettlement and trauma-informed care. If Secure Schools can do that, delivering the nurturing child-care environment they have promised, they have the opportunity to support any kids in their custody to be safe, have more positive outcomes, and make constructive contributions to their communities.

JB: Do you have any sense that public views about youth justice altered as a result of the pandemic and the widespread experience of confinement?

NH: I don't think you can compare the experience of the public in lock down to the experiences of being custody. Anyone who thinks they can probably has little idea of the reality of life in custody and particularly during a restricted regime. However, I do hope that we can build public understanding around the needs of these children. If we can stop asking what's wrong with

these children and start wondering what happened to them, and wondering if they were failed in their earlier years, I think we will be in a strong position to drastically reduce youth crime in general.

JB: What opportunities are there for cross-government collaboration to prevent children entering the criminal justice system, and to better support those leaving custody?

NH: Preventing children entering the criminal justice system and preventing reoffending after custody both need the same thing fundamentally; support for positive outcomes as children. That's 'Child First', recognising that our focusing on achieving the same positive outcomes as for any child will lead to safer communities and fewer victims. And we know that these positive outcomes require collaborative support for children and their families. For children in custody, all of the research into the effects of custody over the past 20 years has shown that positive effects depend less on what happens in custody per se, and more on how well custody links with the community. It is about resettlement, the preparation of children for their release, and the preparation of their home. Again, that all requires other agencies and services, not just the custodial institution and the youth justice service. This is particularly challenging with looked after children and they have persistently received poorer support. Resolving these problems and helping children requires co-ordination and collaboration. We've recently seen resettlement consortia or partnerships in various parts of the country and they provide a practical model to do this, based on a common framework known as 'constructive resettlement' which focuses all agencies around guiding and enabling children's pro-social identity development. The Youth Custody Service has now also adopted constructive resettlement as its support framework, which should allow for better custody-community collaboration. But all government departments need to understand the level of individual support that is needed and a willingness to provide the kind of support that all children need : safe and stable accommodation; appropriate health support; education that they feel is relevant for them; and positive leisure activities with constructive guidance. Perhaps with the Justice Secretary, Dominic Raab, also being Deputy Prime Minister, there is now an added opportunity to bring departments together to make lasting improvements.