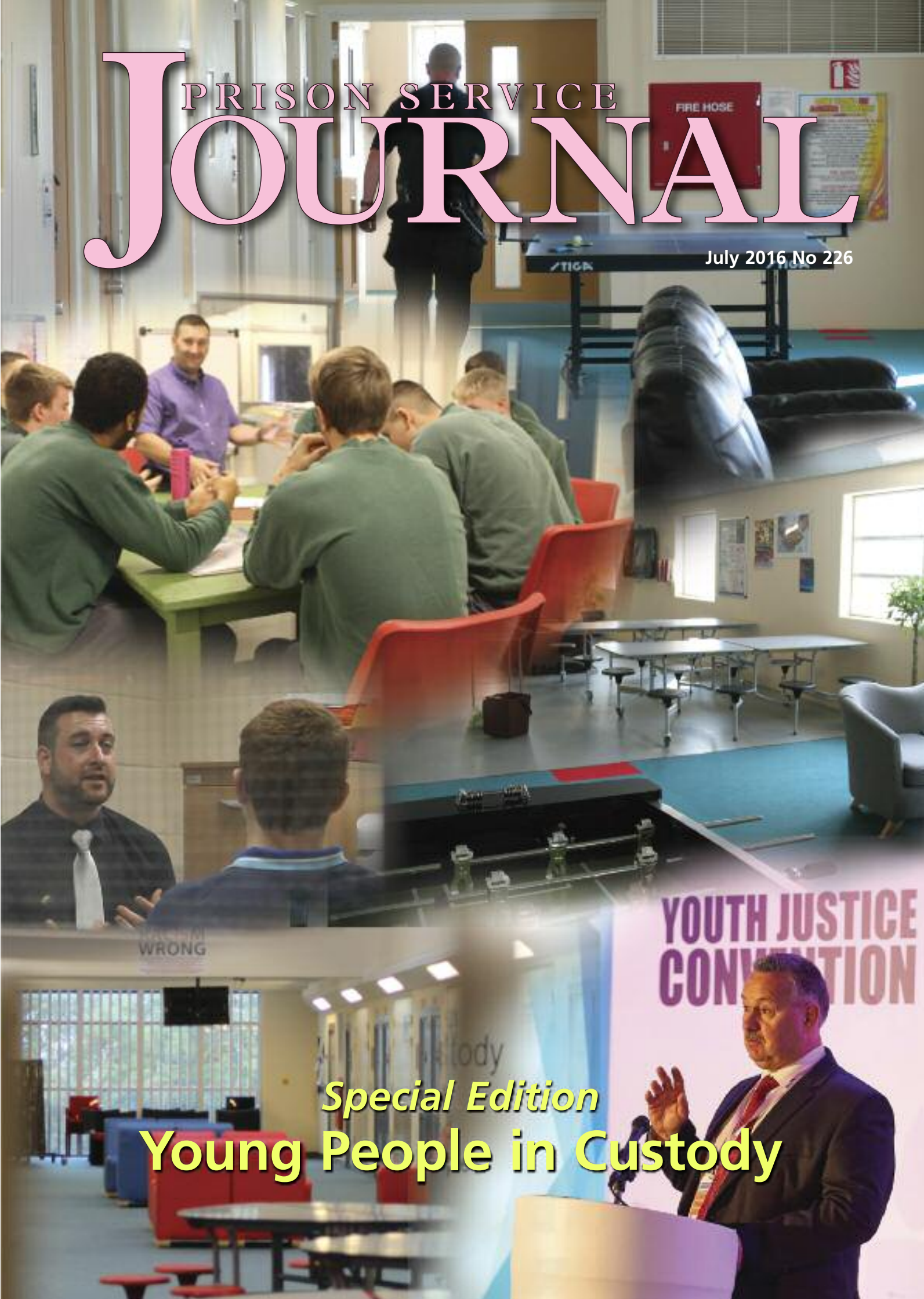


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Having to (re)settle for second best?

The gap between theory and practice in the resettlement of children¹

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A small problem or a big one?

There is a stark contrast between, on the one hand, the relatively small numbers of children currently detained in custody and the enormity of the challenge to improve outcomes on return to the community for this particular group. To take the first half of that dichotomy, after years of rising youth imprisonment, the number of incarcerated children has fallen dramatically more recently. The average population of the secure estate in 2007/08 was 2,932 but by 2015/16 (up to September 2015) had fallen to 981, a decline of more than two thirds.² As a recent report by the Children's Commissioner for England notes, this figure is equivalent in size to an average secondary school.³ While females have always been underrepresented in the custodial population, the reduction in girls' incarceration has been even more striking. By September 2015, just 32 girls — a typical school class — were detained in the children's secure estate.⁴

There is a sense in which delivering effective resettlement services to such a small cohort should be straightforward: the implications for the public purse of resourcing high quality provision are modest, and the potential for tailoring services to meet individual need is considerable. At first sight then the issue of children's resettlement appears relatively unproblematic. One might accordingly anticipate that a youth justice system focused on the prevention of offending and reoffending of children, as the Crime and Disorder Act 1998 requires, ought to deliver favourable resettlement outcomes.⁵

Viewed through a different lens, however, youth resettlement takes on a rather less encouraging aspect. On a variety of different indicators, outcomes for children returning from the secure estate to the community appear poor. The government's preferred measure is reoffending within 12 months of release from custody and, despite some recent improvement, rates of recidivism following imprisonment remain stubbornly high. More than two thirds (66.5 per cent) of children released from custody in 2013 were reconvicted within a year of release, significantly above the equivalent rate for adults (45.8 per cent) and higher than that for any other disposal.⁶ No doubt, the latter difference is explained in part by the fact that children incarcerated for their offending are likely to have a more entrenched history of criminality, but analysis conducted by Ministry of Justice confirms that, controlling for other relevant factors, children who receive custodial sentences of between six and twelve months are significantly more likely to be convicted than a comparison group sentenced to a high level community penalty.⁷

Admittedly, post-custody reoffending has fallen since 2007, prior to which date recidivism rates were routinely above 74 per cent. It is tempting to see this advance as indicative of an improved focus on the resettlement of children and this is one possibility. Complacency would however be unwise as there are other potential explanations. The overall level of detected youth crime has fallen dramatically since the latter half of the last decade and levels of reoffending might accordingly simply have fallen in line with that broader trend. Moreover, the decline in the custodial population has had a significant impact on the age

1. Much of the material on which this article is based derives from the work of Beyond Youth Custody, a partnership funded under the Big Lottery's Youth in Focus programme that aims to improve youth resettlement policy and practice. For further information, see <http://www.beyondyouthcustody.net/>
2. Bateman, T (2015) *The state of youth justice – 2015: an overview of trends and developments*. London: National Association for Youth Justice.
3. Children's Commissioner for England (2015) *Unlocking potential: a study of the isolation of children in custody in England*. London: Children's Commissioner for England.
4. Ministry of Justice (2015) *Monthly youth custody report – September 2015*. London: Ministry of Justice.
5. Section 37 of the Crime and Disorder Act 1998 provides that the principal aim of the youth justice system is to prevent offending by children and young persons and requires that all agencies working within the system have regard to that aim.
6. Ministry of Justice (2015) *Proven reoffending statistics quarterly bulletin: January to December 2013*. London: Ministry of Justice.
7. Ministry of Justice (2012) *2012 compendium of reoffending statistics and analysis*. London: Ministry of Justice.

distribution of child prisoners, removing most of those below the age of 15 years. There has consequently been a considerable rise in the average age at which children are released from detention with the result that many of them will be approaching the stage of maturity at which they begin to 'grow out of crime'⁸ and the natural process of desistance kicks in.⁹ A binary reoffending rate is thus a relatively blunt measure of resettlement performance. Whatever the reasons for recent improvements, it is clear that the 'revolving door', whereby the large majority of children released from custody re-enter the criminal justice system within a short period, demonstrates that children's youth resettlement is, as yet, a long way from being able to claim success in terms of the system's statutory aim.

In any event, concluding that resettlement is a bigger problem than might be implied by the small numbers of children in the secure estate does not depend solely on high rates of recidivism. Other evidence that effective resettlement represents a difficulty disproportionate to the numerical size of the child custodial population is readily available.

Challenges and opportunities

Perhaps the greatest challenge for providers of resettlement services is the extent of vulnerability within the cohort of children deprived of their liberty, who have typically experienced 'trauma, victimisation, abuse and social injustice'.¹⁰ Extensive, research conducted in 2008, provided a troubling picture of disadvantage among the child custodial population. Educational engagement was poor: 48 per cent had been excluded from school. The majority lived in a deprived household and/or unsuitable accommodation. More than a quarter had previously been in care and 39 per cent had been on the child protection register. Three quarters children had absent fathers and 12 per cent had

experienced the death of a close family member, three times the rate for the general population. Eleven percent had previously attempted suicide. The negative impact of these individual factors was exacerbated by the cumulative effect: 80 per cent of children were characterised by five or more 'disadvantage factors'.¹¹ Accordingly, as Hazel and colleagues succinctly put it, these were 'not just bad kids, but complex individuals with multiple difficulties'.¹² Such difficulties are, moreover, compounded by the custodial experience which represents an interruption to the important developmental processes associated with adolescence that naturally foster desistance,¹³ undermines (already frequently inadequate) familial support, disrupts education and reduces future career prospects, and increases susceptibility to mental ill-health and substance misuse.

Given the scale of the changes in the interim, however, these findings — disturbing though they are — must be considered outdated. As the population of secure estate has contracted, children whose offending is less entrenched and whose difficulties are accordingly less pronounced have tended to be diverted to community disposals. By contrast, those who continue to attract spells of incarceration have the highest levels of complex needs.¹⁴

Between 2008 and 2013/14, the proportion of children in custody with previous experience of local authority care rose from around one in four to more than one in three; while fewer than half of children had previously been excluded from school in 2008, by the 2013/14, 88 per cent had. Moreover, it is apparent that this process of increasing concentration of vulnerability is ongoing: in 2013/14, 23 per cent of 15 to 17-year-old boys in young offender institutions (YOIs) reported having emotional problems or mental ill-health, a four percentage point increase over the previous year.¹⁵

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8. Rutherford, A (2002) *Growing out of crime: the new era*. Basingstoke: Waterside press.

9. Bateman, T (2015) *op cit*.

10. Beyond Youth Custody (2015) *Effective resettlement of young people: lessons from Beyond Youth Custody*. London: Beyond Youth Custody.

11. Jacobson, J, Bhardwa, B, Gyateng, T, Hunter, T and Hough, M (2010) *Punishing disadvantage: a profile of children in custody*. London: Prison Reform Trust.

12. Hazel, N, Liddle, M and Gordon, F (2010a) *Evaluation of RESET: A major programme for young offenders*. London: Catch 22.

13. Rutherford, A (2002) *op cit*.

14. Bateman, T and Hazel, N (2014) *Resettlement of young people leaving custody: lessons from the literature – Update March 2014*. London: Beyond Youth Custody.

15. Prime, R (2014) *Children in custody 2013-14: an analysis of 12-18-year-olds' perceptions of their experience in secure training centres and young offender institutions*. London: HMIP.

Not all children have benefitted equally from the fall in youth imprisonment. The decline for minority ethnic children has lagged behind that of their white counterparts. Accordingly whereas black children accounted for 14 per cent of the total detained population in September 2008, by September 2015, the proportion was more than 20 per cent. For mixed heritage children, the equivalent figures were 6 per cent and 10 per cent.¹⁶ While rising disproportionality is a concern in its own right, there is also evidence that these two groups of children have, on average, significantly higher levels of need than those from other ethnic backgrounds coming into contact with the justice system, providing further confirmation of the increasingly vulnerable nature of the incarcerated population.¹⁷

At the same time, the ability to respond effectively to escalating need has been compromised by the configuration of the secure estate. Population shrinkage, leading to closure of custodial institutions, has been associated with an increase in the distance of the establishment in which children are detained from home with adverse consequences for the maintenance of meaningful contact with the community to which they will return. In 2014, just 37 per cent of children reported that it was easy for family and friends to visit them.¹⁸ In addition, in at least some institutions, a higher concentration of gang involved young people has encouraged a prioritisation of security over rehabilitation.¹⁹

Additionally, it is hard to ignore the impact of austerity on the capacity of community-based providers to deliver resettlement. Between 2008/09 and 2013/14, total resources available to youth offending teams

(YOTs) fell by more than 16 per cent.²⁰ Recent in-year savings to the Youth Justice Board's (YJB) budget has resulted in a £9 million reduction in the grant to YOTs amounting to a 14 per cent cut in the central funding to those agencies.²¹

But these not inconsiderable challenges should be balanced by a recognition that there are too opportunities. Firstly, while the custodial experience is generally considered a negative one that makes reoffending more — rather than less — likely, the transition back to the community also provides a 'window of opportunity'.²² The custodial episode gives space for children to reflect, and research confirms that on release the large majority are committed to change and moving away from offending.²³ Three-quarters of supervisors thus consider that young people are more cooperative at the end of their custodial sentence than at the outset.²⁴ However, the window rapidly closes and, unless requisite support is in place, the opportunity for change dissipates as children return to the environment from which they came. The transition is accordingly also a particularly risky period, in which the potential for breach and reoffending is at its highest.²⁵

A second ground for optimism is the accumulation of a body of evidence on effective resettlement that can facilitate maximising the opportunities that children's hopes about their future afford.²⁶ Finally, repositories of practice- expertise, well-placed to make best use of the emerging evidence-base, have developed in the form of resettlement consortia, promoted by the YJB and covering areas with a high use of custody and a history of partnership working.²⁷

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16. Derived from Ministry of Justice (2015) *Monthly youth custody report – September 2015*. London: Ministry of Justice.
 17. May, T, Gyang, T and Bateman, T (2010) *Exploring the needs of young Black and Minority Ethnic offenders and the provision of targeted interventions*. London: Youth Justice Board.
 18. Bateman, T and Hazel, N (2014) *Resettlement of young people leaving custody: lessons from the literature – Update November 2014*. London: Beyond Youth Custody.
 19. See, for instance, HM Inspectorate of Prisons (2015) *Report on an announced inspection of HMYOI Feltham (children and young people) by HM Chief Inspector of Prisons, 11-15 August 2014*. London: HMIP.
 20. Ministry of Justice (2015) *Youth Justice Statistics 2013/14. England and Wales*. London: Ministry of Justice.
 21. Youth Justice Board (2015) *Response to the consultation proposal to reduce the Youth Justice Board's expenditure in 2015/2016*. London: Youth Justice Board.
 22. Bateman, T, Hazel, N and Wright, S (2013) *Resettlement of young people leaving custody: lessons from the literature*. London: Beyond Youth Custody.
 23. Hazel, N and Liddle, M (2012) *Resettlement in England and Wales: Key policy and practice messages*. London: Youth Justice Board.
 24. Hazel, N, Hagell A, Liddle, M, Archer, D, Grimshaw, R and King, J (2002) *Assessment of the detention and training order and its impact on the secure estate across England and Wales*. London: Youth Justice Board.
 25. Bateman, T, Hazel, N and Wright, S (2013) *op cit*.
 26. For a recent summary see Bateman, T, Hazel, N and Wright, S (2013) *op cit*.
 27. Bateman, T and Hazel, N (2014) *Resettlement of young people leaving custody: lessons from the literature – Update August 2014*. London: Beyond Youth Custody.

Recognising resettlement as a process

The activities that make up resettlement are scarcely new. While the introduction in 2000 of the detention and training order (DTO), optimistically heralded by the YJB as a 'better sentence',²⁸ undoubtedly helped to focus attention on the importance of preparing incarcerated children for release, previous custodial sentences for children had routinely included an element of statutory post-custody supervision.²⁹ The terminology used to refer to those activities has however changed, and while the significance of linguistic shifts should not be overstated, they do in this instance reveal something of how thinking has altered over the period.

Subsequent to its first appearance in a 1998 Home Office consultation paper, 'resettlement' became the preferred expression for what had previously been known as 'throughcare' and 'aftercare'.³⁰ The new nomenclature had the advantage of drawing attention to the fact that custody was a disruptive experience that would require readjustment on release, but it also implied erroneously that children had been settled before their incarceration and that the task was simply to restore the status quo. Moreover, if previous terminology had unhelpfully separated out activities appropriate to the custodial episode from those undertaken in the community, resettlement at least allowed for an understanding — without necessarily prescribing it — that good practice involved a process covering the entire sentence.³¹ Conversely, the shift away from expressions which had emphasised the importance of care for the imprisoned population might be seen as reflecting a hardening of policy towards children in conflict with the law, intimating that caring was not a legitimate function of youth justice agencies.³² Given the overwhelming evidence of vulnerability outlined above, this — albeit

implicit — denial of the centrality of attending to the welfare needs of the custodial cohort arguably did little in the short term to promote effective practice.

Whatever the impact of such shifts in vocabulary, the understanding that resettlement is a process that spans the custody-community divide is now well established and clearly represents conceptual progress. The rhetoric that surrounded the introduction of the DTO emphasised that it was a 'seamless sentence', promoting continuity of provision from the secure estate into the community.³³ Importantly, planning for release should commence at the start of the custodial episode and focus on preparation for the longer-term release rather than on short term behaviour management or on allocation to a restricted range of pre-determined programmes within the institution.³⁴ Similarly, community-based resettlement provision should build upon, and represent a continuation of, work undertaken while in custody.³⁵

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A process with purpose

If acknowledgement that effective resettlement is a process rather than a prescribed range of activities in custody and the community is a positive step, it nonetheless raises the question

of what that process consists in and what it should aim to achieve. In one sense the ultimate goal is clearly delineated since the purpose of resettlement is obviously to enhance the prospect that children will desist from offending, and live constructive, fulfilling, lives as a consequence of the intervention. The key issue is then what sort of process is most likely to deliver that outcome.

The YJB's resettlement framework emphasises the importance of addressing children's needs as a fundamental task for resettlement agencies. It specifies five pathways that should underpin effective provision: accommodation, education training and employment, health and substance misuse, the involvement of

28. Youth Justice Board (2000) 'The detention and training order: a better sentence for young offenders' in *Youth Justice Board News* Issue 4, June 2000.

29. The detention and training order was introduced by section 73 of the Crime and Disorder Act 1998.

30. Home Office (1998) *Joining forces to protect the public: a consultation paper*. London: Home Office.

31. The preferred expression in many Western jurisdictions outside of the UK is 're-entry' which, like aftercare and throughcare, tends to divorce responsibility for what happens on release from what happens prior to it.

32. Raynor, P (2004) 'Opportunity, motivation and change: some findings from research on resettlement' in Burnett, R and Roberts, C (eds) *What works in probation and youth justice: developing evidence based practice*. Cullompton: Willan.

33. Home Office (1997) *No more excuses: a new approach to tackling youth crime in England and Wales*. London: Home Office.

34. Altschuler, DM, Armstrong, TL and Mackenzie, DL (1999) *Reintegration, supervised release and intensive aftercare*. Washington: Office of Juvenile Justice and Delinquency Prevention.

35. Hazel, N and Liddle, M (2012) *Resettlement in England and Wales: Key policy and practice messages*. London: Youth Justice Board.

families and financial stability.³⁶ Given the typical characteristics of children consigned to the secure estate, such a focus is understandable and it is obvious that without a stable place of residence, legitimate means of subsistence, the prospect of future employment opportunities and a drug-free lifestyle the chances of reduced offending are, at best, modest.

There is considerable unanimity that meeting the broad range of complex needs displayed by the child custodial population is beyond the remit of any single agency and requires effective partnership.³⁷ Recent evaluation of resettlement initiatives has highlighted the importance of a 'brokerage' function that ensures collaborative working between multiple stakeholders and facilitates access to the full range of services required to deliver continuous packages of care across the two phases of the sentence.³⁸

Children themselves confirm the importance of such support. A survey conducted for the YJB in 2012 found that the majority were concerned about whether they would have sufficient income to survive on release and whether they would have somewhere suitable to live. Forty-five per cent were worried about whether they would be able to access education. Disappointingly such concerns appeared to be borne out of experience since less than one in four considered they received sufficient help with the problems that had led to them offend.³⁹ Other research has found that many young people regard post-custody provision to be largely 'irrelevant, tedious and repetitive' and focused on risk rather than opportunity.⁴⁰

From risk to opportunity

The latter finding points to a potential difficulty with mainstream framing of resettlement: despite the

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patent importance of addressing need, there has been a tendency to locate such activity within a risk-based paradigm that focuses practitioner attention on 'criminogenic' risks. Such an approach has been subject to extensive criticism for treating children as 'crash test dummies' whose fate is largely determined by their exposure to risk, rather than regarding them as active individuals with a capacity to make choices (albeit constrained by their socio-economic position).⁴¹ The focus on correcting supposed deficits rather than adopting a future orientation limits the potential for children being involved as agents of their own rehabilitation and accordingly tends to undermine engagement between children and those responsible for their rehabilitation.⁴²

This is particularly problematic since engagement is widely acknowledged to be a pre-requisite of effective youth justice practice, although here too there is scope for differences of interpretation.⁴³ It is common ground that without active participation on the part of the child, rehabilitative interventions are unlikely to have the desired effect. At the same time, attendance, or 'behavioural engagement', does not guarantee a particular outcome since compliance might be superficial.⁴⁴ 'Genuine'

engagement involves some additional emotional or cognitive commitment on the part of the child who accepts the objectives of the intervention and is motivated to accrue their benefits.⁴⁵ Until recently, however, the primary focus of youth justice professionals, guided by national standards, has too frequently been on the maintenance of superficial compliance through enforcement.⁴⁶

There is too a further sense of engagement that refers to the strategies of service providers and the actions of practitioners to engage children in the

36. Youth Justice Board (2005) *Youth resettlement: a framework for action*. London: Youth Justice Board.

37. Beyond Youth Custody (2015) *op cit*.

38. See for example, Hazel, N, Liddle, M and Gordon, F (2010) *Evaluation of RESET: a major programme for young offenders*. London: Catch 22.

39. Glover, J, Webster, L, White, J and Jones, N (2012) *Developing the secure estate for children and young people in England and Wales: young people's consultation report*. London: Youth Justice Board.

40. Gray, P (2010) 'The resettlement needs of young offenders leaving custody: an emotional dimension' in *Prison Service Journal* 189.

41. Case, S and Haines, K (2009) *Understanding youth offending: risk factor research, policy and practice*. Cullompton: Willan

42. Bateman, T (2015) *op cit*.

43. Ipsos MORI (2010) *A review of techniques for effective engagement and participation*. London: Youth Justice Board.

44. Fredricks J, Blumenfeld P and Paris A (2004) 'School engagement: potential of the concept, state of the evidence' in *Review of Educational Research* 74(1) pp.59-109.

45. Mason, P and Prior, D (2008) *Engaging young people who offend: source document*. London: Youth Justice Board.

46. Hazel, N, Hagell, A and Brazier, L (2002) *Young offenders' perceptions of their experiences in the criminal justice system*. Swindon: Economic and Social Research Council.

process of resettlement. In this sense, engagement might be understood as a set of professional skills. The multi-dimensional nature of the concept thus implies a form of relationship between the child and the service provider. The importance of relationship for effective practice has too been confirmed by an impressive body of research-evidence⁴⁷ which, significantly, accords with a key message from children, across a wide range of services, that what matters to them above all else is consistency of relationship with a trusted adult.⁴⁸ McNeill has argued convincingly that genuine engagement depends upon the child regarding the exercise of the authority by those responsible for statutory supervision as legitimate; legitimacy in turn depends upon the relationship between the two parties.⁴⁹ But if the case for high quality relationships as an essential pre-cursor of effective resettlement is well made, the precise role that relationships play in desistance process requires further articulation.

An alternative to the risk factor paradigm is provided by a growing literature which highlights the importance of subjective considerations — as well as objective external influences — for desistance. Children who continue to offend are more likely to regard themselves as victims of circumstance, and feel they have little choice over the future direction of their lives. Conversely, those who successfully make the transition to a law-abiding lifestyle are considerably more optimistic, see themselves as in control of their own destinies and have a sense of hope as to what the future holds, even if that optimism may, on occasion, understate the obstacles confronting them in that endeavour.⁵⁰ Concentrating on risk factors associated with past offending might accordingly be counterproductive by comparison with promoting strengths and fostering a sense of agency that can contribute to future positive behaviour. The role of resettlement is accordingly not simply to broker access to opportunities such as education, employment and accommodation — albeit that such access is essential; nor is it just to provide interventions that address welfare needs — though without such support, desistance is unlikely. Effective resettlement also involves staff engaging — through high quality relationships — with children to encourage plausible

narratives of desistance and promote personal agency to better enable them to take advantage of the 'window of opportunity' afforded by the release from custody. Achieving that aim is significantly more likely where children consider that staff with whom they work show that they 'care' for them as individuals by demonstrating compassionate, offering emotional support, acknowledging the impact of earlier negative experiences and, in at least some instances, the previous failure of justice agencies to deal with them in a caring manner.⁵¹

Resettlement as a shift in identity

Integrating these various strands of research evidence, Beyond Youth Custody, a partnership that promotes effective youth resettlement policy and practice, has suggested that resettlement can be helpfully understood as a process of transformation that, where successful, facilitates a shift in identity on the part of the child 'from a socially marginalised offender to a socially included non-offender'.⁵² By the same token, it is suggested that the potentially ambiguous, multi-dimensional, nature of engagement can be best captured by conceptualising it as a three stage process that facilitates that transformation, involving:

- ❑ Resettlement providers engaging with the child — to establish a meaningful connection as a prerequisite for effecting a shift in identity
- ❑ The child engaging with the resettlement service — forming relationships with staff and coming to identify with the goals of the provision. This requires the child to commence the journey of adopting a different identity while professionals simultaneously promote that transformation
- ❑ The child engaging with the wider society — by developing a transformed relationship with the world around them, translating the potential offered by engagement with resettlement provision into a reality, initially with the ongoing support of resettlement services but ultimately independently of such support.⁵³

47. See for instance, McNeill, F (2006) 'Community supervision: context and relationships matter' in Goldson, B and Muncie, J (eds) *Youth Crime and Justice*. London: Sage.

48. See for instance, Children's Commissioner for England (2015) *State of the Nation: Report 1: Children in care and care leavers survey 2015*. London: Children's Commissioner for England.

49. McNeill, F (2009) 'Supervising young offenders: what works and what's right' in Barry, M and McNeill, F (eds) *Youth offending and youth justice*. London: Jessica Kingsley.

50. Burnett, R and Maruna, S (2004) 'So "prison works", does it? The criminal careers of 130 men released from prison under Home Secretary, Michael Howard' in *Howard Journal of Criminal Justice* 43(4) pp.390-404.

51. Bateman, T, Melrose, M and Brodie, I (2013b) 'Nothing's really that hard – you can do it': agency and fatalism: the resettlement needs of girls. Luton: University of Bedfordshire.

52. Details of the *Beyond Youth Custody* partnership are available at: <http://www.beyondyouthcustody.net/>

53. Bateman, T and Hazel, N (2013) *Engaging young people in resettlement- research report*. London: Beyond Youth Custody.

Faulty transmission?: resettlement on the ground

There is of course no automatic transmission from evidence to practice. The emergence of resettlement consortia has facilitated the dissemination of research findings among the practitioner community and effective resettlement is more common than it was. Nonetheless, the overall picture is patchy at best.

A recent thematic inspection of resettlement services for children concluded that while ‘some excellent work’ was taking place in custody and the community, resettlement was more commonly characterised by poor outcomes, associated with inconsistent information sharing, disjointed planning, and a lack of appropriate support to children when it was most needed.⁵⁴ Just one third of a sample of 29 children subject to DTOs had fully complied with expectations of post-custody supervision, five had been returned to the secure estate as a consequence of breach and nearly half had been arrested for further offending, often within weeks of release. While acknowledging that the complexity of the caseload poses genuine difficulties for service providers, inspectors considered that a failure to implement consistently the lessons of research contributed to the disappointing results. Joint planning between custodial staff and those based in the community was limited, activities within the secure estate were frequently not focused on preparing children for release, YOT staff were too little involved in the custodial phase of the sentence in two thirds of cases, and adequate arrangements for stable accommodation, education or training, and suitable emotional support were often in place too late or not at all.

This rather discouraging assessment of the current resettlement landscape should however be seen in context: 21 of the 29 tracked cases involved boys confined in YOIs; the remainder involved girls detained in secure training centres (STCs; none of children were in secure children’s homes (SCHs). Recent research conducted on behalf of the Children’s Commissioner for England, exploring the prevalence of isolation in the children’s secure estate identified that children’s experiences in custody vary considerably according to the nature of their placement. Thus children who experience isolation in a YOI are, over a seven month period, likely to

spend more than eight times as long separated from their peers, and consequently denied access to rehabilitative activities, than their counterparts in SCHs.⁵⁵ This differential is explained largely in terms of staff to child ratios (typically 1 to 10 in YOIs and 1:2 in SCHs), the small size of the latter institutions and the more flexible regimes available within them. Similar evidence of the structural difficulties associated with large-scale and understaffed custodial provision is routinely documented in inspections. Most recently, it was reported that boys at Cookham Wood had, on average, no more than five hours a day out of their cells and more than a third were locked in their cells during the core day.⁵⁶

It is scarcely surprising that, in such conditions, staff struggle to deliver resettlement provision in the manner the evidence-base suggests is required if it is to make a real difference. Children themselves confirm this suggestion. Table 1 compares the responses of children in YOIs with that in STCs (which are intermediate between SCHs and YOIs in terms of size and staffing ratios) on a number of issues relevant to effective resettlement which in each case demonstrate a better experience for those detained in the latter form of provision.⁵⁷ (There are no comparable data for SCHs, but to the extent that size and staffing are significant factors, one might reasonably anticipate better outcomes still for this sector).

Percentage of children reporting	YOIs	STCs
Having felt unsafe in the establishment	30%	20%
Having a training, sentence or remand plan	51%	62%
Education in the establishment will help on release	65%	74%
Staff treat me with respect	74%	93%
Key worker/ personal officer tries to help me	73%	92%
Having done anything in the establishment that will reduce the likelihood of offending	47%	70%

The gap between resettlement theory and practice is accordingly, at least in part, a function of the make-up of the custodial estate for children. In September 2015, 70 per cent of incarcerated children were detained in YOIs, establishments least able to meet their resettlement needs.⁵⁸ Removing children from such provision to smaller, better staffed, units may be a prerequisite of narrowing the implementation gap.

54. HM Inspectorate of Probation (2015) *Joint thematic inspection of resettlement services to children by Youth Offending Teams and partner agencies*. London: HM Inspectorate of Probation.
55. Children’s Commissioner for England (2015) *Unlocking potential: a study of the isolation of children in custody in England*. London: Children’s Commissioner for England.
56. HM Inspectorate of Prisons (2015) *Report on an unannounced inspection of HMYOI Cookham Wood*. London: HMIP.
57. Prime, R (2014) *op cit*.
58. Ministry of Justice (2015) *Monthly youth custody report – September 2015*. London: Ministry of Justice.