

The Youth Justice System's Response to the Covid-19 Pandemic

The Impact on Youth Custody

Research Paper 7

Professor Hannah Smithson
Dr Deborah Jump
Andrea Nisbet

April 2022

About this Research

During and after the Covid-19 pandemic, there will be societal implications for all children. However, for those in the youth justice system the impacts are likely to be particularly detrimental. There is an urgent need to develop a clear understanding of the impact of the pandemic on these children and those who work with them.

This research is funded by UK Research and Innovation (UKRI). It is led by Professor Hannah Smithson at the Manchester Metropolitan University (MMU) in partnership with the Alliance for Youth Justice (AYJ). The project focuses on each stage of the youth justice system. It will document the impact of the pandemic on adaptations to working practices, barriers and enablers to effective practice, children's experiences and views of these adaptations, and the lessons learned for policy and practice. In June 2021, we published a research paper focusing on the adaptations to practice and service delivery made by Youth Offending Teams (YOTs) across the Greater Manchester region (GM) (Smithson et al, 2021).¹ It drew attention to the digital divide, the challenges of engaging children remotely, and the short-term challenges for YOTs in a post-covid world. This current paper, the fourth of a series of papers to be produced over the life of the project, expands on the original paper. It incorporates the findings of a national online survey undertaken with YOTs in England Wales. It was completed by YOT professionals between October and November 2021 and was made available in English and Welsh. The aim of the survey was to gauge the views and experiences of youth justice professionals about the impact of Covid-19 on their practice and service delivery, including remote working, safeguarding concerns, and views on the challenges for the youth justice system (YJS) in a post-covid world. Separate, but similar surveys were developed to reflect the differing frequency and timings of lockdowns and restrictions in England and Wales throughout the pandemic. In total, the survey was completed by 433 youth justice practitioners from 89 (58%) of YOTs in England and Wales.

In addition to the findings from the survey, this paper provides accounts from children working with GM YOTs during the pandemic. We worked with 40 children in total between May to December 2021, 12 of whom were subject to community orders. The 12 are all male and aged between 16 and 18, half of whom self-identified as having ethnic minority heritage. Each of them had received an out of court disposal or an intensive supervision and surveillance order, either prior to or during the pandemic and subsequent lockdowns. The children worked with us as part of a series of participatory workshops that were hosted in different venues across the GM region. A film co-created with these children and a further group of children in custody will be available from April 2022 on the MCYS website.

About the Manchester Centre for Youth Studies (MCYS)

The MCYS is an award-winning interdisciplinary research centre at MMU, specialising in participatory, youth-informed research that positively influences the lives of young people. MCYS believes young people should have the opportunity to participate meaningfully in decisions that affect them and employs participatory approaches to engage with young people across a range of issues. As an interdisciplinary research centre, the MCYS team brings together academics and practitioners from a range of disciplines. In addition to collaborating with young people and their communities, MCYS works with agencies and organisations across the public, private and voluntary sectors, both in the UK and internationally.

About the Alliance for Youth Justice (AYJ)

The AYJ brings together over 70 organisations, advocating for and with children to drive positive change in youth justice in England and Wales. Members range from large national charities and advocacy organisations to numerous smaller grassroots and community organisations. The AYJ advocates for distinct systems, services and support that treat children as children first and foremost - underpinned by social justice, children's rights and a focus on positive long-term outcomes. AYJ aims to promote widespread understanding about the underlying causes of children coming to the attention of the criminal justice system, and champion approaches that enable them to reach their full potential.

Acknowledgements

The authors wish to thank all our colleagues who took part in the interviews. We would also like to thank the AYJ team: Pippa Goodfellow, Millie Harris and Millie Hall, and members of the project steering group: Shadae Cazeau, Kay Davies, Iman Haji and Hazel Williamson, for their invaluable input and support.

Glossary of Acronyms

- Assess, Care in Custody and Teamwork (ACCT)
- Alliance for Youth Justice (AYJ)
- Children and Adolescent Mental Health Service (CAMHS)
- Economic and Social Research Council (ESRC)
- Greater Manchester (GM)
- Her Majesty's Prison and Probation Service (HMPPS)
- Independent Monitoring Boards (IMBs)
- Manchester Centre for Youth Studies (MCYS)
- Manchester Metropolitan University (MMU)
- Ministry of Justice (MoJ)
- Release on Temporary Licence (ROTL)
- Secure Children's Home (SCH)
- Secure Training Centre (STC)
- Senior Management Team (SMT)
- Special Educational Needs and Disabilities (SEND)
- Youth Custody Service (YCS)
- Youth Justice Board (YJB)
- Young Offenders Institution (YOI)
- Youth Offending Teams (YOTs)

Key Findings

- Children were held in solitary confinement in the early stages of the pandemic. This contravened the recommendation to the UK government from the Joint Committee on Human Rights.
- The 'family group' model was described as counter-productive and posed the potential for violent incidents amongst children.
- Incidences of restraint and force reduced significantly during the different stages of the pandemic.
- Contacts and visits from family, friends and external organisations/professionals were significantly impacted during the pandemic. Children went up to 12 months without a visit.
- The cost of Purple Visits was waived during the pandemic and while staff had positive accounts of these visits, children held mixed views.
- Children received extra phone credit during the pandemic however, the prohibitively expensive cost of phone calls is counter-productive to enabling children to make additional calls.
- YOI X have adapted their visiting system as direct response to the pandemic. The numbers of social visits permitted to take place at any one time has reduced and visits are spread across the week for different units as an alternative to having all visits to the establishment on weekends.
- The suspension of visits from children's YOT workers was a source of concern for YOT professionals. Children were excluded from contributing to pre-sentence reports and sentence reviews.
- Children's contact with their solicitors was affected by the lack of face-to-face contact. At various points of the pandemic, solicitors were not allowed into the establishment and video links had to be set up to enable children to speak with their legal teams.
- Release on Temporary Licence (ROTL) was suspended at YOI X between March 2020 and May 2021.
- Children's re-settlement plans were significantly affected by the pandemic and lack of access to external organisations and partners.
- Children's education was impacted considerably during the pandemic. Education was stopped during the early stages of the pandemic and replaced with in-cell work packs, that received mixed responses from children and staff.
- YOI X are in the process of re-developing their education provision, as a direct result of the pandemic.
- External interventions such as healthcare and the Children and Adolescent Mental Health Service (CAHMS) were withdrawn during the early stages of the pandemic. These resumed to normal capacity by December 2021.

- The combination of solitary confinement and its impact on children's pre-existing mental health diagnoses was a considerable cause of concern for YOT professionals.
- Children who had speech, language and communication difficulties were particularly disadvantaged by a lack of intervention.
- Self-harm amongst children at YOI X reduced during the pandemic, however, self-harm amongst children with SEND increased in the early stages of the pandemic.
- Children with autism were particularly affected by regime changes and changes to their daily routines.
- As national lockdown requirements eased, the adherence to operating within a national command structure, while also adhering to local authority requirements, particularly during the period of local tier structures became confusing for senior management and staff.
- Children did not feel that they were provided with reliable sources of information and communication about Covid-19 and its impact on YOI X.
- Staff morale at YOI X is extremely low.
- Staff absence created significant challenges for the establishment.
- Approx. 40% of staff recruited by YOI X during the pandemic have no experience of a pre-Covid-19 regime. Lack of additional support and training will be detrimental to staff and has the potential to put children at risk of harm.
- The pandemic has created opportunities for investment in technology and the use of it within YOI X.
- The main priority for staff at YOI X is to re-focus the current regime to fully engage children in what was described as 'purposeful activity'.
- Staff at YOI X have an aspiration to use their experiences of the pandemic to re-think and re-set the purpose of the children's secure estate.

The Impact of Covid-19 on Youth Custody

This paper is the 7th research paper from this project, it explores the impact of Covid-19 on youth custody. It focuses on the following areas: the impact on children, including; isolation, impacts of 'family groups', contacts and visits, education, mental health concerns; relationships with staff and relationships with other children; the impact on custodial regime changes; communication and national guidance; strengths and limitations of regime adaptations and opportunities for the secure estate in a post-covid world.

The research underpinning this paper was undertaken in an English YOI (referred to hereafter as YOI X) between September 2021 and January 2022. It involved interviews with 14 staff (senior management, wing staff, security staff, high dependency staff, and staff responsible for managing and minimising physical restraint). A participatory workshop was facilitated on site for six children, each of whom had been in custody since the start of the pandemic. They were aged between 16 and 17 and over half self-identified as having ethnic minority heritage. Two children who had been on remand during the early stages of the pandemic at YOI X and had since been released were involved in community workshops as part of this project. They were aged between 16 and 17 and one of them self-identified as having ethnic minority heritage. We also draw on the findings from 74 interviews with professionals from eight of the nine YOTs across the GM region. The interviews took place between January 2021 and May 2021.

We use the project literature review authored by Harris and Goodfellow to provide the context and literature for each section of this report (see Harris and Goodfellow, July 2020, chapter 3 for a detailed overview of the impacts of Covid-19 on custody).²

** Identifiers from interview extracts from those undertaken at YOI X have been kept generic so as not to identify the respondents. Respondents are referred to as either, senior management team (SMT), practitioner or child.*

Background

Harris and Goodfellow¹ provide the background to children in custody as the pandemic situation developed:

Children sentenced or remanded to custody are held in Young Offender Institutions (YOIs), Secure Training Centres (STCs), or Secure Children's Homes (SCHs). Across March 2020-March 2021, on average YOIs held 497 (76%) children, STCs held 98 (15%) children, and SCHs held 61 (9%) of children. Conditions and regimes in custody must be framed in the context that access to purposeful activity and basic facilities are already inconsistent and unreliable under usual circumstances. While in custody children should have access to education, work, vocational training and offending behaviour programmes, and should be able to exercise and access the library and gym. For example, in YOIs they must have access to education or training courses for at least 15 hours a week. However, pre-Covid-19 reports on YOIs consistently raise concerns about the fact that these standards are not always met. Inspection reports and survey data highlight a lack of time spent out of cells, children not receiving their education entitlements, a lack of access to fresh air, showers and clean and suitable clothing, as well as concerns about levels of safety, bullying and victimisation, and the use of separation, force, and restraint on children.

Children in custody are extremely vulnerable, and their experiences of detention exacerbates and compounds this vulnerability.³ As the country went into lockdown and emergency measures were put in place across the secure estate, questions were raised about the treatment and experiences of children in custody during this exceptional time.

In mid-March 2020, as Covid-19 spread in the community, Public Health England and the Ministry of Justice (MoJ) issued guidance for custodial establishments: Preventing and controlling outbreaks of Covid-19 in prisons and places of detention.⁴ This guidance included information on placing symptomatic people in protective isolation; cohorting (gathering together and separating from the wider population) symptomatic people, clinically vulnerable people, and newly received people; transitions into the community; infection prevention and between establishments and managing court appointments during an outbreak of Covid-19 in an establishment.

In late April 2020 the MoJ and Public Health England published an interim assessment of the impact on Covid-19 containment of various population management strategies in prisons, which did not include examination of the children's secure estate.⁵ Modelling in the briefing paper judged the impact of social distancing through regime changes and cohorting to be 'profound.' In February 2021 the then Youth Justice Minister Lucy Frazer confirmed to MPs that measures taken across the secure estate to manage the spread of Covid-19 have included restricting regimes; minimising inter-establishment

1 The Youth Justice System's Response to the Covid-19 Pandemic, Literature Review:

<https://static1.squarespace.com/static/5f75bfbbfb67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

2 bid;

3 Howard League for Penal Reform, Just for Kids Law, Liberty (September 2020) Reply to letter from Secretary of State for Justice RE: Changes to custody time limits in the crown court: <https://howardleague.org/wp-content/uploads/2020/09/Letter-Re-CTLs-16.09.20.pdf>

4 Public Health England, Ministry of Justice (March 2020):

<https://www.gov.uk/government/publications/covid-19-prisons-and-other-prescribed-places-of-detention-guidance5> Public

5 Public Health England, Ministry of Justice, HM Prison and Probation Service (April 2020) COVID-19 population management strategy for prisons:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882622/covid-19-population-management-strategy-prisons.pdf

transfers; compartmentalising including quarantining new arrivals, isolating those with symptoms, and shielding vulnerable people; and routine testing of staff, and of children on reception and transfer⁶

From March 2020 regimes were severely restricted in YOIs; in order to apply social distancing, similar to measures introduced in the adult estate were introduced in the children's estate, with three core objectives: preservation of life; maintaining security, stability and safety; and providing sufficient capacity in the secure estate.⁷ Initial short scrutiny visits to YOIs by HM Inspectorate of Prisons highlighted that managers had acted quickly to implement social distancing measures.⁸ Communication between staff and children regarding the restrictions and the need for them was noted by HM Inspectorate of Prisons as effective.⁹

Overall, as expressed by Harris and Goodfellow (July 2021)¹⁰, much of which will be further described in this paper, raises significant concerns about the long-term impact of Covid-19 restrictions for children in custody.

6 Fabricant, M. (February 2021) Prisons and Young Offender Institutions: Coronavirus. UK Parliament: Question for Ministry of Justice UIN 911707:

<https://questions-statements.parliament.uk/written-questions/detail/2021-02-02/911707>

Lammy, D. (February 2021) Prisoners: Coronavirus. UK Parliament: Question for Ministry of Justice UIN 154707:

: <https://members.parliament.uk/member/206/writtenquestions?page=5>

7 HM Inspectorate of Prisons (October 2020) HM Chief Inspector of Prisons for England and Wales Annual Report 2019–20:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/927361/hmi-prisons-annual-report-accounts-201920.pdf

Ministry of Justice, HM Prison and Probation Service (June 2020) COVID-19: National Framework for Prison Regimes and Services:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1011828/prisons-national-framework-august-2021.pdf

Justice Select Committee (July 2020) Coronavirus (Covid-19): The impact on prisons:

<https://committees.parliament.uk/work/254/coronavirus-covid19-the-impact-on-prison-probation-and-court-systems/publications/>

Independent Monitoring Boards (June 2021) Young Offender Institutions (YOIs) in England 2019/20 annual report:

<https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2021/06/YOI-annual-report-2019-20-for-circulation.pdf>

Secretary of State for Health and Social Care (December 2020) The Government's Response to the Joint Committee on Human Rights Report: The Government's Response to COVID-19: Human Rights Implications:

<https://committees.parliament.uk/work/218/the-governments-response-to-covid19-human-rights-implications/publications/>

The Youth Justice System's Response to the Covid-19 Pandemic, Literature Review:

<https://static1.squarespace.com/static/5f75bfbfb67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

8 Report on Short Scrutiny Visits to Young Offender Institutions Holding Children, HM Chief Inspector of Prisons (April 2020):

<https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>

9 Ibid:

<https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>

10 The Youth Justice System's Response to the Covid-19 Pandemic, Literature Review:

<https://static1.squarespace.com/static/5f75bfbfb67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

Covid-19: Its impact on children in custody

(The regime) ‘is likely to have long-term effects on the children incarcerated’ (Children’s Commissioner for England, September 2020)¹¹

Isolation

As explained in the project literature review¹² :

The Joint Committee on Human Rights told the UK government that children must not under any circumstances be subject to restrictions amounting to solitary confinement.¹³ As set out by the Howard League for Penal Reform in its May 2020 briefing on children in custody during COVID-19:

The internationally accepted definition of solitary confinement is the physical isolation of individuals who are confined to their cells for twenty-two to twenty-four hours a day¹⁴ After 15 days, solitary confinement becomes prolonged, which the Supreme Court has noted can cause irreversible psychological harm.¹⁵ During the pandemic, most children in YOIs were routinely held in prolonged solitary confinement.¹⁶

11 Joint Committee on Human Rights (September 2020) The Government’s response to COVID-19: human rights implications: <https://committees.parliament.uk/work/218/the-governments-response-to-covid19-human-rights-implications/publications/>

12 The Youth Justice System’s Response to the Covid-19 Pandemic, Literature Review: [Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/944103/The_Government_s_Response_to_the_Joint_Committee_on_Human_Rights_Report_The_Government_s_Response_to_COVID-19_Human_Rights_Implications_-_CP_335_pdf.pdf)

13 Secretary of State for Health and Social Care (December 2020) The Government’s Response to the Joint Committee on Human Rights Report: The Government’s Response: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/944103/The_Government_s_Response_to_the_Joint_Committee_on_Human_Rights_Report_The_Government_s_Response_to_COVID-19_Human_Rights_Implications_-_CP_335_pdf.pdf

14 United Nations General Assembly (2016) United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) 70/175: https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

15 R (on the application of Bourghass and another) (Appellants) v Secretary of State for Justice (Respondent): <https://www.supremecourt.uk/cases/uksc-2013-0230.html>

16 HM Inspectorate of Prisons (July 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectors.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>

Concerns have been raised by the Joint Committee on Human Rights and others about Article 3 of the European Convention on Human Rights - prohibition of torture and inhuman or degrading treatment – being breached.¹⁷ It is therefore extremely concerning that regarding a visit to YOIs in July 2020 HM Inspectorate of Prisons reported:

...nearly all children had been locked up for more than 22 hours every day since the start of the restrictions, which had been imposed some 15 weeks before our visit. This was both disproportionate and avoidable.¹⁸

The annual report of the Independent Monitoring Boards (IMBs) summarised the situation:

Many young people across the youth estate were effectively held in solitary confinement for most of the first lockdown period, March to July 2020... both the immediate and cumulative effects on young people's mental health have been severe.¹⁹

The imposition of restrictions varied significantly between different establishments. At YOI X, time out of cell was restricted to essential activities, including exercise in 'family groups' initially of two to five children. YOI X staff spoke in great detail about the regime changes designed to follow and accommodate the national Covid-19 guidelines on lockdowns and social distancing. Restrictive measures in YOI X consisted of keeping children in their cells for 23 hours per day in the early stages of the pandemic. According to the internationally accepted definition (explained above), this measure was akin to solitary confinement.

"It was awful that the lads were staying behind their doors for lots of hours, that was horrific because they like to be out, they're kids. They wanted to be out. Us trying to appease them was really hard. If that one kid is staying behind his door for 23 hours, as long as the rest are, he isn't bothered so you've got to do it for them all." (Practitioner)

The children provided detailed accounts of the impact of 23-hour lock ups - it was not a positive experience.

"Bein' locked up 23 hours a day just cos we've got a criminal record doesn't mean we should be treated like dogs." (16-year-old child)

"We used to shout out the window to communicate. It was the only way we could do it. That was the only way you could get to talk to your mates, say three doors down." (17-year-old child)

"So, you're not allowed to do anything. So, basically, you're on like a 23-and-a-half-hour bang up." (16-year-old child)

Attempts were made to keep children occupied in their cells by allowing each child (irrespective of reward structures) access to a television in their cell. However, practitioners spoke with candour about the challenges they were confronted with to be able to offer the children any respite from solitary confinement. In the main this was due to staffing shortages. There were periods when YOI X was severely understaffed due to staff Covid-19 cases and/or staff isolating.

17 Joint Committee on Human Rights (September 2020) The Government's response to COVID-19: human rights implications: <https://committees.parliament.uk/work/218/the-governments-response-to-covid19-human-rights-implications/publications/>

18 HM Inspectorate of Prisons (July 2020) Report on short scrutiny visits to Young offender institutions holding children <https://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>

19 Independent Monitoring Boards (June 2021) Young Offender Institutions (YOIs) in England 2019/20 annual report: <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2021/06/YOI-annual-report-2019-20-for-circulation.pdf>

“I remember coming in one Sunday and there only being 20-odd staff in the jail and the only thing we could do is give them (the children) their breakfast and their lunch and their dinner and there was nothing else we could give them, basically, we couldn’t give them fresh air.” (Practitioner)

Harris and Goodfellow²⁰ explain that “[i]nspectors in April and July 2020 highlighted time out of cell in YOIs was ‘extremely limited’ and raised concerns about variations between establishments.”²¹

“Every hour we devised a new safeguarding checklist where he (a child) would be asked is everything alright and then once a day, “Do you need to see healthcare? Have you spoken to your family?” It was a massive piece of work to safeguard our kids because we knew that their age, isolation for a kid is horrific so I think that was respected but they still didn’t get any more as a result of that. They were still isolating in their cells.” (Practitioner)

Practitioners spoke of the very restrictive nature of the children’s Covid-19 regime. In the early stages of the national lockdown this consisted only of short periods of exercise in a desperate attempt to get children out of their cells. The gravity of the situation is illustrated by a practitioner’s reflection on the choice they had to make for children whether to shower or take some exercise.

“The shower was the most important. So, all the lads would get a shower but then it might have just been a shower and not the exercise because if we couldn’t do it safely, we wouldn’t do it.” (Practitioner)

Children also spoke of the daily routine of showering and exercise.

“So we only got 15 minutes for a shower in the morning and if you missed that you don’t get another shower all day until the next morning. And you get 45 mins out on yard for football. I felt like I was a dog in a kennel.” (16-year-old child)

“Like, our doors were only open for literally about two minutes to get you your food and put the tray back out, that’s it. No yard. No shower.”(16-year-old child)

Solitary confinement gradually transitioned to a family group model, whereby up to four children comprised a ‘family’. This generally consisted of the boys and the staff in that group exercising together and mixing together on the wing when it was permissible. Staff spent a considerable amount of time assigning children to appropriate groups based on who they felt they could mix together and which children knew one another. As a means of maintaining Covid-19 hygiene and safeguarding standards, children in family groups, did not have any contact with any other children.

According to Harris and Goodfellow (July, 2021)²² in December 2020 the Government highlighted that the ‘family groups’ formed for children to access out of cell activities had expanded and retracted in size depending on Covid-19 risk factors.²³ While some activities had been enhanced, many of these remained in-cell, including children eating all meals in their cells, and for some, going 16 hours between their evening meal and breakfast, which is ‘too long’ according to HM Inspectorate of Prisons (April, 2020)²⁴

20 The Youth Justice System’s Response to the Covid-19 Pandemic, Literature Review:
[Literature Review: Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf](#)

21 HM Inspectorate of Prisons (April 2020) Report on short scrutiny visits to Young offender institutions holding children:
<https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>
HM Inspectorate of Prisons (July 2020) Report on short scrutiny visits to Young offender institutions holding children:
<https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>

22 The Youth Justice System’s Response to the Covid-19 Pandemic, Literature Review:
<https://static1.squarespace.com/static/5f75bfbfb67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

23 Justice Select Committee (December 2020) Coronavirus (Covid-19): The impact on prisons: Government Response to the Committee’s Fourth Report of Session 2019–21:
<https://committees.parliament.uk/publications/4074/documents/40487/default/>

24 HM Inspectorate of Prisons (April 2020) Report on short scrutiny visits to Young offender institutions holding children:
<https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>

Impacts of ‘family groups’

Practitioners at YOI X spoke of some of the benefits and positive outcomes of the small groups for children and staff. Many viewed the smaller groups as an opportunity to spend some time getting to know children, which they had previously found challenging in larger groups, while simultaneously encouraging some of the quieter children to talk to prison staff.

“The smaller groups certainly helped us to get a grip on the relationships with the boys, not that it was an issue before, but we were able to know something about them.” (Practitioner)

Others felt that the lack of specialist interventions and services (during the pandemic) was beneficial for children, with small groups providing any extra support the children needed.

“They’re vulnerable lads and they just need that bit of extra support. I think when they’ve got more people to speak to, I think there’s a lot more issues that seem to come out of the woodwork whereas if they’ve got their little team that they can see every day, they don’t seem to have any problems. It’s when everybody else turns up the problems seem to come out of the woodwork.” (Practitioner)

Through time spent in cells, a reduction in bullying and violence amongst children was inevitable. Indeed, inspectors reported this,²⁵ however as Harris and Goodfellow (July 2021)²⁶ note, these reductions fluctuated and spiked throughout the pandemic. It is not without some irony that the then Youth Justice Minister Lucy Frazer told the Justice Select Committee that some children felt safer in custody (YOIs) due to the restrictions. She went on to suggest that in future, more work would be done with children in small groups.²⁷ Conversely, IMBs have highlighted that as some restrictions eased, some establishments saw a rise in assaults.²⁸ YOI X did not report an increase in assaults on staff, which was the case in some YOIs, but staff had mixed responses about safety in the small groups.

Some were of the view that the boys felt safer when they were in small groups and this reduced numbers of violent incidences.

25 HM Inspectorate of Prisons (April 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectors.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>

26 The Youth Justice System’s Response to the Covid-19 Pandemic, Literature Review: <https://static1.squarespace.com/static/5f75bfbfb67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

27 Justice Select Committee (February 2021) Children and Young People in Custody (part 2): The Youth Secure Estate and Resettlement: <https://publications.parliament.uk/pa/cm5801/cmselect/cmjust/1357/135702.htm>

28 Independent Monitoring Boards (June 2021) Young Offender Institutions (YOIs) in England 2019/20 annual report: <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2021/06/YOI-annual-report-2019-20-for-circulation.pdf>

“If you look at the last twelve months, [YOI X’s] violence statistics have gone down, and time out of room has increased, which is a real positive trend.” (SMT)

“It’s reduced ... our violence figures, for example, are down, I mean pre-Covid, we had lots of violence, don’t get me wrong, we still do because of the age group and they’re keen to want to prove themselves, they want to fight with each other.” (SMT)

Others spoke in detail about the counter-productive effects of the family model. They explained that the groups created a febrile atmosphere with gangs and allegiances emerging that posed the potential for violent incidents.

“We sort of created our own little mini groups or gangs, if you like, so they (the children) would then be like, “well, I can’t mix with so and so from upstairs because he’s in group B and I’m in group A.” (SMT)

“The more and more the groups became isolated, we almost set up ghettos and we created tribes. It became this tribal behaviour that “if you’re not in my four, we’re going to fight you. So every opportunity they come near someone, “I don’t care who you are, what you’ve done”. All of their prior allegiances are irrelevant. ‘If you’re not in my family, I’m going to fight you.’” (SMT)

Children spoke of the amount of fighting in YOI X, which they explained was a result of the amount of time they spent locked up in their cells.

“Everyone was looking for a fight for something to do.”

“Always watching, always ready for a fight.”

“Arguing through windows with other kids.”

Children also referred to the family groups. One child explained that he had moved groups on at least two occasions due to fights within the group.

“I got moved to a different group where the kid who I had a fight with, his boy was in that group so I had a fight with him and his boy and then got moved into another group...if you have beef with someone you get moved, but no matter what you’re still going to end up fighting.” (17-year-old child)

This type of situation was confirmed by YOI X staff:

“It then became a stage of ‘we (children) can manipulate who we want in our group. So if three of us don’t like that person, well we don’t really care about them, we don’t really like them. Well we might like him but actually our friend has just come in and we want him in our group. If the three of us assault him, that will move this person out and we might get our friend in the group.’ So we then saw a bizarre period of probably about five weeks actually where there was lots of group assaults in families. So families that had been operating together quite successfully for quite a while suddenly started turning on each other and attacking each other.” (Practitioner)

Practitioners explained that the use of force against children had reduced in tandem with the reduction of violent incidents.

“Use of force is a lot lower though. I mean we were on a steady increase year on year and 2019 we must have had over 1,800 use of force. I think we got to about 800 in 2020 and we’re on 960/970 this year (2021). So it’s still quite a significant reduction. Obviously if they’re all behind their doors they can’t fight, can they?” (Practitioner)

The composition of small groups presented a challenge for practitioners. Smaller groups resulted in staff feeling stretched at a time when staff shortages were being acutely felt.

“It was a long process because by the time you’ve done that (small group work) if you had 40 (children) on the unit, that was ten times you would have to do exercise for four of them and that’s without any incidents or anybody else messing it up.” (Practitioner)

The small groups impacted on children’s experiences of education and intervention. The extent to which they received education and interventions became a reliant on the group they were in, rather than the needs they had.

“So we were putting our children into groups of four to associate with, to exercise with, to go to education with which was really difficult because the driver for their interventions and education then become infection control rather than their needs.” (SMT)

As Covid-19 restrictions have relaxed, the mixing of children for recreation and education has become much more manageable for YOI X. However, an element of this mixing is linked to a child’s behaviour status in the establishment.

“We’ve managed to be able to mix on one of our main residential units. [Name of unit], we made that an enhanced unit, or a gold unit, so there was a difference in privilege. We’ve got that up to around 35 kids that can mix on there at the moment, which is really good and that helps with the education pathways.” (SMT)

Lock up or stopping mixing with other children is a common ‘behaviour management’ tool in custody.²⁹

“If they’re good and well behaved they’ll get more time out and more friends if you like. If they’re not, they’ll just stay in small pockets.” (Practitioner)

29 HM Inspectorate of Prisons (February 2021) Report on a scrutiny visit to HMYOI Wetherby and the Keppel unit: <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmyoi-wetherby-and-keppel-4/>
HM Inspectorate of Prisons (March 2021) Report on a scrutiny visit to HMYOI Feltham A: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2021/03/Feltham-SV-web-2021.pdf>

Senior managers at YOI X took the decision to resume mixing in larger groups when Covid-19 restrictions permitted. They explained that one of the units (where children live) was refurbished and cells received integrated showers. This unit was a designated enhanced unit (gold unit). Staff explained that this was for 'better behaved boys'. They went on to explain that all units were eventually given gold status.

"We made them all gold and said, "Right, from now on, there's 40 of you on the unit, you're all going together. You're all moving together. You are now one big family." Straight away it stopped (fighting). They got what they wanted." (SMT)

While some, including the then Youth Justice Minister Lucy Frazer expressed a favourable opinion of small groups and the need to continue this model of working,³⁰ a comprehensive exploration of the benefits and challenges of children working in small groups is needed prior to any decisions taken.

"There was some core research done by our psychologists and they talked about children feeling safer. We all put our hands up, "This is wonderful. The first time ever people are saying they feel safe," but I just think it went too soon with that. I would really like to look into what they meant by feeling safe." (SMT)

This type of model should be at the discretion of the Governor and the SMT in accordance with children's individual needs.

New entrants

Inspectorate reports suggest, for children entering custody during the pandemic (new entrants), their experience of isolation was even worse.³¹ Due to national guidance surrounding isolation³², new entrants were kept separate from children, other than those who had arrived on the same day. Further, "if they arrived by themselves, they would have no interaction with any other children for two weeks."³³ Inspectors noted these conditions, 'tantamount to solitary confinement', would be 'highly likely to be damaging to [children's] emotional and physical well-being'. Inspectors noted that the regime for new arrivals, who were kept in separate units for a 14-day-period, was particularly restrictive (Dec, 2020).³⁴

A child at YOI X provided an account of their experience of isolation as a new entrant,

"We had to isolate. When I went to [other YOI], we still had to isolate. When I had Covid I had to isolate for three weeks, then I come into contact with someone, I had to isolate with them, because of them, and then I come back here. I had to come into contact with the teacher. I had to isolate and come into contact with another person with Covid, I had to isolate again, and it happened again recently." (16-year-old child)

-
- 30 Justice Select Committee (February 2021) Children and Young People in Custody (part 2): The Youth Secure Estate and Resettlement:
<https://publications.parliament.uk/pa/cm5801/cmselect/cmjust/1357/135702.htm>
- 31 HM Inspectorate of Prisons (April 2020) Report on short scrutiny visits to Young offender institutions holding children:
<https://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>
- 32 Ministry of Justice, HM Prison and Probation Service (June 2020) COVID-19: National Framework for Prison Regimes and Services:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1011828/prisons-national-framework-august-2021.pdf
- 33 The Youth Justice System's Response to the Covid-19 Pandemic, Literature Review:
[mpact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf](https://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2020/07/YOIs-SSV-2.pdf)
- 34 HM Inspectorate of Prisons (April 2020) Report on short scrutiny visits to Young offender institutions holding children:
<https://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>;
HM Inspectorate of Prisons (July 2020) Report on short scrutiny visits to Young offender institutions holding children:
<https://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2020/07/YOIs-SSV-2.pdf>;
Care Quality Commission, HM Inspectorate of Prisons, Ofsted (December 2020) Rainsbrook Secure Training Centre Assurance Visit:
<https://www.gov.uk/government/news/inspectorates-urgent-action-needed-at-rainsbrook>

While staff at YOI X noted that the numbers of new entrants remained low, due to what they explained as efforts to prevent 'cross-contamination', their descriptions of the regimes imposed on new children aligns with the concerns from inspectorate reports.

"They have a test on day one and then a test on day six. If both of those come back negative and all their induction's complete, we then move them onto our main residential units, but whilst their test results are in the air, so to speak, they do have a regime on their own." (SMT)

"When they came in, they had to isolate for ten days, they're still having to do that at the moment because we're still getting cases coming in. We had one come in recently and he was positive. So, he gets isolated into a cell, we still get him out for his exercise on his own, we still get him out for his shower on his own, he's obviously got phone calls but he can't go anywhere and we have to deal with him in full PPE." (Practitioner)

Children's rights charity Article 39 stated that, 'keeping children isolated for a significant period of time is 'psychologically and emotionally damaging for any child but especially cruel for those who have learning disabilities, mental health problems and for children who have endured earlier abuse and neglect.'³⁵

"When I first came, I quarantined for fourteen days and then I came out a couple of weeks after, and I had to quarantine because somebody had the cough. So I had to quarantine and everyone had to do the test again, and it's so long, you have to stay in your room for ten days, and all that." (16-year-old child)

For some children the anxiety of entering the YOI was exacerbated by Covid-19 and the requirements of isolation. The prospect of entering a family group as the 'new kid' was an added anxiety.

"If you don't know anyone in jail you're fucked...they all know one another but you're fresh meat." (16-year-old child)

³⁵ Article 39 (July 2020) Government changes law to legitimise abusive conditions in child prisons: <https://article39.org.uk/2020/07/07/government-changes-law-to-legitimise-abusive-conditions-in-child-prisons/>

Contact and visits

“These kids in custody, to quote my Director of Education, “It’s the biggest hidden outrage of children and young people because they’re not getting any contact.” (YOT Head of Service, Greater Manchester)

Harris and Goodfellow³⁶ provide a detailed account of the impact of Covid-19 on children’s access to social visits and contact.

In March 2020, the MoJ announced that all face-to-face visits to prisons were cancelled.³⁷ While the announcement did not mention the children’s secure estate, it is confirmed by inspectorate reports,³⁸ and in evidence to the Justice Select Committee, including from then Youth Justice Minister Lucy Frazer, that visits were suspended for children in YOIs and STCs. Between March 2020-2021 children were also subject to restrictions on contact with those outside of custody, in order to meet national lockdown and social distancing guidelines. Then Secretary of State for Justice Robert Buckland, in the Government’s response to the Justice Select Committee’s report on COVID-19 in prisons, stated that the Youth Custody Service had been able to ‘take a bespoke approach to social visits, maintaining face-to-face visits throughout the pandemic.’³⁹

HM Inspectorate of Prisons’ reports on custody during Covid-19 highlighted that children’s main complaint was the suspension of social visits,⁴⁰ and that those in custody found it difficult

36 The Youth Justice System’s Response to the Covid-19 Pandemic, Literature Review:

<https://static1.squarespace.com/static/5f75bfbfb67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

37 Ministry of Justice (March 2020) Prison visits cancelled:

<https://www.gov.uk/guidance/coronavirus-covid-19-and-prisons>

38 HM Inspectorate of Prisons (April 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>:

HM Inspectorate of Prisons (July 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>:

Care Quality Commission, HM Inspectorate of Prisons, Ofsted (December 2020) Rainsbrook Secure Training Centre Assurance Visit:

<https://www.gov.uk/government/news/inspectorates-urgent-action-needed-at-rainsbrook>:

Care Quality Commission, HM Inspectorate of Prisons, Ofsted (December 2020) Rainsbrook Secure Training Centre Assurance Visit

<https://www.gov.uk/government/news/inspectorates-urgent-action-needed-at-rainsbrook>

39 Justice Select Committee (December 2020) Coronavirus (Covid-19): The impact on prisons: Government Response to the Committee’s Fourth Report of Session 2019–21:

<https://committees.parliament.uk/publications/4074/documents/40487/default/>

40 HM Inspectorate of Prisons (July 2020) Aggregate report on Short scrutiny visits:

<https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/08/SSV-aggregate-report-web-2020.pdf>

to cope.⁴¹ They stated that the suspension of visits from friends and family had a ‘dramatic’ and ‘significant’ impact on many children,⁴² who went months without any face-to-face contact with friends and family.⁴³ Despite understanding why visits had been suspended,⁴⁴ children told inspectors that they were concerned and frustrated about not seeing parents, a worry that was exacerbated by not knowing how long the situation would last. Socially distanced face-to-face visits were reintroduced in summer 2020,⁴⁵ the extent to which was dependent on which tier the establishment was in.⁴⁶ Social visits restarted in YOIs in mid-July 2020 as they did in adult prisons. The number of visits permitted a month reportedly reduced to allow for social distancing,⁴⁷ with mixed reports that children were able to have only one,⁴⁸ or up to two visits a month,⁴⁹ or later in the year one a week.⁵⁰

Staff at YOI X described the visiting regime prior to the pandemic - it consisted of up to 24 social visits at any one time, which by the 2nd and 3rd national lockdowns had been reduced to 12 at any one time due to social distancing. Senior management explained that they had taken a decision based on the epidemiology of Covid-19 (i.e. children were not falling seriously ill) to keep family contact as regular as possible as it was deemed permissible and safe.

Accounts from children and staff illustrate that contact was not regular. Even when children were allowed a physical visit, they chose not to due to the requirements of social distancing (contact was had behind a screen). The following conversations with children illustrate their experiences.

-
- 41 HM Inspectorate of Prisons (February 2021) What happens to prisoners in a pandemic? A thematic review: <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/what-happens-to-prisoners-in-a-pandemic/>
- 42 HM Inspectorate of Prisons (April 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>
HM Inspectorate of Prisons (July 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>;
- 43 HM Inspectorate of Prisons (July 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>
- 44 Care Quality Commission, HM Inspectorate of Prisons, Ofsted (January 2021) Oakhill Secure Training Centre Assurance Visit <https://files.ofsted.gov.uk/v1/file/50174862>;
Care Quality Commission, HM Inspectorate of Prisons, Ofsted (December 2020) Rainsbrook Secure Training Centre Assurance Visit: <https://www.gov.uk/government/news/inspectorates-urgent-action-needed-at-rainsbrook>;
HM Inspectorate of Prisons (May 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>
- 45 HM Inspectorate of Prisons (July 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>;
Care Quality Commission, HM Inspectorate of Prisons, Ofsted (December 2020) Rainsbrook Secure Training Centre Assurance Visit: <https://www.gov.uk/government/news/inspectorates-urgent-action-needed-at-rainsbrook>;
Care Quality Commission, HM Inspectorate of Prisons, Ofsted (January 2021) Oakhill Secure Training Centre Assurance Visit: <https://files.ofsted.gov.uk/v1/file/50174862>
- 46 Care Quality Commission, HM Inspectorate of Prisons, Ofsted (January 2021) Oakhill Secure Training Centre Assurance Visit: <https://files.ofsted.gov.uk/v1/file/50174862>
- 47 HM Inspectorate of Prisons (February 2021) What happens to prisoners in a pandemic? A thematic review: <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/what-happens-to-prisoners-in-a-pandemic/>
- 48 Independent Monitoring Boards (June 2021) Young Offender Institutions (YOIs) in England 2019/20 annual report: <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2021/06/YOI-annual-report-2019-20-for-circulation.pdf>
- 49 HM Inspectorate of Prisons (July 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>
- 50 HM Inspectorate of Prisons (February 2021) Report on a scrutiny visit to HMYOI Wetherby and the Keppel unit <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmyoi-wetherby-and-keppel-4/>

Conversation with 16 year old child in YOI X

P = Participant

I = Interviewer

P: I've only had one visit when I was in here.

I: And how long have you been here?

P: Two years.

I: ... And is some of that to do with Covid?

P: Actually yeah, it was actually yeah, because I kept saying like, there's no point, no point coming up. There's no point like to sit down behind a screen, man?

I: Right.

P: Travelling four hours, you would take a train for three hours to just sit around a glass screen? I didn't want that.

P: So, when it finally is done and she came, my mum came, I could hug her, so.

Conversation with 16 year old child in YOI X

P = Participant

I = Interviewer

I: How long did you have to go without visitors being able to come in? Was it months? Was it weeks?

P2: I think it was about a year.

I: About a year.

P2: About a year and a bit.

I: So, you couldn't have any visitors for a year. So how did you keep in touch with like family and friends?

P: Phone. And there's something, Purple Visits as well.

I: There was what visiting?

P2: Phone calls and Purple Visits.

I: So now, with your visitors, they can actually come and see you, does that make a difference ?

P2: Yeah, yeah, yeah.

I: Does it?

P2: It's nice.

As highlighted by Harris and Goodfellow ⁵¹:

In May 2020 the Ministry of Justice (MoJ) and Her Majesty's Prison and Probation Service (HMPPS) announced that secure video calls would be introduced to all YOIs and adult prisons.⁵² The then Youth Justice Minister Lucy Frazer assured that secure video visits, using a software called Purple Visits,⁵³ would be available to all children by the end of August 2020.⁵⁴ Prison staff were reportedly working to improve take up of Purple Visits, with HM Inspectorate of Prisons reports noting it was underused, and highlighting calls had to take place with an officer nearby.⁵⁵ According to HM Inspectorate of Prisons, the rollout of Purple Visits had been 'too slow to relieve the frustrations of not having face-to-face visits and this delay has been very keenly felt'.⁵⁶ However, when Purple Visits were available, HM Inspectorate of Prisons highlighted that the relatively low take up 'reflected, in part, the reality that some children, especially those 'looked after', had no one to contact in this way', as well as that some families struggled to produce the necessary ID to take part in Purple Visits.⁵⁷ As well as ID, the service relies on those at home having access to requisite technology. It was also felt that children found contact 'direct into the family home' 'too emotionally difficult',⁵⁸ and that they valued the privacy and accessibility of in-cell phone calls over Purple Visits.

This was reflected in accounts from children at YOI X

P = Participant

I = Interviewer

P2: You have a bit more privacy (in cell) because the officers watch you on Purple Vists, yeah... They supervise it from another room and then they watch it all over again after.

I: Oh, right.

P2: You can't really talk as freely as you want to.

51 The Youth Justice System's Response to the Covid-19 Pandemic, Literature Review:

<https://static1.squarespace.com/static/5f75bfbbf67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

52 Ministry of Justice, HM Prison and Probation Service (March 2020, regularly updated) Coronavirus (COVID-19) and prisons: <https://www.gov.uk/guidance/coronavirus-covid-19-and-prisons>:

Ministry of Justice, HM Prison and Probation Service (May 2020) Secure video calls to help prisoners maintain family ties: <https://www.gov.uk/government/news/secure-video-calls-to-help-prisoners-maintain-family-ties>

53 Purple Visits: <https://www.purplevisits.com/>

54 Clinks (August 2020) Lucy Frazer MP's update on the rollout of video calling in prisons:

<https://www.clinks.org/community/blog-posts/lucy-frazer-mps-update-rollout-video-calling-prisons>

55 HM Inspectorate of Prisons (February 2021) What happens to prisoners in a pandemic? A thematic review:

<https://www.justiceinspectorates.gov.uk/hmiprison/inspections/what-happens-to-prisoners-in-a-pandemic/>

56 HM Inspectorate of Prisons (July 2020) Aggregate report on Short scrutiny visits:

<https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/08/SSV-aggregate-report-web-2020.pdf>

57 HM Inspectorate of Prisons (July 2020) Report on short scrutiny visits to Young offender institutions holding children:

<https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>

58 Care Quality Commission, HM Inspectorate of Prisons, Ofsted (December 2020) Rainsbrook Secure Training Centre Assurance Visit

<https://www.gov.uk/government/news/inspectorates-urgent-action-needed-at-rainsbrook>

Senior management explained that they run up to 14 slots a day for Purple Visits over a week, equating to over a hundred slots per week. Overall, staff had very positive accounts about the use of Purple Visits. Minimising the cost to families of travel to and from YOI X was mentioned frequently.

“We have a lot of boys out of our area, so family visits were tough before Covid, because families had long drives, that cost a lot of money, obviously the cost of fuel and things going up had obviously impacted on lower income families. So, actually Purple Visits are really handy.” (SMT)

“Families will use the Purple Visits because they don’t want the travel. For an hour family visit, they can have two Purple Visits and it doesn’t cost them anything.” (SMT)

Purple Visits cost families £9.50 per visit. During the pandemic, the government waived that fee. YOI X staff held the view that had fees not been waived, most families would not have used them. One SMT individual went as far as suggesting that the offer of Purple Visits was beneficial for taxpayers.

“I think it’s a cheaper option for the families (Purple Visits), especially the ones who don’t have a lot of money, it’s a good thing for me because you’ve got families that can’t afford to travel and us as tax-payers have to pay the assisted visits and if we’re cutting that down, that’s less taxes that we have to pay, which is good.” (SMT)

The cost of travel for family visits is an issue that transcends the impact of Covid-19. The introduction of Purple Visits, while having some benefits, should not become an alternative to social visits based on an unfounded notion that parents do not want to travel or they want to save money.

Like the national picture detailed by HM Inspectorate of Prisons,⁵⁹ the take up of social visits at YOI X was low because of anxieties about catching Covid-19 and/or a reluctance to take a lateral flow test prior to a visit (which remains a requirement at YOI X) and the adherence to social distancing requirements. As mentioned above, YOI X has decreased the numbers of social visits permitted to take place at any one time. Other adaptations include spreading visits across the week for different units as an alternative to having all visits to the establishment on weekends.

“I think it’s of benefit to the families because they get a quieter time and a more quality time with their family. So I think that’s better and I think that will be a permanent thing (fewer visiting hours).” (SMT)

The practical logistics of family visits has changed as a direct consequence of Covid-19. Each visitor must take a lateral flow test and wear a mask. If they take a lateral flow, they are permitted to have physical contact with a child.

“As long as they’ve had a lateral flow test and it is negative, they can come in. They still wear a mask but they can have a hug before they leave or when they come in. If they have no lateral flow test, if they refuse that, they can still have their visit but there will be no touching and no hugging or anything else.” (SMT)

59 THM Inspectorate of Prisons (February 2021) Report on a scrutiny visit to HMYOI Wetherby and the Keppel unit:

<https://www.justiceinspectorates.gov.uk/hmiprison/inspections/hmyoi-wetherby-and-keppel-4/>

HM Inspectorate of Prisons (March 2021) Report on a scrutiny visit to HMYOI Feltham A:

<https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2021/03/Feltham-SV-web-2021.pdf>

“We have screens, boys and families in PPE, so we’ve got very, very strict processes for our family visits.” (SMT)

One SMT staff member held the view that families should have understood and accepted that they may not be able to see their child for a prolonged period during the pandemic.

“It was just really tough and it’s like if you could understand where we are at then I’d hope that they’d (parents) accept not being able to visit some of their kids for six, seven, eight months.” (SMT)

Similar views were held about preventing domestic visits for a prolonged period.

“Personally, I’d like to stop everybody... at the end of the day, nobody comes into the jail for the next month. I know some people have to come in, I know statutory bodies have to come in, inspectors have to come in, etc, etc. But the rank and file, just coming in for a visit, that all needs to stop. I think, contentiously, in my opinion, domestic visits need to stop. I think it all can be done through Purple Visits.” (SMT)

Concerns were raised by the Association of YOT Managers over children’s ability to build productive relationships with YOT workers.⁶⁰ In addition to the suspension of social visits, the suspension of visits from children’s YOT workers was a source of concern for YOT professionals. This was acknowledged by YOI X and they subsequently increased communication and information sharing with local authorities by sending monthly updates in relation to the YOI’s regime.

The concerns of YOT professionals were underestimated by the SMT:

“ I mean the odd one or two YOT workers weren’t happy because they couldn’t come in and see their lads.” (SMT)

Our earlier interviews with GM YOT professionals demonstrate that they had grave concerns about their lack of contact with children in custody.

“My custody cases, I’ve not been able to see them at all since last March (2020). I think that was when my last visits were. I managed to get some in right before lockdown. But, yeah, so that means it’s coming up to a year now where I’ve not seen some of my young people and they’ve had no visits whereas usually, they’d see me once a month at least.” (YOT Case Manger)

60 Association of YOT Managers (June 2020) Addendum to the AYM’s submission to the Enquiry of the Justice Committee into Youth Justice dated September 2019:
<https://aym.org.uk/wp-content/uploads/2019/09/AYM-Response-to-the-Justice-Committees-Inquiry-into-Children-and-Young-People-in-Custody-25.09.19.pdf>

Specific concerns were raised about the challenges for children to contact YOT staff. These challenges often resulted in children having little to no input in decision-making with relation to sentence reviews.

“If you wanted to go to a review of a young person’s sentence, which is in the statutory guidance that needs to happen, you would ring the caseworker in [YOI X], discuss the case and feed in what the issues are, get the young person’s perspective, and then you’d get feedback on how the meeting had gone and what had taken place, etc. So it’s not just... you know, the professionals can engage with the other professionals, but young people really should be in those review meetings, and they aren’t at the minute.” (YOT Head of Service)

“... I even had a, you know, intensive training order review meeting where the young person wasn’t even invited to attend. And I’m like, “What do you mean, they’ve not been invited to attend? It’s their meeting.” The officer hadn’t invited them. And that wouldn’t have happened if we were going to visit the prison.” (YOT Case Manager)

And pre-sentence reports:

“I’ve got somebody in [YOI X] at the minute, and I’m doing a PSR for him, and I said, “I absolutely need to do this by video or face to face, I can’t do it over the phone.” And also, the other part of it was I didn’t want him having to phone me and then it costing him money, it shouldn’t cost him a penny to phone me for something that I have to do. So, I was like, “This needs to be set up.” So, we got it set up... At first, they said, “It’s very difficult for us to do this because we haven’t got many conference rooms.” (YOT Youth Justice Support Officer).

Children’s contact with their solicitors was also affected by the lack of face-to-face contact and visits to YOI X. At various points of the pandemic, solicitors were not allowed into the establishment and video links had to be set up to enable children to speak with their legal teams. While there was no mention of live links for court hearings amongst children at YOI X, the evidence suggests that video links are likely to impede children’s ability to effectively participate in court proceedings (The Youth Justice Legal Centre),⁶¹ (and see our earlier papers on courts for a detailed discussion, Lerner et al, March 2022).⁶² Legal visits are also likely to have been impeded. This is particularly concerning given the numbers of children with SEND and communication difficulties.

Courts requested video links when their staff were isolating. This created challenges for YOI X, which explained above, did not have sufficient space to accommodate video links.

“We were getting a lot of calls from courts, to say that, “Oh, actually, this person’s now isolating, can we do a video link for this child tomorrow?” And if we were giving away all of our video link slots (for other meetings), we weren’t able to do that.” (SMT)

61 Youth Justice Legal Centre (April 2020) COVID-19: Delays, video link hearings and custody time limits for children in the criminal courts
<https://yjlc.uk/resources/legal-updates/covid-19-delays-video-link-hearings-and-custody-time-limits-children>

62 The Youth Justice System’s Response to the Covid-19 Pandemic; Introduction to the Courts:
https://www.mmu.ac.uk/media/mmuacuk/content/documents/mcys/COVID-19_and_Youth_Justice_Paper_5.pdf;
The Youth Justice System’s Response to the Covid-19 pandemic; Court Adaptations:
https://www.mmu.ac.uk/media/mmuacuk/content/documents/mcys/COVID-19_and_Youth_Justice_Paper_6.pdf

Impacts on release planning and Release on Temporary License (ROTL)

As explained in the project literature review⁶³, “[a]ccording to inspectorate reports release planning with external partners continued, most training and remand planning processes continued, and expectations on the provision of accommodation and health care on release were unchanged.”⁶⁴ The findings from YOI X question the conclusions drawn from Inspectorate reports. SMT staff discussed at length the impact of the challenges of communicating with external organisations regarding release and re-settlement. For instance, ROTL ceased between March 2020 to May 2021. By December 2021 it had been re-instated however, this is subject to any further Covid-19 out breaks.

“At the minute (December 2021), we are lucky in that we’ve not taken a step back with ROTL as of yet, but if there’s anything that is likely to get hit on the head first or be taken away it would be that, to try and mitigate the community risk mixing with the establishment.” (SMT)

The project literature review⁶⁵ highlights concerns raised in the IMBs’ annual report “that a lack of ROTL during the pandemic meant children could not evidence progress and therefore risked being denied early release.”⁶⁶ Such was the pandemic’s impact on partnership working with the external organisations, that SMT staff spoke of the difficulties of liaising with partners and sign-posting colleagues and children to appropriate services.

“The main reason the partnership work was impacted by the pandemic in the beginning was because everybody disappeared. That was really frustrating and very difficult. Everybody was on furlough and you couldn’t get anything from anybody - there was nobody to signpost to, and there’s nobody to liaise with, to talk about young people and their concerns about going home.” (SMT)

Re-settlement staff at YOI X struggled with the amount of information requested by external organisations. Pre-Covid-19, external colleagues would have obtained information through meetings with YOI staff and children, however, restrictions prevented this.

63 The Youth Justice System’s Response to the Covid-19 Pandemic, Literature Review:

<https://static1.squarespace.com/static/5f75bfbfb67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

64 HM Inspectorate of Prisons (May 2020) Report on short scrutiny visits to Young offender institutions holding children:

<https://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>;

HM Inspectorate of Prisons (July 2020) Report on short scrutiny visits to Young offender institutions holding children:

<https://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>;

HM Inspectorate of Prisons (February 2021) Report on a scrutiny visit to HMYOI Wetherby and the Keppel unit:

<https://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2021/02/Wetherby-and-Keppel-web-2021.pdf>;

HM Inspectorate of Prisons (March 2021) Report on a scrutiny visit to HMYOI Feltham A:

<https://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2021/03/Feltham-SV-web-2021.pdf>;

Care Quality Commission, HM Inspectorate of Prisons, Ofsted (December 2020) Rainsbrook Secure Training Centre Assurance Visit:

<https://www.gov.uk/government/news/inspectorates-urgent-action-needed-at-rainsbrook>

65 The Youth Justice System’s Response to the Covid-19 Pandemic, Literature Review:

<https://static1.squarespace.com/static/5f75bfbfb67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

66 Independent Monitoring Boards (June 2021) Young Offender Institutions (YOIs) in England 2019/20 annual report:

<https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2021/06/YOI-annual-report-2019-20-for-circulation.pdf>

“The resettlement practitioners were the ones that would respond (to requests) because of their role. They got a lot of the social workers, the youth offending teams, the offending team managers, solicitors, trying to get information to ask about their kids. Even with a case load of fifteen, which some of our resettlement practitioners had, that was really difficult.” (SMT)

In principle, when a child is due to be released from custody, professionals including social workers, and YOT staff will work with education and accommodation providers to develop a re-settlement plan. SMT staff explained that due to Covid-19 restrictions, for instance, a child’s social worker was not permitted to meet with the child and YOI staff to contribute to the re-settlement plan. Prison social workers at YOI X were instead visiting children and planning release and re-settlement.

“It’s really difficult to deal with the bombardment that we got in requests, but actually, we said, ‘Can your visit be done by our internal social work team? They are independent, they are ultimately social workers at the end of the day’ and tried to be a little bit more creative in how we did it, but certainly, the social work element whilst I was in resettlement was huge. (SMT)

Difficulties reported by HMI Prisons around ensuring an appropriate adult could meet children on release⁶⁷ were also reflected in discussions with YOI staff.

“When we were discharging children that was difficult because some YOT workers and youth offending teams would be like, “Actually, I don’t really want to pick him up. I don’t want to get involved with your Covid regulations.” (SMT)

Children were provided with basic information about Covid-19 restrictions in their local area.

“We made sure that the boys knew about Covid in their local area when they were leaving, so, for example, in reception, if it was a child from London we’d be saying, “Right, this is what your expectations are in London. There’s a face mask, you have to wear it all the time when you go in shops.” (SMT)

The project literature review⁶⁸ highlights that:

Little is known about children’s experiences of release and resettlement during this time. The Howard League for Penal Reform highlighted that children have faced difficulties accessing support for release planning.⁶⁹ The HM Inspectorate of Prisons thematic report on custody during COVID-19 did not specifically discuss release planning for children, but highlighted that ‘limited’ planning had left those in custody feeling ‘ill-prepared, vulnerable and worried about the practicalities of being released’.⁷⁰

67 Ibid: <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2021/06/YOI-annual-report-2019-20-for-circulation.pdf>

68 The Youth Justice System’s Response to the Covid-19 Pandemic, Literature Review: <https://static1.squarespace.com/static/5f75bfbfb67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

69 Howard League for Penal Reform (May 2020) Children in prison during the Covid-19 pandemic: <https://howardleague.org/publications/children-in-prison-during-the-covid-19-pandemic/>

70 HM Inspectorate of Prisons (February 2021) What happens to prisoners in a pandemic? A thematic review: <https://www.justiceinspectorates.gov.uk/hmiprisoners/inspections/what-happens-to-prisoners-in-a-pandemic/>

Telephone calls

Context surrounding telephone calls is provided by Harris and Goodfellow in the project literature review⁷¹ :

The MoJ announced in March 2020 that it was working to ensure the secure estate had more secure phone handsets,⁷² and in November 2020 in response to Parliamentary Questions confirmed that additional funding had been provided for the rollout of in-cell telephony, with the children's estate prioritised,⁷³ and all public sector YOIs now had in-cell phones.⁷⁴ HM Inspectorate of Prisons noted quick action by the children's secure estate to give children extra phone credit.⁷⁵ Some children could also exchange good behaviour cards for more credit,⁷⁶ and some looked after children received enhanced pocket money payments from local authorities. Children also received free additional letters to send,⁷⁷ and could use 'email a prisoner'⁷⁸ to send and receive emails.⁷⁹ According to inspectors children had enough phone credit, and the extra credit was welcome in helping them to cope.⁸⁰ Those who didn't make contact with family or friends were identified by staff and offered additional support.⁸¹

Access to in-cell phones in YOI X reflect the national picture.

"What we've changed over the course of the last 18 months is that every cell has got an in-cell phone now, so they (children) call make their phone calls while they're in their rooms which makes a lot of sense, whereas we were getting them out to do a phone call, which took ten minutes, then you had to get them off the phone because somebody else needed to go on it because we didn't have 30-odd phones, we only had four." (Practitioner)

71 The Youth Justice System's Response to the Covid-19 Pandemic, Literature Review:

<https://static1.squarespace.com/static/5f755bfbbfb67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

72 HM Inspectorate of Prisons (July 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>

73 Kyle, P. (November 2020) Young Offender Institutions. UK Parliament: Question for Ministry of Justice UIN 114977: <https://howardleague.org/publications/children-in-prison-during-the-covid-19-pandemic/>

74 Brown, L. (November 2020) Prisons: Telecommunications. UK Parliament: Question for Ministry of Justice UIN 114121: <https://questions-statements.parliament.uk/written-questions/detail/2020-11-11/114121>

75 HM Inspectorate of Prisons (May 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>

76 HM Inspectorate of Prisons (July 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>

77 HM Inspectorate of Prisons (April 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>

78 GOV.UK Guidance: Staying in touch with someone in prison: Email and social media: <https://www.gov.uk/staying-in-touch-with-someone-in-prison/email-and-social-media>

79 HM Inspectorate of Prisons (March 2021) Report on a scrutiny visit to HMYOI Feltham A: <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2021/03/Feltham-SV-web-2021.pdf>

80 Care Quality Commission, HM Inspectorate of Prisons, Ofsted (December 2020) Rainsbrook Secure Training Centre Assurance Visit: <https://www.gov.uk/government/news/inspectorates-urgent-action-needed-at-rainsbrook>

81 HM Inspectorate of Prisons (April 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>

The amount of extra phone credit that children received throughout the pandemic raised mixed responses from practitioners. While they were in favour of the increase, their main concern was the futility of the increase when the cost of phone calls was so high.

*“They were trying to give the lads a week extra phone credit. In my eyes it didn’t work because if you’ve got a 15-year-old or a 16-year old with a girlfriend, that £20 is gone in one night.”
(Practitioner)*

And,

“Considering the cost of phone calls outside the establishment, the cost of their (children’s) phone calls is criminal really.” (Practitioner)

Children spoke at great length about the costs of phone calls. Indeed, during the focus group at YOI X - it was the most mentioned topic of conversation. The extract below illustrates their frustrations.

P1 = Participant

I = Interviewer

I: The credits are extortionate?

P1: Yeah. I paid £30 a week.

I: Yeah.

P1: I’m calling out like, for an hour and a half every single day. By the time I come to Friday, like, by the time I come to the Thursday evening, I’ve got like £5 left in my account.

I: Right.

P1: I’m paying 30 quid as well. On the out, if compare it, you pay 20 quid a month and you get unlimited, everything, data, credits, I’m telling you.

I: Yeah, yeah. So, it’s expensive for you to ring people to keep in touch.

P1: Yeah, yeah. It is. It is. So you really, you can’t really ring out as much as you can. You’re restricted, isn’t it?

Another child explained,

“I had a phone in my cell that you had buy credit for. In one month in total, I ended up like spending nearly £300 just on credit. I was ringing my dad and stuff all the time.” (16-year-old child)

While viewed favourably, the increased use of calls created challenges for YOI X staff responsible for monitoring the calls.

*“The flip side of that is that we need to monitor a percentage of phone calls in this prison through security - we’re still behind now. We’re thousands of hours behind, nearly 2,000 hours.”
(Practitioner)*

While telephone contact with loved ones was a priority, limited and expensive phone credit had implications for children's contact with external YOT staff. Children were given a phone PIN with which they had to provide the telephone numbers of people they wanted to call. Many children did not provide the numbers of for example, their social worker or YOT case manager; consequently, staff were reliant on the child ringing them and if they didn't, they had no means of contact. When a child did provide the number of a worker, they had to pay for the call with their own phone credit.

YOT practitioners explained that this was both unfair and restrictive.

"Some of them call me. Like, I have a few that will call me regularly but there are others who don't really have money to do that. So, it means that I've just not spoken to them." (YOT Case Manager).

While the move to in-cell phones is a positive one, YOIs need to re-assess the costs of phone calls. Excessive costs are detrimental to children and their family.

Education

Throughout the restrictions, vulnerable children in the community and in privately-run secure sites were able to continue to attend school. We do not understand why the same approach was not taken for children in public sector custody and we consider the loss of education for so long to have been disproportionate (HM Inspectorate of Prisons, July 2020)⁸²

As explained in the project literature review⁸³ :

Face-to-face education and activities in the majority of YOIs was completely suspended for 16 weeks from March 2020, replaced by in-cell education packs.⁸⁴ The Prisoners' Education Trust described these as 'distraction packs' of activities in the immediate term, then curriculum-based packs.⁸⁵ The Government confirmed 'some form' of face-to-face education had resumed across YOIs by July 2020.⁸⁶ With education and training restricted, concerns were raised, including by the Prisoner's Education Trust, about the 'significant' impact on children's wellbeing, highlighting that the 'blanket ban' on education in line with the adult estate was 'certainly not in children's best interests'.⁸⁷ The reduction in education provision is particularly concerning given children in custody already have some of the lowest levels of educational attainment and engagement compared to other children, and given the Government's own view that education should be central to custody.⁸⁸

82 HM Inspectorate of Prisons (April - July 2020) Aggregate report on Short scrutiny visits
<https://www.justiceinspectors.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2020/08/SSV-aggregate-report-web-2020.pdf>

83 The Youth Justice System's Response to the Covid-19 Pandemic, Literature Review:
<https://static1.squarespace.com/static/5f75bfbfb67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

84 HM Inspectorate of Prisons (July 2020) Report on short scrutiny visits to Young offender institutions holding children;
<https://www.justiceinspectors.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>;
HM Inspectorate of Prisons (July 2020) Aggregate report on Short scrutiny visits:
<https://www.justiceinspectors.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2020/08/SSV-aggregate-report-web-2020.pdf>

85 Russell Webster (July 2020) Locked Down, Locked Out Of Education:
<https://www.russellwebster.com/locked-out-of-education/>

86 HM Inspectorate of Prisons (July 2020) Report on short scrutiny visits to Young offender institutions holding children;
: <https://www.justiceinspectors.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>
HM Inspectorate of Prisons (July 2020) Aggregate report on Short scrutiny visits:
<https://www.justiceinspectors.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2020/08/SSV-aggregate-report-web-2020.pdf>

87 Russell Webster (July 2020) Locked Down, Locked Out Of Education:
<https://www.russellwebster.com/locked-out-of-education/>

88 Ministry of Justice, Department for Education (2019) Understanding the educational background of young offenders:
Amended summary report:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814368/understanding-educational-background-young-offenders-amended-summary.pdf

Staff were aware that children were not engaging with the packs.

“The engagement at that stage with the work packs was very sporadic and it was difficult as well because we weren’t able to go onto the units and support the workbooks.” (SMT)

Harris and Goodfellow highlight in the project literature review⁸⁹ that:

The IMB stated in-cell provision was, ‘woefully lacking and poorly delivered, largely consisting of distraction packs rather than learning materials’.⁹⁰ Francesca Cooney, Head of Policy at Prisoners’ Education Trust also raised concern about the impact of in-cell learning: ...in-cell activities and even digital technology are a poor substitute for classroom learning and engaging with teachers and peers. Children – especially those with disrupted, disjointed or even damaging prior experiences of education – need personal support and interaction to learn.⁹¹

89 The Youth Justice System’s Response to the Covid-19 Pandemic, Literature Review:
<https://static1.squarespace.com/static/5f75bfbfb67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

90 Howard League for Penal Reform (May 2020) Children in prison during the Covid-19 pandemic:
<https://howardleague.org/publications/children-in-prison-during-the-covid-19-pandemic/>

91 Russell Webster (July 2020) Locked Down, Locked Out Of Education:
<https://www.russellwebster.com/locked-out-of-education/>

The following extract from the focus group with children at YOI X demonstrates their lack of engagement with the work packs. The children were dismissive of the packs, discussing with candour that they rarely looked at them.

P = Participant

I = Interviewer

I: You know when it was like right in the middle of Covid and you were locked up for 23 hours a day, could you do any education?

P: Yeah. Yeah, we had the packs, isn't it?

I: Were they putting worksheets under your cell doors or anything?

P: Yeah, you had the packs, yeah. But not at the start, but half-way through they started giving packs.

I: And you had to just do those ...?

P: No, even them, I mean, I wouldn't do them. I wouldn't do them. I won't lie to you.

I: You wouldn't do them.

P: No. I didn't even open them.

I: Why not?

P: I put that straight in the bin –

I: Did you?

P: Or just slide straight back on the landing.

I: Why did you not want to do it?

P: It was nothing. It was nothing really. It was just about crosswords and words and that.

I: Oh right, wordsearches and crosswords –

P: That's not education. You're not learning anything. It's not like we were ... they were going towards any sort of qualification or anything. It's just random, random things –

Staff did recognise the limitations of the packs and their outdated mode of learning, i.e. packs that required children to engage with paper and pens. Many staff spoke of the need to move away from this mode of learning to a model that embraces IT and technology. This resonates with national calls from the Prisoners' Education Trust and Centre for Social Justice for lessons to be learned about the use of digital technology to improve education in custody.⁹²

92 HM Inspectorate of Prisons (April 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>;
HM Inspectorate of Prisons (July 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>;
HM Inspectorate of Prisons (March 2021) Report on a scrutiny visit to HMYOI Feltham A <https://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2021/03/Feltham-SV-web-2021.pdf>;
HM Inspectorate of Prisons (February 2021) Report on a scrutiny visit to HMYOI Wetherby and the Keppel unit: <https://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2021/02/Wetherby-and-Keppel-web-2021.pdf>

“Because of what’s happened during the pandemic but because we didn’t have that technology, the only way to do was to do sort of paper copies and sometimes I think we forget that we are working with teenagers and in society teenagers use technology, you know, they’re always on their phones, iPads, tablets etc. So I think to go back to that delivery of pen and paper, I think was a challenge for a lot of children.” (SMT)

We asked children at YOI X how they felt about their education being severely hampered by a lack of education and related activities during the pandemic.

P = Participant

I = Interviewer

I: How did you feel about education stopping that would have got you qualifications?

P: I don’t know. Yeah, I couldn’t be arsed really.

I: Yeah.

P: I didn’t mind at the time but now.....

I: You weren’t bothered but now?

P: At the time I weren’t bothered but now, really, before I leave (YOI X) I want to do as much as I can really.

I: Do you?

I2: Yeah.

P: Yeah before I move to the next jail.

I: Yeah.

P: Because that whole time (of Covid-19) there could have been something (education provision)

According to senior management at YOI X, face-to-face education re-commenced at the end of July 2020. At the end of October 2021, they had 47 per cent of children on their own education pathway; three months prior it had been approximately 5 per cent.

“There was lots of negotiations with our unions and HMPPS, and because we were working with children within youth custody, we managed to agree that we would go back for face-to-face delivery earlier than the adults, actually quite a lot earlier”. (SMT)

As stated by Harris and Goodfellow in the project literature review⁹³ :

The IMBs highlighted that although education provision gradually improved, by the end of 2020 it still fell ‘well short’ of pre-pandemic levels and standards. The report states: It is clear that some education providers had not adopted a creative approach to delivery after many months into the pandemic, thereby severely disrupting the rehabilitation of many young people, and the education and skills needed to find a job upon release⁹⁴

One of the more positive effects of the severe disruption to education provision during the pandemic is the way in which attempts have been made to re-think and re-structure the educational regime at YOI X. Children in YOIs in England and Wales receive 30 hours of formal education provision per week. Staff were unequivocal in their views of this requirement.

“I’ve been championing changes to the education provision since Chris Grayling put this 30-hour formal education, well, it’s not 30 hours, but 27 hours of formal education every week. I’ve been championing the inappropriateness of that, since then, because the majority of these young people did not engage with formal education, and so, it’s inappropriate.” (SMT)

“I mean we said from the beginning it wouldn’t work. They (the government) imposed it, didn’t they? They brought in this ruling that they’ve got to do 30 hours of academic education a week and we said, ‘As soon as they impose that...’ These kids have probably never regularly attended education from being six or seven years old and then all of a sudden they’ve got to 17 and you go, ‘Right, we’re putting you in a classroom for 30 hours.’ It’s not going to work, is it?” (Practitioner)

The composition of the small family groups described earlier in this paper was the impetus for a re-assessment of YOI X’s education package. Staff were cognisant of the restrictive educational regime on offer for children in family groups. As explained in an earlier section of this paper, education was limited and driven by infection control. Consequently, education pathways were limited.

“From an educational perspective it was a real challenge because we didn’t have any real input to which children were in which families, so you could have a group of four but all four having different aspirations and educational interests.” (SMT)

93 The Youth Justice System’s Response to the Covid-19 Pandemic, Literature Review:
<https://www.justiceinspectorates.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>

94 Independent Monitoring Boards (June 2021) Young Offender Institutions (YOIs) in England 2019/20 annual report:
<https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2021/06/YOI-annual-report-2019-20-for-circulation.pdf>

They may be at different levels of education, but we had to educate them in the same group so that did cause issues educationally and our ability to progress the children through the levels and get them the relevant qualifications.” (SMT)

Staff spoke in detail about the emphasis on re-developing an education offer for children at YOI X. This re-emphasis is underpinned by a recognition that children will be better served by an offer that better balances formal and informal education activities. References were made to opportunities for personal development, social skills and emotional education.

“The opportunity that we’ve been given around what we deliver and how we deliver and I think moving forwards, just thinking about the children and like I’ve mentioned the personal and social skills and developing every aspect of the child, rather than just the amount of qualifications that they get.” (SMT)

The ‘new offer’ includes providing 15 hours of formal education for a full morning or afternoon, five days per week. This would consist of a focus on gaining English, maths, IT, personal development and curriculum qualifications. The second half of the day consists of sporting and enrichment activities.

“We’re running education as we were pre-Covid but we’re running it better because we’re running it differently, we’re offering different pathways, we’re offering different processes. I think we’re doing things differently, in relation to education and gym and how we run our regime. We’ve spent a lot of time as an SMT working on what the regime is and what the offer is and actually around quality rather than formal time.” (SMT)

“We’re doing 15 hours of education for the lads and 15 hours of enrichment activities. So it still counts as education.” (Practitioner)

Several SMT staff referred to improvements in children’s attendance in education. A direct link between this improvement and the advent of the new offer cannot be made at this stage. Official figures and feedback from children would be needed to confirm this.

“I’ve been told we are now filling more hours of education than pre-Covid, but it’s done differently-half a day in generic education – Maths, English, ICT, those kinds of things, and then the other half of the day is what we’re now calling ‘community learning.’” (SMT)

“Our attendance rates for education are really good, much better than pre-Covid.” (SMT)

Pandemic restrictions caused major disruption to children’s education. This will undoubtedly contribute further to the attainment gap that justice-involved children already faced prior to the pandemic. This is likely to widen existing inequalities such as poverty, unemployment and an arguably, an increase in mental health problems.

Mental Health and Wellbeing

The project literature⁹⁵ provides context for this section on mental health and wellbeing:

Charlie Taylor (HM Chief Inspector of Prisons) described the cumulative effect of ‘such prolonged and severe restrictions’ on mental health and wellbeing as ‘profound’, and noted with concern the decline witnessed in emotional, psychological and physical well-being.⁹⁶

HM Inspectorate of Prisons inspection reports and its thematic review: ‘What happens to prisoners in a pandemic?’ (February 2021) raised concerns about insufficient mental health support ‘at a time of heightened anxiety’, including ‘limited specialist secondary mental health services’.⁹⁷ Some services including advocacy and mental health services withdrew their provision in custody⁹⁸ with staff and IMBs raising concerns regarding the withdrawal of more intensive one-to-one programmes such as those provided by the child and adolescent mental health service (CAMHS), and HMPPS forensic psychology services.⁹⁹

Staff at YOI X confirmed that external interventions and services such as healthcare and CAHMS were withdrawn during the early stages of the pandemic. SMT staff explained that by December 2021 health care regimes, including mental-health provision had resumed to near normal capacity.

“Healthcare and CAMHS, yes off-site. Same with a few other services. They were remote working or were told to stay off site for them to reduce footfall, and then slowly as the regimes built back up over the two-year period, everybody now is working as close to normal as possible.” (SMT)

Harris and Goodfellow¹⁰⁰ highlight the impact of interrupted mental healthcare on children:

The IMBs’ report notes that while some services returned or resumed after the first lockdown, these may only be dealing with the most acute cases.¹⁰¹ The report raises concerns that the abrupt interruption to mental healthcare has impacted many children, with the long-term implications on mental health yet to be determined, and that there will be a ‘substantial’ backlog of one-to-one therapeutic work to reassess children’s needs after lockdown.¹⁰²

95 The Youth Justice System’s Response to the Covid-19 Pandemic, Literature Review: [Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf](#)

96 HM Inspectorate of Prisons (February 2021) What happens to prisoners in a pandemic? A thematic review: <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/what-happens-to-prisoners-in-a-pandemic/>

97 Ibid; The Guardian (October 2020) England and Wales Covid lockdown for children in custody ‘cruel and inhumane’: <https://www.theguardian.com/global-development/2020/oct/27/uk-covid-policy-for-children-in-detention-cruel-and-inhumane-says-un-expert>

98 HM Inspectorate of Prisons (April 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>; HM Inspectorate of Prisons (July 2020) Aggregate report on Short scrutiny visits: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>; Independent Monitoring Boards (June 2021) Young Offender Institutions (YOIs) in England 2019/20 annual report: <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2021/06/YOI-annual-report-2019-20-for-circulation.pdf>

99 HM Inspectorate of Prisons (April 2020) Report on short scrutiny visits to Young offender institutions holding children <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>; Independent Monitoring Boards (June 2021) Young Offender Institutions (YOIs) in England 2019/20 annual report: <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2021/06/YOI-annual-report-2019-20-for-circulation.pdf>

100 The Youth Justice System’s Response to the Covid-19 Pandemic, Literature Review: <https://static1.squarespace.com/static/5f75bfbfb67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

101 HM Inspectorate of Prisons (April 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>; Independent Monitoring Boards (June 2021) Young Offender Institutions (YOIs) in England 2019/20 annual report: <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2021/06/YOI-annual-report-2019-20-for-circulation.pdf>

102 Ibid;

These concerns resonated with YOT professionals who had been working with children in the community prior to their prison sentence and with those who had been working with a child in custody pre-Covid. They spoke in detail about the impact on children and their mental health and well-being. Many expressed grave concerns about the withdrawal of services and interventions.

“There was no counselling going on, you can’t counsel via a letter. Telephone calls and Zoom calls are one thing but you can’t counsel via a letter. I am surprised that even... we’ve had remand meetings and they’ve been over a conference call. It seems very, very archaic really that they (YOI X) haven’t moved with the times.” (YOT Mental Health Worker)

“Well, in terms of the young person who is in custody now, prior to going into custody we identified the need for CAMHS support, which he was happy to go through with. This was obviously in the community. He then was remanded to custody and has since been sentenced, so we, as a team, have been in contact with CAMHS at [YOI X] numerous times to make sure that this young man is seen. He’s expressed he is ready to talk, he’s expressing a strong need for it and it hasn’t happened to date for various reasons and not necessarily CAMHS’ fault. Due to Covid, a colleague has tested positive so the other colleague that was due to see him also had to be at home for ten days. Ten days is an awful long time when you’re in a cell. I’m not saying that it’s CAMHS’ fault but, obviously the impact of Covid on their ability to even touch base with him. Potentially the impact is... the impact is great, isn’t it, really?” (YOT Mental Health Case Worker)

The combination of solitary confinement and its impact on children’s pre-existing mental health diagnoses was mentioned by several YOT professionals. The extract below illustrates a concern of a professional about the delay in a child receiving his prescription for a mental health illness and the potential for exacerbating this illness.

“It’s interesting, I had a young man who was on methylphenidate, I had prescribed him methylphenidate before he went into [YOI X]. When he went in I emailed them his prescription, you know, his clinic letters, and it took three days for him to get methylphenidate prescriptions. And in that time, he was put on an isolation wing, and he still had no medication, and more or less 23 hours a day in his cell. And I’m thinking, “Oh my God, this is a kid who’s got a history of self-harm, suicide attempts, trauma, ADHD, and he’s in a cell for 23 hours a day, on his own, unmedicated.” (CAMHS Practitioner)

Harris and Goodfellow, in the project literature review, explain that “[t]he frustration that issues around contact have caused was highlighted by HM Inspectorate of Probation, which stated that ‘Children who had speech, language and communication difficulties were especially disadvantaged’.¹⁰³ Professionals who might not be considered as offering ‘front line’ mental health interventions, spoke of the challenges of offering their services to children in YOI X during the pandemic and the detrimental impact on children’s mental health as a result.

103 HM Inspectorate of Probation (November 2020) A thematic review of the work of youth offending services during the COVID-19 pandemic:
<https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/11/201110-A-thematic-review-of-the-work-of-youth-offending-services-during-the-COVID-19-pandemic.pdf>

The extract below from a speech and language therapist working with a GM YOT details this impact. It is concerning that children who had an assessment prior to custody were more likely to (partially) have their needs met, while children without assessments were unlikely to receive any intervention.

“...one of the young people that I worked with, he’d been in (YOI X) prior to lockdown as well, so it was his second stint in custody. His mental health took a really big hit on the second one and I don’t know whether that’s because he’d experienced it (custody) prior to lockdown and then it was obviously a lot more strict when he went in the second time. The other one (young person), it was his first time in custody and he just, he’d not known any different so he didn’t necessarily have – it wasn’t a massive impact on his mental health. Definitely, in terms of their mental health impact, it had a massive hit but also both of them went in a youth offending institute where there were no speech therapists allowed to go in. So speech therapy were told they weren’t allowed to do any work within the YOI at all, and I still don’t think they’re going in. I’ve sent all of my transfer reports across...and then they came out at exactly the same point that they’d gone in, six months later... No input. Their (two young people) reports were shared with the staff within custody and I think that’s where the saving grace was that they’d had an assessment prior to going in and having advice and strategies to be able to then be implemented whilst they were in custody. However, for those young people who go in and don’t necessarily have that same level of understanding prior to going in and they’ve not had that assessment and we know where their needs lie, they’re the ones that are at risk because they’re not necessarily being understood... (YOT Speech and Language Therapist)

The introverted nature of behaviour displayed by some children on their release from YOI X was concerning for YOT professionals. They explained it as a by-product of the amount of time that children had spent in solitary confinement during the pandemic.

“He says he was behind his door for twenty-three hours a day. He had no one to speak to so that’s why I think he spoke to himself a lot when he first came out. He had no access to education. When we picked him up he couldn’t even make eye contact with us. He didn’t know how to hold a conversation. He would just sit in the back of the car and just mutter to himself. That’s probably just how he has managed to cope, by talking to himself.” (YOT Engagement Officer)

The adaptations to YOI X’s regime and reductions in specialist statutory and non-statutory support came at a time when children in custody were arguably at their most vulnerable.

“They’re not having access to offending behaviour courses, to mental health services, when perhaps they need them the most, it’s been quite a challenge for the boys but also for us as professionals to sit by and watch that happen, without being able to do anything about it. Yes, for us, I think that’s been the biggest challenge really, is access to young people who are in custody and our concerns for their wellbeing.” (YOT Case Manager)

Harris and Goodfellow¹⁰⁴ report that:

In February 2021 the Justice Select Committee stated it is ‘not yet clear’ what the effect has been on children’s mental health and levels of self-harm.¹⁰⁵ In June 2020 Keith Fraser, Chair of the YJB, told the Justice Select Committee that ‘there is some evidence at the moment, and we are testing its validity, of additional self-harm and an increase in attempted suicide’. Conversely, HM Inspectorate of Prisons noted recorded self-harm had reduced or was stable in YOIs in April 2020 and July 2020,¹⁰⁶ and available reports on YOIs in early 2021 found self-harm had remained lower than before the pandemic.¹⁰⁷

Staff from YOI X spoke at length about the incidents of self-harm amongst children during the pandemic and the adaptations to the YOI’s regime. Their accounts align with those of the HM Inspectorate of Prisons and suggest that incidents had reduced.

“The amount of self-harm reduced significantly which actually at the start of the pandemic we thought with basically locking them up for longer that would increase but it actually reduced.” (SMT)

The reasons for these reductions at a national level remain under-explored and the discussions and reasoning provided by YOI X staff assists a fuller understanding. For many practitioners and senior managers, there were two main reasons why self-harm reduced: children’s increased feelings of safety, and the adaptations to children’s access to enhanced privileges.

“The number of incidents around self-harm, and a number of incidents around violence on others, absolutely plummeted simply because the young people who were self-harming, because they were afraid, weren’t afraid, because they were protected. So, that in one sense was massively positive.” (SMT)

While a significant reduction in self-harm is laudable, it does raise issues about levels of violence pre-Covid-19 and its relationship to incidents of self-harm. Solitary confinement and/or restricting children’s socialising and mixing with others should not be considered as a long-term solution to maintaining low levels of self-harm.

During the early stages of the pandemic when children were isolated in their cells, irrespective of pre-Covid-19 behaviour status, every child got access to an in-cell phone and television. As restrictions started to ease, behaviour privileges evolved and automatic access to items such as televisions was revoked.

“In my years of working here, I’ve never known it (self-harm) being so few when Covid hit. We don’t like to say it but there was no manipulating going on for TV returns and everything else and self-harm went well down. But there’s no consequences for them (children) now. “What am I going to lose?” Now they’re starting getting them (TV’s) taken off them again.” (Practitioner)

104 The Youth Justice System’s Response to the Covid-19 Pandemic, Literature Review: <https://static1.squarespace.com/static/5f75bfbfb67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

105 Justice Select Committee (February 2021) Children and Young People in Custody (part 2): The Youth Secure Estate and Resettlement <https://publications.parliament.uk/pa/cm5801/cmselect/cmjust/1357/135702.htm>

106 HM Inspectorate of Prisons (April 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020.pdf>
HM Inspectorate of Prisons (July 2020) Aggregate report on Short scrutiny visits: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/07/YOI-SSV-2.pdf>

107 HM Inspectorate of Prisons (February 2021) Report on a scrutiny visit to HMYOI Wetherby and the Keppel unit: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2021/02/Wetherby-and-Keppel-web-2021.pdf>
HM Inspectorate of Prisons (March 2021) Report on a scrutiny visit to HMYOI Feltham A <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2021/03/Feltham-SV-web-2021.pdf>

Given the relationship between behaviour privileges and self-harm, the pandemic has provided an opportunity to re-assess the purpose of privilege and behaviour frameworks.

While YOI X reported that incidents of self-harm have decreased during the pandemic, this should not distract from the impact of isolation and the implications of whole scale regime change for those children with special educational needs and learning disabilities (SEND). Staff explained there had been increases in self-harm amongst these children in the early stages of the pandemic. YOI X increased welfare visits and checks for these children, particularly for those with Assess, Care in Custody and Teamwork (ACCT) plans (for those children at risk of suicide and/or self-harm). The long-term effects of isolation for these children are yet to manifest.

“With the vulnerabilities of children that are on ACCT documents, we had an increase (self-harm) at the start of the pandemic, but we were doing things like weekly welfare checks. So, the unit manager would go speak to them, they’d have a checklist to say, “Have you spoken to your family? Have you spoken to your friends? What do you think? This is where we’re at in terms of guidance.” (SMT)

“The longer it’s gone on, I think they’ve just become bored of it and gone, “I want to be let out of my room, I want to do X, Y and Z”, and with the vulnerable kids we saw it increase (self-harm) at the start, but actually, as I sit here now, we’ve got three ACCT documents open. We never saw any serious self-harm; we never saw any attempts to take children’s own lives.” (SMT)

Children with autism were particularly affected by regime changes and changes to their daily routines. YOI X made attempts to ensure some consistency of the staffing teams who oversaw the children’s one hour out of cell, however, the drastic changes to the regime manifested itself through changes in self-harming behaviours.

“I don’t know whether it was our communication, I don’t know whether it was some of the diagnosis that some of the kids have had around their autism, it just turned into behaviour, rather than, “I’m going to scratch myself, or I’m going to make a ligature, or I’m going to harm me”, became more of a, “Right, I’m going to bang my door for 20 minutes”, but then the good thing that we did was we intercepted that behaviour quite quickly, and said, “Do you know what, we’d love to have you out more, but we just haven’t got the people to do it, and this is where it’s at.” (SMT)

Although communication between staff and children was prioritised by YOI X, given that autism can affect communication with others and there was no speech and language therapy services in the YOI, it stands to reason those children with autism would struggle to comprehend the magnitude of Covid-19 and its impact on their daily lives.

“It’s really difficult when kids have got a diagnosis of autism and things like that, Asperger’s, where they don’t understand, and they haven’t got control of how to process why they can’t come out of their room.” (SMT)

Throughout the pandemic, children faced significant challenges that fundamentally affected their lives including isolation, health anxieties, increasing instability and inequalities, and adverse experiences in the home (Cowie & Myers, 2020).¹⁰⁸ We have written about the impact of the pandemic on justice-involved children’s mental health in the community elsewhere (see Smithson et al, January, 2022)¹⁰⁹ and the concerns raised by professionals described in that paper resonate with those children in custody.

108 Cowie, H., Myers, C. (November 2020) The impact of the COVID-19 pandemic on the mental health and well-being of children and young people; Children & Society; The Children’s Society (August 2020) The impact of COVID-19 on children and young people; <https://onlinelibrary.wiley.com/doi/full/10.1111/chso.12430>

109 The Youth Justice System’s Response to the Covid-19 Pandemic; Children’s Welfare Needs and Vulnerabilities: https://www.mmu.ac.uk/media/mmuacuk/content/documents/mcys/Academic_Paper_Youth_Justice_Systems_Response_Covid-19_Pandemic_Welfare-Needs-and-Vulnerabilities-Paper-2.pdf

Managing a YOI during a global pandemic

“There does not appear to be a sufficiently clear, separate plan for the children’s custodial estate, and that the specific needs of children should be clearly articulated”. (Justice Select Committee, July 2020).¹¹⁰

Communication

Harris and Goodfellow (July, 2021), note that ‘the literature reveals concerns that the approach to implementing restrictions across the secure estate was too centrally driven, leaving insufficient room for flexibility at an establishment level.’¹¹¹ Senior management team staff at YOI X spoke of the instant changes to policies and procedures when the country went into national lockdown in March 2020. The YOI was placed under national control.

“We went into gold command mode as we call it in the service where everything was controlled by the centre. So, we were told to stop doing what you’re doing, lockdown, go into emergency procedures and report daily to gold command. So, the initial obvious thing was from running a normal prison with a normal regime with normal policies and procedures, we went into emergency command mode with a different command structure - very new, clearly nobody had ever been through this before.” (SMT)

Communication, particularly during periods of national lockdown was key to maintaining the YOI’s regime and the subsequent communication to YOI staff. SMT staff explained the regularity of national gold command meetings enabled them to communicate widely to the rest of the staff and external organisations.

110 Justice Select Committee (July 2020) Coronavirus (Covid-19): The impact on prisons: <https://committees.parliament.uk/work/254/coronavirus-covid19-the-impact-on-prison-probation-and-court-systems/publications/>

111 (Harris M, Goodfellow P, July 2021:82) The Youth Justice System’s Response to the Covid-19 Pandemic; Literature Review: <https://static1.squarespace.com/static/5f75bfbfb67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

“Everyone was briefed on the same call, initially right back at the start of Covid-19, we had that twice a day, 9:30am and 2:30pm every day, seven days a week. Every morning 8 o’clock, all the SMT get together and that communication (from central command) is the key component of that meeting really, around what’s changing, what’s not changing and where we go.” (SMT)

YOI X were clear in their communication to external organisations and local authorities that they were following a national direction.

“Communicating absolutely everything was key, because we felt that if we communicated everything that we’re trying to do, then hopefully that would either reassure externals or they would then say, “Well, we do it like this, is that acceptable?” And for us, we’d say, “Well, that’s your guidance, that’s entirely up to you, but these are what we’re adhering to at this moment in time.” (SMT)

As national lockdown requirements eased, the adherence to operating within a national command structure, while also adhering to local authority requirements, particularly during the period of local tier structures became confusing.

Like our findings in the community (see Smithson et al, June 2021)¹¹² the amount of information and guidance and the frequency with which it changed was a further source of confusion.

“We were being bombarded with reams and reams of guidance which was changing sometimes every other day. It was a very, very confusing picture initially about what we could and couldn’t do.” (SMT)

“A lot of the guidance was adult-focused, as we’re child-focused, as we’re young offenders. So, a lot of guidance was not applicable to us and didn’t really help us.” (SMT)

Adhering to national guidance developed in parallel with significant adaptations to the way in which the SMT could communicate with and manage staff. For instance, physical meetings were not permitted, and staff briefings were held remotely, this in turn impacted on YOI X practitioners attempting to keep up with the ever-changing guidance. Practitioners explained that while communication from SMT staff had been frequent and detailed in the early stages of the pandemic, it had become less so as the pandemic continued.

“At the beginning (of the pandemic) every morning there was a big briefing for custody managers and other managers and there was a lot of information passed over but then God knows why that’s stopped now and there’s nothing. Communication in the beginning was probably quite good but since then, it’s, “Just get on with it. You’re doing your job now, just get on with it.” (Practitioner)

“We don’t really know what we’re doing from day to day, do we? We just do our job. People that don’t actually work, they just sit and look at facts and figures and don’t come and listen to us, they might listen to governors but I’m not being funny, governors just want the best for their jail or to say that their jail is the best so they’ll be like, “Yes, we can get that done. We can do that.” Whereas if they came and spoke to the boys...” (Practitioner)

When asked about how and who provided information about Covid-19 and the implications for the YOI’s regime, the children were clear that they were not provided with a source of reliable information.

112 The Youth Justice System’s Response to the Covid-19 Pandemic (June 2021): https://www.mmu.ac.uk/media/mmuacuk/content/documents/mcys/COVID-19_and_Youth_Justice_Paper_1.pdf

I = Interviewer

P:1 = Participant 1

P2: = Participant 2

I: Where did you get information from? Who was a reliable source to tell you...

P:2 Miss, we haven't got a reliable source. Like, we get told this will happen, yeah, and then it's not 100% that it will happen.

P1: Like, there's not actually a reliable source. Never ever.

They also spoke of their frustrations about assurances from staff that failed to materialise.

"The annoying thing was as well they were making, not promises but like, they were giving us ideas of what they were going to do for us during Covid to make it better for us, but none of it ever happened." (16 year old child)

Communication was not a two-way process between children and staff. The children we spoke to were unequivocal in their views that staff fail to listen to them. This is particularly concerning considering the devastating implications of the pandemic on children in custody.

"Like, someone will think, I'm not saying that they (prison staff) all think, 'Oh, the prisoners are wrong,' yeah, but sometimes I think like that they don't take it in, if you know what I'm saying? Like, it just goes in one ear and straight out the next." (16 year old child)

"What I think it is, yeah, sometimes yeah, this is what I think personally, they don't really listen to the prisoners." (16 year old child)

It was telling at the end of our discussions with the children how grateful they were to have had someone listen to them and take an interest in their opinions and experiences.

I: Interviewer

I2: Interviewer 2

P1,2,3,5: Participants

I: Thank you so much.

P3: Thank you for hearing our side of the story.

P2: For listening to us.

P1: Yeah, thank you for really listening.

P5: I actually really appreciate it.

I: Do you?

P3: Yeah because I feel like we, we don't actually get listened to a lot.

I2: Right.

P: There's a lot of things we have to say, and we're looked at just, 'Oh, they're prisoners'.

Staffing: relationships and morale

“They will tell you if you ask them, it’s the worst it’s ever been. It’s really low (staff morale)” (SMT YOI X)

One of the initial concerns raised about the impact of Covid-19 on custody was around staffing shortages. However, there has been less concern expressed about levels of anxiety and mental health illnesses amongst custody staff. SMT staff and practitioners spoke in detail about the personal impacts of Covid-19 on the staff team at YOI X. This ranged from very low staff morale, anxiety about catching Covid-19, anxieties about working in the YOI, and strong feelings that prison staff were not valued more generally by society and more specifically by the government and YOI X.

“We even had a number of staff saying, “I don’t want to do this, I don’t want to go in the establishment,” and we were clearly saying, “Well, you are required to, therefore, if you don’t, you would need to either take unpaid leave, or decide this is not the job for you.” Things like that were very real issues.” (SMT)

Covid-19 fatigue, and anxiety was a significant challenge for staff. They feared coming in to the YOI and mixing with colleagues and children when national government laws prohibited contact with family and friends outside of the household. Some had lost family members to Covid-19 and practitioners spoke of losing colleagues.

“The fatigue on staff and some staff have lost family members, but as well as having to come into work, dealing with challenging and difficult children anyway but then when they’ve got the anxieties and worries around Covid.” (SMT)

The rapidity with which YOI X had to adapt its regime and the implications for practitioners and the way in which they responded alarmed SMT staff.

“Everybody just fell apart. People were talking about sleeping in the gym and stuff like that- That’s the bit I wasn’t ready for. We quickly had to put in place staff support and processes and procedures and stuff like that.” (SMT)

SMT staff are cognisant of the longer-term impact on the workforce in relation to well-being and mental health. This reflects similar concerns that YOT managers had about their staff teams (see Smithson et al, June, 2021)¹¹³ It is an issue that the MoJ and YCS need to address as a matter of urgency.

“We had a lot of staff that have really struggled mentally, mental health has been a massive challenge for a lot of our staff and post-Covid, I think a lot of provision needs to be discussed with those staff, a lot of different services need to come in to work with staff around that because we’ve worked hard for 18 months, we’ve never stopped, we haven’t had a day off because we continued coming to work during Covid”. (SMT)

The mental health and well-being of custody staff was influenced by their perceptions of how society views them. Many SMT and practitioners discussed the lack of respect people have for their positions. This perception was heightened during the pandemic due to the lack of attention they received from example, the government and the media.

“It felt like the Prison Service was, you know when we were talking about hidden heroes, I think we were really hidden and that not a lot of people saw us.” (SMT)

“The biggest problem I’ve got with Covid now, especially with this establishment, is consistency because there isn’t any. There’s no consistency. Everyone clapping for NHS, it used to make me mad thinking we’re having to do this day in, day out, and we’re not getting thanked whatsoever. We’re the hidden service. We’re only ever in the news for something that’s wrong. All the NHS staff got vaccinated. All our nurses here got vaccinated but we weren’t offered anything. They didn’t even recognise us as carers and we are carers.” (Practitioner)

Staff sickness

My overriding concern is the maintenance of safe staffing levels, in order to enable children to be safe and have their basic needs accommodated. For children, basic needs includes access to healthcare, ability to socialise with peers and family, to participate in education and to get some exercise

(Children’s Commissioner for England, March 2020)¹¹⁴

Harris and Goodfellow¹¹⁵ is quoted for context:

113 Ibid;

114 Children’s Commissioner for England (March 2020) Letter to Secretary of State for Justice RE: Calling on the Lord Chancellor and Secretary of State for Justice to ensure the rights of children in custody are upheld during the coronavirus outbreak:
<https://www.childrenscommissioner.gov.uk/2020/03/25/calling-on-the-lord-chancellor-and-secretary-of-state-for-justice-to-ensure-the-rights-of-children-in-custody-are-upheld-during-the-coronavirus-outbreak/>

115 The Youth Justice System’s Response to the Covid-19 Pandemic, Literature Review:
<https://static1.squarespace.com/static/5f75bfbfb67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

HMPPS began publishing data on staff absences due to Covid-19 in August 2020, but the quarterly statistics do not disaggregate between Prison and YCS staff.¹¹⁶ Data was provided for April-July 2020 for SCHs, STCs and YOIs which showed total staff absences of 171 in April, 149 in May, 178 in June, and 160 in July. Reports on initial visits to YOIs highlighted 'significant staffing shortfalls in March and April 2020,¹¹⁷ but staffing levels had 'recovered'. However, the reports indicate that despite staff shortages, as regimes were restricted, staffing levels were generally sufficient.

YOI X SMT staff recalled that the largest number of staff off work at any one time during the pandemic was approximately 75 to 100 which was impacted by the Government's track and chase system.

"Track and trace, it knocked out over 100 staff, so it essentially shut us down for a week. That was before we were wearing masks and stuff. Actually, guidance from the prison service then was that we didn't wear masks and PPE." (SMT)

Staff spoke about YOI X being an outbreak site.

"Throughout my period here, we've had two outbreaks. We've been declared an outbreak site twice which involves local authority, Public Health England locally and nationally and lots of further restrictions." (SMT)

Staff absence created significant challenges for the establishment. When one member of staff contracted Covid-19, the rest of the staff working that unit would have to isolate, which left no flexibility.

"I can remember one occasion, 120 staff went off in one go. Then we were coming to work thinking, "Okay, there's 120 gone off, that only leaves about 20 of us and we've still got to carry on." So that was a concern." (Practitioner)

Absences raised specific challenges for children. Considering the concerns about children's mental health discussed in an earlier section of this paper, this is concerning.

"It was really hard, because then the kids would see not their normal staff, and not see the normal faces that unlock them, and say "Morning", and have that interaction." (SMT)

SMT staff recalled the difficulties of managing colleagues in relation to social distancing and isolating. There was a perception that some staff behaviours had been inappropriate during the early stages of the pandemic, when rules and guidance about social distancing were particularly restrictive.

116 Ministry of Justice (August 2020) Her Majesty's Prison and Probation Service workforce quarterly: June 2020 - HMPPS COVID-19 experimental statistics annex; <https://www.gov.uk/government/statistics/her-majestys-prison-and-probation-service-workforce-quarterly-june-2020>; Probation Service (February 2021) Her Majesty's Prison and Probation Service workforce quarterly: December 2020: <https://www.gov.uk/government/statistics/her-majestys-prison-and-probation-service-workforce-quarterly-december-2020>

117 HM Inspectorate of Prisons (April 2020) Report on short scrutiny visits to Young offender institutions holding children: <https://www.justiceinspectores.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>

“We’d have people going round cuddling each other, being stupid, when hands, face, space was still prominent and still a guide, and you have to lambast them for it, but actually, it was just so frustrating because then to you, it then became mentally draining and then different processes were involved about trying to manage these people that are having to isolate, and it’s the same names, and how do you do that? Do we challenge it through performance? Do we challenge it through HR? It just became really difficult, certainly at times.” (Practitioner)

“Where we found it really difficult in managing some of their behaviours, but the staffing group has been really difficult to manage because some people see it as free time off, some people take it really seriously, some people are a bit blasé and it’s about the consistency in our delivery as managers to the staff, because if it wasn’t it became a free for all at times.” (SMT)

YOI X has continued to maintain strict social distancing measures. Staff explained that they are encouraged to take lateral flow tests twice per week and many staff wear PPE and that all staff are expected to wear masks (children are not expected to wear masks). It was noted that at the end of 2021, they were expecting to relax some measures, however with the advent of the Omicron Covid-19 variant in December 2021, this was not possible.

Although strict measures are in place, staff are aware that they pose a risk to the children. There have been instances over the course of the pandemic, whereby staff have infected children with Covid-19.

“Psychologists by definition they need to engage with young people, they use the full spectrum of body language and you can’t use that if you’ve got a mask on, can you? However, the psychologists, not wearing PPE, they definitely infected one young lad, who interacted with five others who are possible and being tested.” (SMT)

Over the last two years, YOI X has developed its own track and trace process,

“We’ve got a really, really slick track and trace process. So we don’t use NHS, we use our own track and trace system. We’ve got, by the nature of the role, we’re full of CCTV cameras and body worn cameras and stuff like that, so when someone is infected, we can go back and look at footage and see who was wearing masks etc.” (SMT)

By December 2021, according to SMT staff, YOI X had not had a positive case amongst children in the previous three to four months.

New staff

The MoJ must acknowledge the need for additional training needs for staff who were employed during the pandemic. YOI X recruited new staff who have no experience of a pre-Covid-19 regime, approx. 40% according to accounts from SMT.

“We’ve continued to take new officers during Covid and a lot of people don’t know any different, you see, a lot of staff are what we call Covid comfort because they weren’t (children) all out during Covid but now all of a sudden, we’re unlocking the doors and everyone is coming out and these people are panicking and thinking, wow there are lots of young people out.” (SMT)

A lack of additional support and training will be detrimental to staff and has the potential to put children at risk of harm, particularly at a point in time when pre-established staff are feeling anxious and exhausted.

“Any young people or staff that have joined in the last two years, they’ve never seen a full open prison, they’ve never seen full association, and it can be quite intimidating if you’re not used to it.” (SMT)

Custody for children in a post-Covid-19 world: Lessons learned

“I think this is a once in a century, hopefully lifetime, opportunity to do something very different” (SMT YOI X)

The research findings presented in this paper and the comprehensive review of the literature provided by Harris and Goodfellow (July, 2021)¹¹⁸, illustrate the devastating effects of the pandemic on children in custody. The morale of prison staff is also a considerable concern that needs addressing as a matter of urgency. The Covid-19 pandemic can and should be regarded by the government as an opportunity for systemic change across the children's secure estate. The findings from this detailed empirical exploration of one English YOI resonate closely with national findings from the Inspectorate and the Children's Commissioner. They emphasise areas of concern that have until now remained under- explored. It is an opportune time for action to overhaul rhetoric.

Technology

SMT staff spoke positively about the opportunities the pandemic had created to investment in technology and make use of it within YOI X.

“One of the positives that's maybe come out of this is the agenda around technology, it has moved forward at a quicker pace.” (SMT)

Prior to the pandemic, the use of Microsoft Teams and/or Zoom would not have been possible. The pandemic 'forced' the secure estate to adopt remote methods of working. Remote platforms were not and still are not used universally by prison staff. Governors continue to remain the only members of staff who can work remotely, either from YOI X or from home. *“I mean I've been in the job 19 years, and I've never used Teams in my job in the prison up until the start of Covid.” (SMT)*

Remote working was spoken about positively. Like our findings in early papers in the community (see Smithson et al June, 2021)¹¹⁹, professionals welcomed the option to host and attend meetings remotely. SMT staff explained that remote meetings had improved partnership working, with so many more individuals being able to attend meetings.

118 (Harris M, Goodfellow P, July 2021:82) The Youth Justice System's Response to the Covid-19 Pandemic; Literature Review: <https://static1.squarespace.com/static/5f75bfbfb67fc5ab41154d6/t/618bdf2a6166520207116da5/1636556588695/Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf>

119 The Youth Justice System's Response to the Covid-19 Pandemic (June 2021): https://www.mmu.ac.uk/media/mmuacuk/content/documents/mcys/COVID-19_and_Youth_Justice_Paper_1.pdf

“We use technology a lot better than we used to do and the attendance levels now (at meetings), I think we had about 60 or 70 different individuals on, so that has been a real positive around partnerships.” (SMT)

Improvements and accessibility to remote working needs to be made at YOI X. Currently, there is only one room that can be used for Teams meetings. Similar challenges were described in an earlier section of this paper in relation to Purple Visits. SMT staff explained that from April 2022, governors would be receiving new computers as part of a digital rollout which would enable them to have Teams meetings from their offices.

In addition to the introduction of remote working, the governor and the deputy governor received special dispensation to bring mobile phones, iPads and laptops, into YOI X. A further positive development is the decision to allow children to have laptops in their cells. Work began in late 2021 to work through the local security concerns of how easily laptops could be damaged, how they will be secured, what the children will be allowed to access and when they will be allowed to access the internet.

“During the COVID period, one of the things that has continued is our projects, so we’ve done a lot of projects around shower pods, at the minute we’re doing the in-cell Wi-Fi project for the rollout for the boys in the new year of in-cell tablets, they’re going to be issued with an in-cell device, so they can order phone credit, canteen, meals, all via a computer, rather than filling in bits of paperwork and stuff.” (SMT)

“Children now have got phones in their room anyway, the majority of the rooms have now got in-cell showers, and also they’re (children) going to be getting laptops, so again it’s just looking at the future really and making sure that, hopefully we never go through it again.” (SMT)

The technological advances brought about by the pandemic, should not be underestimated. Purple Visits, remote video conferencing for court hearings and the introduction of remote working for staff has dragged the secure estate into the 21st century. The MoJ should continue to evaluate the impact of these advances for staff and children.

Transportation to trials and court hearings

Staff explained that several of the bigger trials that children were a part of during Covid-19 were delayed. We have written about the detrimental impact of court delays for children in an earlier paper (see Larner et al, March 2022)¹²⁰. While these delays were indeed problematic, once courts began to clear their backlogs, a positive change was the transporting of children to and from custody to court. Pre-Covid-19, children would travel to and from courts in secure prison vans with a number of other defendants, including adults. Since the pandemic, children are now supported by a small team of staff who stay with them throughout the day (preparing for court and travelling to and from court). Rather than travelling in prison vans, children are transported in individual cars that pick up them up from the YOI at a set time.

120 The Youth Justice System’s Response to the Covid-19 Pandemic; Introduction to the Courts: https://www.mmu.ac.uk/media/mmuacuk/content/documents/mcys/COVID-19_and_Youth_Justice_Paper_5.pdf

“They don’t travel in big vans anymore. They travel in little cars with their own team and stuff so that’s why they come in to pick them up throughout the day now instead of all at once.” (Practitioner)

The impact of this for children is substantial. Staff explained that children could be brought back from court very late into the evening, having been sat in a prison van for hours.

“The lads are saying it’s better- because before they could have been on a van with adults. They’re all coming back in a lot earlier now because the vans were going to every prison before us and coming to us last and the kid could have been sat on the van for six hours.” (Practitioner)

Changes to the regime

“We’ve pressed stop and then we’ve just done a refresh of everything that we were going to be doing, and I think that’s the biggest thing that’s come out of it (Covid-19).” (SMT YOI X)

Earlier sections of this paper have provided detailed accounts of changes to the regime at YOI X and the implications for children. When asked to explain what staff would like to change because of Covid-19, the regime for children was most frequently mentioned and detailed. The main priority was to re-focus the regime to fully engage children in what was described as ‘purposeful activity’. Staff were candid about children’s use of ‘free time’ prior to the pandemic. This was viewed as time out of cell, simply because children had to be out of their cells.

“Not going back to pointless time out of room. So getting people out and throwing them in the exercise yard which is a cage just because we’ve got to give them time in the fresh air. Now we are still doing some of that but actually, what I want to happen is to put them in time in the fresh air doing something purposeful.” (SMT)

Association (children’s time to associate with other children on a wing or unit) was a feature of the regime at YOI X that had begun to adapt as Covid-19 restrictions eased. Staff spoke of offering the children enrichment activities such as organised sports and playing games.

“I think we wouldn’t go back to association where we just let the boys out on an evening and they’d roam the landings and they’d just play table tennis, it’d just be association. I wouldn’t go back to that at all, and we’ve not so far because we’ve condensed our hours a lot into the core day, purely because it wasn’t purposeful for the kids.” (SMT)

The seven hours out of cell that YOI X described includes socialising and mixing with peers, however the drive to offer ‘purposeful’ activities needs to be balanced with children having an option to ‘chill’ and having a choice about how they spend this time.

“That seven hours is a real good seven hours out of their room. That involves them educating, mixing with peers, eating with peers, being really able to lead a normal... like a community on the unit.” (SMT)

It was evident from discussions with SMT staff that a great deal of consideration had gone into planning children's time and the related benefits of offering more 'purposeful' activities. The description of association provided by staff was one in which children would be expected to behave in certain ways and if behaviour transgressed the expectations of staff, it could lead to instances of confrontation and violence between children and between children and staff.

"I think in terms of not going back (to a pre-Covid 19 regime), it would be association, because that was just, (officer) "Can you get off that door?" (child) "No." It would just be confrontation minute after minute after minute, and it'd be really difficult but now we've sort of knocked that on the head." (SMT)

Family visits and contact regimes

Children's ability to stay in contact with their family, friends and external service providers during the pandemic was drastically affected. We have provided extensive details of this in an earlier section of the paper. Purple Visits have been introduced at YOI X however, improvements need to be made to these visits in relation to the frequency in which they can be arranged, the privacy of the visits and the potential costs (if costs are not continued to be waived). SMT staff had begun to consider visiting and contact regimes. More evidence is needed about children's, parents' and professional's views and experiences of contact prior to any firm decisions taken about the re-planning of these regimes.

"It's how we work on our family contact with the boys and whether we carry on doing more Purple Visits or whether we actually look to increase bringing families in for more meetings, for the DTO (Detention and Training orders) meetings, for the social work meetings, how we look at that provision for the boys." (SMT)

As explained in the project literature review¹²¹ :

The loss of privileges such as televisions, and association time is a 'common behaviour management tool in custody'.¹²² The Basic Level of the incentives scheme in YOIs and adult prisons, which deprives people of privileges for 'poor behaviour',¹²³ was suspended by the Government during Covid-19 due to concerns about wellbeing.¹²⁴

121 The Youth Justice System's Response to the Covid-19 Pandemic, Literature Review: [Impact+of+COVID+-+Literature+Review+FINAL+Updated+Oct+21.pdf](#)

122 HM Inspectorate of Prisons (February 2021) Report on a scrutiny visit to HMYOI Wetherby and the Keppel unit; <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2021/02/Wetherby-and-Keppel-web-2021.pdf>; HM Inspectorate of Prisons (March 2021) Report on a scrutiny visit to HMYOI Feltham A: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2021/03/Feltham-SV-web-2021.pdf>

123 Ministry of Justice, HM Prison and Probation Service (2019) Incentives Policy Framework: <https://www.gov.uk/government/publications/incentives-policy-framework/incentives-policy-framework-annex-f-sending-and-handing-in-of-books-to-prisoners>

124 Secretary of State for Justice (September 2020) Letter to HM Chief Inspector of Prisons RE: HMP Erlestoke; <https://www.justiceinspectorates.gov.uk/hmiprison/media/press-releases/2020/09/hmp-erlestoke-safety-decency-and-purposeful-activity-decline-during-covid-19-lockdown/> HM Inspectorate of Prisons (February 2021) Report on a scrutiny visit to HMYOI Wetherby and the Keppel unit: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2021/02/Wetherby-and-Keppel-web-2021.pdf>

Changes and adaptations to behaviour and reward structures at YOI X was a priority for SMT staff and by the end of December 2021, changes had been introduced.

Staff explained that prior to the pandemic, children entered the establishment and received basic privileges and they were expected to earn privileges. As part of what was described as introducing a 'positive behaviour culture', behaviour and reward structures were adapted.

"We've changed the way we accept them into the jail because before, they used to come in on the standard and they had to earn their stuff to get to gold. Now they come in on gold, so it's all there and it's theirs to lose, not theirs to earn." (SMT)

While a 'positive behaviour culture' could be viewed as an incremental step to a fairer model of privilege and incentive, it remains subject to the discretion of prison officers. Children deemed to be behaving inappropriately, will continue to lose their privileges. Considering children's dreadful experiences of custody during the pandemic, behaviours may well reflect these experiences as they struggle to come to terms with their treatment.

Overall, SMT staff were of the opinion they were delivering an improved regime.

"We are delivering a good regime. It's probably a decent regime compared to what we were delivering pre-covid but there's a lot more to build on to it." (SMT)

Cultural changes to new regimes and ways of working

"The difficulty is feeding that (culture change) into the machine of headquarters of the prison service and the broader MOJ because it just becomes very messy." (SMT YOI X)

The numbers of children in custodial settings across England and Wales has decreased over the last decade. During the period of the Covid-19 pandemic, there were 613 children in the secure estate in February 2021 (Youth Custody Service, 2021) and this reduced to 511 by September 2021 (MoJ, YJB, Office for National Statistics, 2022).¹²⁵ The children's secure estate is currently in a limbo space of anticipation in terms of the impact that the pandemic could have on the numbers of children receiving custodial sentences. Staff at YOI X were candid about this and noted that while their numbers had remained stable during the pandemic, they expected them to increase as the youth justice system resumed to pre-Covid-19 levels of functioning.

The Justice Select Committee, in its July 2020 report on the impact of Covid-19 on custody, noted this, stating 'there does not appear to be a sufficiently clear, separate plan' for the children's custodial estate, and that the specific needs of children should be clearly articulated.¹²⁶ The Chief Inspector's annual report (addressing YOIs and STCs) noted how leaders in public sector YOIs had tried to meet the needs of children but were constrained by national HMPPS decisions to treat children similarly to adult prisoners (HM Chief Inspector of Prisons, 2021).¹²⁷

125 MoJ, YJB, Office for National Statistics (2022), Youth Justice Statistics for 2020/21 – Statistics Bulletin: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1054236/Youth_Justice_Statistics_2020-21.pdf

126 Justice Select Committee (July 2020) Coronavirus (Covid-19): The impact on prisons: <https://committees.parliament.uk/work/254/coronavirus-covid19-the-impact-on-prison-probation-and-court-systems/publications/>

127 HMI Prisons Annual Report 2020-2021: <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/annual-report-2020-21/>

Staff at YOI X have an aspiration to use their experiences of the pandemic to re-think and re-set the purpose of the children's secure estate. A shift in culture was spoken about in great depth.

“Part of ‘building back better’ is to change the culture of what we’ve done because we are effectively a prison holding children with prison policies and a prison outlook, trying to run a children’s service.” (SMT)

When asked what changes they would like to see in a post-Covid-19 world, the following responses are representative of staff's views of the wider system in which they operate.

“To influence headquarters to not put draconian measures on us which will drive the wrong behaviours because that’s what they do and it’s to please the minister.” (SMT)

“Whenever we’ve tried to implement change before, we’ve always hit that big culture thing. We’ve made a little change but actually the culture never ever changes.” (SMT)

YOI X have begun to make significant changes to their regime, including education provision and privileges and rewards (see earlier sections of this paper). However, staff were realistic about the challenges of influencing a whole-scale system change within a HMPPS culture underpinned by penal populism.

“I’m trying to change the service actually from being punitive and saying, “Let’s become a learning culture and let’s reward and support where necessary.” So that’s a big step. That is not an easy step at all.” (SMT)

“It’s a journey that’s going to take a couple of years but hopefully, what we can do is be a credible alternative to children in prison. At the moment we are children in prison. (SMT)

To children in custody, we posed the question, “if you had a million pounds to spend on YOI X to make it better after Covid-19, what would you spend it on?” Children's responses were modest but reflect the need for a culture change.

I = Interviewer

P1 and 2: = Participants

I: If you had a million pounds to spend –

P1: In jail?

I: Yeah.

I: - in [YOI X] on ... to do with Covid to make it better after Covid, what would you spend it on?

P1: I'll put bigger cells, showers in every cell.

P2: On the exercise yard I would put workout stuff like, pull up bars, dip bars, all of that, yeah.

P1: Better things for rehabilitation because that's what jail is meant to be for.

I: Right.

P1: But this isn't rehabilitation.

P2: This is just holding you until you're going (to another prison)

P1: Like, you know what I mean? This is just holding you and making you feel sad.

Children should be supported and encouraged to participate in the planning of a post-pandemic secure estate. There was no evidence from YOI X that children had been provided with an opportunity to meaningfully participate in the adaptations and changes to establishment regime.

Systemic change to the children's secure estate will take time and a financial commitment from the government. National evidence has clearly demonstrated that the pre-Covid-19 shortcomings of the secure estate have been starkly exacerbated by the pandemic. An appetite for change from those working in the estate should not be dismissed or undermined.

"What I hope in a post Covid world is that we are running a much better service and all the things that we did that we didn't like, we've been able to start all the things that we wanted to do and all the initiatives that we've never been allowed to or never had the money for, we're going to be able to do and we're going to be able to run a much better service." (SMT)

Conclusions and Considerations

This briefing paper makes an extensive contribution to the understanding of the impact and implications of Covid-19 on the children's custodial estate. The national literature has illustrated the devastating treatment of children in custody during the pandemic. This research provides further insight of this treatment, while recognising the challenges that staff faced in adapting and managing a regime during this period.

Based on the findings described in this paper we consider the following areas to be central for developing a safer, smaller, and more purposeful children's secure estate.

- The urgency to completely re-think the purpose and the ethos of children's custody has never been more apparent. Consideration of the evidence suggests that this should include a smaller estate, a continuing reduction of the numbers of children sentenced to custody, and a system underpinned by therapeutic services and practice.
- National reports have demonstrated that the children's secure estate was not treated differently to the adult estate during the pandemic. This raises concerns about the broader culture of the children's estate. Post-pandemic planning for the secure estate must use the evidence to ensure that the specific needs and rights of children are recognised and upheld, and the MoJ responds accordingly.
- Children should be central to the discussions about the planning of a post-pandemic secure estate. Their participation should be meaningful and secure establishments should create infrastructures that support and encourage children to participate. Children's participation should be further supported by HMPs through investment in resources to enable the development of a framework of meaningful participation. This should be utilised by HM Inspectorate of Prisons to ensure children's meaningful participation in inspections.
- In the instance of further Covid-19 lock-downs or national/local health emergencies, children should not be subjected to solitary confinement for prolonged periods. Secure establishments should devise a planning strategy in response to pandemics and health emergencies to ensure the welfare of the child is protected.
- While Ministers have expressed a favourable opinion of children living in small groups and the need to continue this model of working, children and staff held mixed views about its purpose and efficacy. A comprehensive exploration of the benefits and challenges of children living in small groups is needed prior to any decisions taken about a national roll-out of this approach. Any approach should be localised and based on the needs of children.
- Purple Visits introduced during the pandemic should remain free for children's families. Secure establishments should provide more space to accommodate these visits while recognising that some families will be unable to access this mode of communication due to digital poverty (lack of access to WiFi and laptop). Accordingly, Purple Visits should not become an alternative to physical visits.

- New visiting structures and regimes should be developed with staff, children and parents/carers to ensure that they address the needs of children and are suitable and accessible for visitors.
- Telephone calls should be made free for children to contact family and friends. At the very least, the cost of phone calls should be significantly reduced in line with the cost of mobile data in the community.
- An in-depth exploration of children's experiences of release and re-settlement from custody during the Covid-19 pandemic is needed. This will provide an evidence base and inform secure establishments about lessons learned from the pandemic.
- Adaptations to education provision post-pandemic should be underpinned by pre-existing literature and evidence. Provision should have a clear evaluation strategy and regular evaluations should be undertaken prior to rolling out new provision. The purpose of provision should be communicated effectively to staff and children.
- Restricting children's free time should not be considered a long-term solution to maintaining low-levels of self-harming behaviour and reductions in restraint and force statistics.
- Children with SEND who experienced custody during the pandemic should be offered additional support.
- A re-prioritisation on 'purposeful activities' for children in custody needs to be balanced by providing children with a choice to how they spend their 'free' time.
- While a 'positive behaviour culture' could be viewed as an incremental step to a fairer model of privilege and incentive, it remains subject to the discretion of prison officers. Children deemed to be behaving inappropriately, will continue to lose their privileges. Considering children's dreadful experiences of custody during the pandemic, behaviours may well reflect these experiences as they struggle to come to terms with their treatment. This should be fully considered when implementing behaviour strategies.
- Clear communication strategies about regime changes between senior management and staff should be developed and cascaded down to children.
- The morale amongst staff in the children's secure estate is at an all-time low. This needs to be addressed as a matter of urgency.
- Additional support for staff who were employed in the children's secure estate during the pandemic must be prioritised through investment in training to keep children and staff safe.
- The technological advances in the children's secure estate brought about by the pandemic, should not be under-estimated. The MoJ should continue to evaluate the impact of these advances for staff and children.

For further information about the project, please contact,
Professor Hannah Smithson h.i.smithson@mmu.ac.uk

