

# Unlocking potential

A study of the isolation of children in custody in England

**Though England and Wales has historically locked up more children than any other European countries, in recent years the custodial population has fallen – whereas around 3,000 children were in custody in 2008, the number now stands at around 1,000. Only 40 girls under 18 are now in custody.**

This is in line with the Government’s own target and accords with the UN Convention on the Rights of the Child (UNCRC), which the UK has ratified.

But ambitions in this area go beyond simply reducing numbers. The Government also wants to reduce the reoffending rate and improve the reintegration of released children into their communities. The numbers of children going into custody has fallen significantly. Reoffending rates have decreased but remain high.

The reduced size of the population of children in custody represents a real opportunity to effect change. Let’s remember, the number held is now the equivalent to a medium-sized comprehensive which, with the right leadership and investment, we would confidently expect to be capable of turnaround and success. The introduction of extended education to 30 hours a week provides additional confidence that this may be possible. Yet this report suggests the ambitions for rehabilitation and improved life chances are held back by a system, which is struggling against the odds to cope with a group of young people who have complex and multiple problems with high levels of vulnerabilities.

The report finds that around a third of children experience isolation and segregation. More prevalent in larger young offending institutions, it is often used as a method for maintaining order and safety in environments where violence between young offenders and towards staff is common place. With some young people spending as many as 22 hours a day in isolation, the risks to the mental health of this highly vulnerable group are clear.

The experience of children in custody varies according to where they are detained. The research described in this report suggests that this extends to the amount of time children spend in isolation, away from their peers and with restricted access to education and other elements of the normal regime. It raises troubling questions as to whether

The youth justice secure estate consists of three types of establishment – young offender institutions, secure training centres and secure children’s homes. Each varies considerably in terms of size, staff to child ratios, the nature of the children accommodated and ethos.

the current configuration of the secure estate is capable of adequately safeguarding imprisoned children, building their skills and resilience to discourage reoffending and promoting their reintegration into mainstream society. There is a concern that this might impact on rates of repeated imprisonment, which in turn increases risks to society and represents a waste of young people’s potential and of public funds.

*Unlocking Potential* is calling for a radical reform of the youth custody system to provide the environment and the approach needed to improve the outcomes and life chances of children in custody and to reduce reoffending.

**The UN Convention on the Rights of the Child (UNCRC) requires that the detention of children should be ‘a last resort’.**

**It also says that children in custody should be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of persons of his or her age.<sup>1</sup>**

**The proportion of children in custody who have vulnerabilities such as mental health conditions or learning disabilities has long been recognised. Research in 2008 found that: a majority had a history of disrupted education; two fifths had experienced abuse or neglect; one in five was known to have self-harmed; and 11% had attempted suicide.<sup>2</sup>**

**There is also evidence that while custody is falling those remaining in detention are more vulnerable. For example, the proportion of boys in young offender institutions who have been in local authority care has risen from a quarter to a third. Moreover, rates of assaults, self-harm and restraint in custody are all significantly higher than they were five years ago.<sup>3</sup>**

1 UN Convention on the Rights of the Child, Article 37(c)  
 2 Jacobson, J, Bhardwa, B, Gyateng T, Hunter, G and Hough, M (2008) *Punishing disadvantage: a profile of children in custody*. London: Prison Reform Trust  
 3 Bateman, T (2015) *The state of youth justice – 2015*. London: National Association for Youth Justice

More than two thirds of children are accommodated in young offender institutions which are significantly larger than the other forms of custodial provision and have substantially lower staff to child ratios. Conversely, secure children’s homes, the smallest establishments with the highest staffing levels account for just 10% of the total population of the secure estate.

Establishment type	Young offender institution	Secure training centre	Secure children’s home
No of establishments in England	4	3	8
Nature of establishment	Accountable to the National Offender Management Service – similar to prisons for adults	Privately managed custodial institutions for children	Child care establishments that may also accommodate children on welfare grounds
Size	142-336	76-80	8-42
Typical staff to child ratio	1:10	3:8	1:2
Children accommodated	Boys aged 15-17 years	Children aged 12-17, including vulnerable boys aged 15-17	Children aged 10-17 assessed as particularly vulnerable
Percentage of total secure estate population (August 2015)	68.5%	21%	10.5%

## Background

The Children's Commissioner for England is charged by the Children Act 2004 with promoting and protecting children's rights in England. As a member of the UK's National Preventive Mechanism, she also has a role in monitoring conditions of detention for children in order to prevent torture or cruel, inhuman or degrading treatment or punishment.

The Children's Commissioner and her team have carried out regular visits to the English youth justice secure estate. These have highlighted concerns about the amount of time spent in isolation by some children – in some cases amounting to solitary confinement.

Such concerns led us to commission research to assess the nature, prevalence, causes and impact of isolation and solitary confinement in England, to inform our understanding and to allow the development of recommendations to better protect and promote the wellbeing of children in custody and also, to ensure that the use of isolation does not have a negative impact on reoffending and reintegration.

The findings and methodology, which includes drawing on the views of children in the custodial estate, are set out in full in the research report published on the Children Commissioner's website.

## What is isolation?

Isolation involves keeping a child away from their peers in the establishment, generally against their will (although on occasion a child may elect to isolate him or herself.) Usually, isolation in young offender institutions involves the child being transferred to a Care and Separation Unit, or being confined to their cell. In secure training centres and secure children's homes, children are usually isolated in their bedrooms, although shorter episodes may occur in other settings. These two forms of establishment do not have Care and Separation units.

At its most severe, isolation can constitute 'solitary confinement' where it involves physical confinement of detainees 'for 22 or more hours a day without meaningful human contact'.<sup>4</sup> At the other end of the spectrum a child may be sent to their room to 'cool off' for 20 to 30 minutes following an incident of aggression – in certain circumstances this will be a legitimate practice.

In most cases a child subject to isolation will have restricted – sometimes very restricted – access to activities associated with the normal routine of the establishment, including education, exercise and social interaction with peers.

Within young offender institutions, formal isolation is governed by the Young Offender Institution Rules 2000 (Rule 49), which allows removal from association for the maintenance of good order and discipline or in the child's own interests. The Secure Training Centre Rules 1998 (Rule 36) permit isolation where it is necessary to prevent 'significant harm' to the child or others or to prevent 'significant damage to property'. Isolation in secure children's homes is governed by the Children's Homes (England) Regulations 2015 which mandate that measures of control and discipline should not be excessive or unreasonable or involve any prohibited measures such as corporal punishment, deprivation and limiting contact with family. Necessary action is however permitted to 'prevent injury to any person or serious damage to property'.

4 Rule 44 United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)

## Why is isolation a concern?

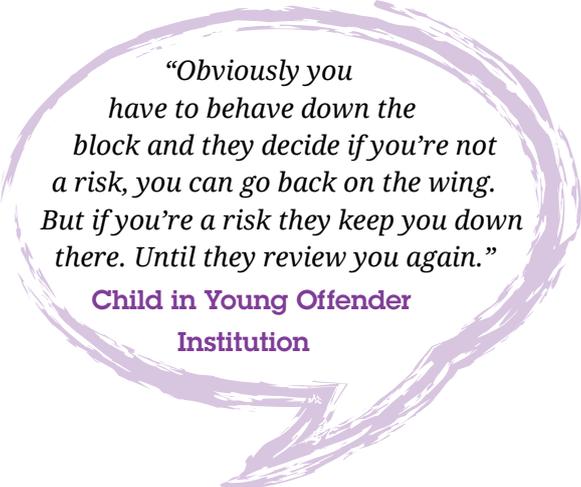
Most research conducted to date on isolation relates to adults. The Istanbul Statement on the use and effects of solitary confinement summarises the findings:

*'Between one-third and as many as 90% of prisoners experience adverse symptoms in solitary confinement. A long list of symptoms ranging from insomnia and confusion to hallucinations and psychosis has been documented. Negative health effects can occur after only a few days... the central harmful feature of solitary confinement is that it reduces meaningful social contact to a level of social and psychological stimulus that many will experience as insufficient to maintain mental health and well-being.'*<sup>5</sup>

As children within the secure estate are among the most disadvantaged and vulnerable in society, isolation is likely to exacerbate such difficulties – according to one study, 38% of those detained in young offender institutions, 59% in secure training centres and 52% in secure care homes suffered from physical and/or mental health problems.

Children interviewed for the purposes of our research described how the experience of isolation generated feelings of boredom, stress, apathy, anxiety, anger, depression and hopelessness. Staff confirmed that even short periods of isolation could trigger self-harm, exacerbate the impact of trauma experienced in the past and cause psychotic episodes.

Effective resettlement work with children in custody involves addressing their multiple and complex needs and providing the levels of social, therapeutic, practical and personal support that enable them to achieve a shift in identity from 'a socially marginalised offender to a socially included non-offender'.<sup>6</sup> Isolating children has been described as putting them in 'deep freeze'.<sup>7</sup> It interrupts their educational programme within the establishment. It can inhibit the longer-term developmental processes of transformation that are conducive to children desisting from offending, integrating into mainstream society and making a positive contribution.



*"Obviously you have to behave down the block and they decide if you're not a risk, you can go back on the wing. But if you're a risk they keep you down there. Until they review you again."*

**Child in Young Offender Institution**

- 5 The Istanbul Statement on the use and effects of solitary confinement, adopted on 9 December 2007 at the International Psychological Trauma Symposium, Istanbul.
- 6 Bateman, T and Hazel, N (2013) *Engaging young people in resettlement: research report*. London: Beyond Youth Custody
- 7 Haney, C (2001) cited in Associate Development Solutions (2015) *Isolation and Solitary Confinement of Children in the English Youth Justice Secure Estate*

# Key findings

## Prevalence and duration

- On average, one in three children in the youth justice secure estate in England are isolated at some point. Children who experience isolation are likely to do so more than once
- Recording practices vary considerably between establishments. Data indicate that isolation is more common in secure children's homes than in young offender institutions, but this is likely to be explained by differences in recording. The fieldwork confirms that young offender institutions make quite frequent use of cellular confinement. While this is clearly a type of isolation, most establishments had hitherto only recorded episodes that led to removal to the Care and Separation Unit
- A perhaps more helpful measure is duration of isolation episodes: a child who experiences isolation in a young offender institution is likely, over a seven month period, to spend eight to nine times as long separated from their peers as a child in a secure children's home

## Characteristics associated with isolation

Children with the following characteristics are at increased risk of isolation:

- Black and mixed heritage children are three times as likely to experience isolation.
- Children with a recorded disability are two-thirds more likely to experience isolation.
- Looked after children are almost two-thirds more likely to experience isolation.
- Children assessed as a suicide risk (or having comparable markers of vulnerability) are nearly 50% more likely to experience isolation.

## Factors influencing isolation

- A lower staff to child ratio is predictive of a higher use of isolation.
- Building structure – some units have a geography that facilitates the separation of particular children from each other, without either being removed from the normal routine of the establishment.
- Size and density of population – larger units with higher density populations are more likely to experience conflict which may be more difficult to manage without resort to isolation.
- Institutional culture – the more rigid regimes associated with young offender institutions can lead to a default presumption of longer periods of isolation.

## Variations between the different sectors of the secure estate

- Secure training centres, and particularly secure children's homes, use isolation as a 'cooling off' mechanism, working towards reintegration at the earliest point possible. Within young offender institutions, there is more of a sense of isolation used as a punishment, with less emphasis on ensuring its use for the minimum necessary period.
- Location – within secure children's homes and secure training centres, isolation primarily involves children spending time in their room, but – particularly in the former – staff may also supervise children in corridors, other classrooms or meeting rooms until things have calmed down. In young offender institutions formal isolation results in transfer to the Care and Separation Unit; informal cellular isolation is also quite common.
- The environment in which children experience isolation was assessed by the researchers as being most appropriate in secure children's homes and least appropriate in young offender institutions.
- Children in isolation in young offender institutions have much less access to education and other aspects of the normal routine than do children in secure children's homes and secure training centres. The recent doubling of hours of education in young offender institutions to 30 is welcome, but many children subject to isolation will not have access to that enhanced provision.

*“Once you're in your cell for so long you're over-thinking, you can stress out; some people get upset and then that can affect them. If there was more to keep us occupied like us coming out more, us doing more activities it would cause less problems as well as in arguments because when you're in a cell for long and you come out for that hour, people are well stressed! That's how it causes problems. Cause if they give us more to keep us occupied I think there'd be less problems like that”*

**Child in Young Offender Institution**

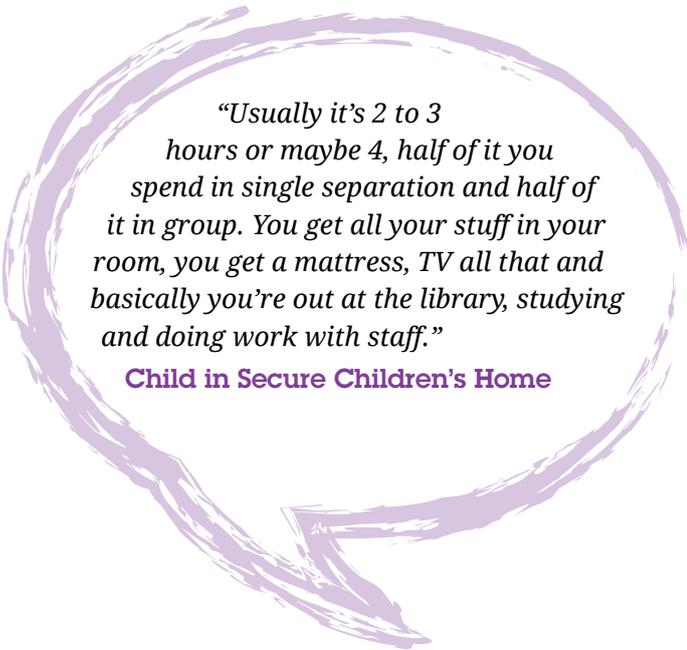
# Policy implications and recommendations

Too many children experience isolation for too long a duration and there is an unacceptable variation in practice and provision between different types of custodial establishments.

Our recommendations are of three sorts: matters of principle; issues for immediate action; and medium term aspirations.

## Matters of principle – which should be stated explicitly in relevant rules and regulations:

- All practices amounting to the solitary confinement (isolation for more than 22 hours in any 24 hour period) of children in custody, including formal and informal practices anywhere in the establishment, should be immediately prohibited.
- Isolation of children as a behaviour management measure should only be used for the minimum necessary period; children should return to full association with their peers as soon as circumstances allow. Any episode of isolation for more than four hours should trigger a reintegration plan approved by a senior manager.
- Children in custody should spend a minimum of eight hours per day out of their cell or room in contact with their peers unless they present an immediate risk of serious harm to other children or themselves; if this is the case then they should be offered equivalent levels of contact with staff and family and professional visitors.
- Children in custody should receive their full educational entitlement (30 hours per week), have access daily to exercise in the fresh air (at least one hour); healthcare; leisure and play activities; showering; telephone calls to family and friends; independent advocates and other independent monitors/helplines/professional visitors. All children should be eligible for personal visits at least weekly.
- The lowest permitted level of any sanction and reward scheme within custodial establishments should accommodate all of the above principles.



*“Usually it’s 2 to 3 hours or maybe 4, half of it you spend in single separation and half of it in group. You get all your stuff in your room, you get a mattress, TV all that and basically you’re out at the library, studying and doing work with staff.”*

**Child in Secure Children’s Home**

## Issues for immediate action

- The use of informal unrecorded isolation practices should cease. All episodes of isolation should be recorded and regularly monitored by senior managers, Youth Justice Board monitors and the relevant Inspectorates.
- The Youth Justice Board should develop an isolation minimisation strategy for the secure estate for children and young people. Individual establishments should develop their own strategies, consistent with that produced by the Youth Justice Board, to take account of staffing levels and the build and design of the establishment.
- Where it is necessary to keep a child apart from other children due to risk of violence between them, they should be offered education and leisure activities with children with whom they can safely mix.
- Where a child is removed to a specialist unit such as a healthcare unit within an establishment and this may result in isolation, they should be offered education and leisure activities with other children with whom they can safely mix.
- The Youth Justice Board should commission an expert independent review to establish why certain groups – including black and mixed heritage children, children in care and children with a disability – are over-represented among those children who experience isolation. The review should be tasked with producing recommendations to reduce that disproportionately.
- A review of sanction and reward schemes across the secure estate for children and young people should take place to ensure that they are fit for purpose in encouraging positive behaviour. The review should consider whether lower levels allow children access to their full rights and whether higher levels offer sufficient incentives to encourage good behaviour and achievements.

## Medium term aspirations

- While recognising the commitment and compassion of staff working within the young offenders institution estate, the Children’s Commissioner considers that the size, building design and staff to child ratio associated with young offender institutions is incompatible with a minimum use of isolation and a maximisation of the potential for reintegrating children into mainstream society. At the same time, the relatively small number of children in custody provides an opportunity for reconsidering provision for them. We accordingly recommend that a future secure estate strategy includes the decommissioning of young offender institutions and their replacement with smaller establishments with higher staff to child ratios based closer to the child’s family and community.

*"[It's fair] to a point yeah, but they should get you out for cleaning and stuff like that when you're on bang up. Know what I mean, to keep you a bit sane, know what I mean – obviously if you're sitting there with only four walls without any afternoon activity they should give you at least the opportunity to come out and clean"*

**Child in Young Offender Institution**

*"It's helped me be, like, positive and they give out good advice to new people that come here to try and be good and not get put on separation cos it's not the best of things. It makes me not do silly stuff, makes me just stay positive and not be naughty."*

**Child in Secure Children's Home**

*"Every Tuesday morning the Behavioural Management Unit discusses all isolation cases, nurse signs the paperwork. Duty governor then decides if isolation will be signed off after trying to collect all information so they can make an informed decision to see if mediation can occur, talking to them and building that level of respect between staff and children being able to challenge behaviour."*

**Staff member in Secure Children's Home**

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