

Children's rights behind bars 2 UK National report

Protecting the rights of children deprived of liberty and promoting participation: An international project

December 2018

Key points

- The Children's Rights behind Bars project 2 (CRBB2), aimed to improve the treatment of children deprived of their liberty and promote the effective participation of children Belgium, Italy, Poland and the United Kingdom.
- Between January 2017 and December 2018, the Howard League for Penal Reform worked with over 900 professionals and 100 children to:
 - Improve the detention conditions of children;
 - enhance the participation of children; and
 - foster post release integration and resettlement
- The Howard League developed a model of participation and education in consultation with children through workshops with over 40 children in custody
- The Howard League produced :
 - A children's rights leaflet promoting legal advice for children in prison
 - A briefing on what home means to children
 - A leaflet in partnership with Barnard's setting out children's rights in custody
 - A protocol for resettlement
- The Howard League worked with children and staff to develop a resettlement toolkit for children leaving custody
- The Howard League influenced policy to strengthen a children's rights approach, including:
 - The Department of Education protocol on the criminalisation of looked after children
 - HMIP's expectations for children
- As part of the project the Howard League created a new network of lawyers and children's rights experts focused on community care rights for young people.
- Contributed to a European Handbook on children's rights behind bars
- Disseminated over 100 copies of the practical guide for Monitoring places where children are deprived of liberty



Introduction and context

About the Howard League for Penal Reform

Founded in 1866, the Howard League is the oldest penal reform charity in the world and works for less crime, safer communities and fewer people in prison. The Howard League has consultative status with both the United Nations and the Council of Europe. It is an independent charity and accepts no grant funding from the UK government.

Since 2002 the Howard League has provided the only legal service dedicated to representing children and young people in custody. Our legal work began with a landmark case in 2002, brought by the charity in its own name, to successfully challenge the assumption that the protections of the Children Act 1989 did not apply to children in prison.

Children's Rights Behind Bars

As part of our international work on the rights of children in detention, the Howard League for Penal Reform has been a partner in the Children's Rights Behind Bars project, working with NGOs in Belgium, Italy and Poland.

The Children's Rights Behind Bars¹ project aims to improve the implementation of international juvenile justice standards to protect the rights and needs of children deprived of their liberty. The project was financed by the European Commission within the framework of the Criminal Justice Programme.

The first phase of the project **CRBB1** took place from 2014 to 2016. The Practical Guide to monitor places where children are deprived of liberty² was published in 2016 and has been used by monitoring bodies across Europe in the preparation, implementation and follow-up of visits.

The second phase of the project, **CRBB2** began in 2017. Its objectives were to improve conditions for children deprived of liberty by working with monitoring bodies and other professionals, improving their knowledge and skills; promoting the effective participation of children; and fostering collaboration between all stakeholders supporting reintegration.

This report outlines the Howard League's innovative work on participation and reintegration conducted with children in custody and the professionals who support them.

¹ See <http://www.childrensrightsbehindbars.eu/>

² <http://www.defenceforchildren.org/wp-content/uploads/2016/02/DCI-Practical-GuideEN.pdf>

The youth justice system in England and Wales

England and Wales has the lowest age of criminal responsibility in Western Europe. Children can be charged with and imprisoned for a criminal offence from the age of 10 years. In April 2018 there were 940 children in youth justice custody³.

Children can be remanded or sentenced to detention in three different types of establishment : secure children's homes (SCHs), secure training centres (STC) or prisons (young offender institutions or YOIs). Seventy per cent of the children in detention (652 boys) are held in prisons.

Secure custodial facilities for children differ greatly, from the facilities, the regimes they deliver, the staff employed to work there and the rules and regulations that govern them. The average annual cost of a place is £210,000 in an SCH, £160,000 in an STC and £76,000 in a prison. SCHs are monitored by Ofsted and STCs and YOIs are monitored by the Her Majesty's Inspectorate of Prisons.

Secure Children's Homes (SCHs)

There are 15 secure children's homes in England and Wales. Children can be placed in a secure children's home for welfare reasons or because they have been remanded or convicted of a criminal offence. Of the 220 places available in SCHs, 120 are for children in the youth justice system. SCHs hold boys and girls aged 10 to 18 years. SCHs are individually managed and accommodate between 8 and 40 children. They are monitored by Ofsted, the office for standards in education.

Secure Training Centres (STCs)

There are three secure training centres in England, holding boys and girls aged 12-18. STCs hold children who have been remanded or sentenced by the courts. Two are privately run and one STC has been placed under the control of the Ministry of Justice. It was previously privately managed. STCs are larger than SCHs and hold between 50 and 80 children. They are monitored by Her Majesty's Inspectorate of Prisons and the Youth Justice Board.

Young Offender Institutions (YOIs)

YOIs are run by the Prison Service, apart from Parc prison, which is run by a private company. They hold boys aged 15-17 remanded or sentenced by the courts. They hold between 60 to 400 boys in wings of 30 to 60 children. They are monitored by Her Majesty's Inspectorate of Prisons.

The structures for monitoring places of detention in England and Wales are advanced and include both conditions in detention and resettlement or reintegration of children following detention. Numerous bodies and professionals are involved in the process, including Her Majesty's Inspectorate of Prisons (HMIP), the Youth Justice Board, the Office for Standards in Education. However, despite the sophisticated monitoring arrangements, the Chief Inspector found no prison was safe for children in 2017.

The Howard League has worked to raise awareness of children's rights in detention and on release among the wide range of professions who work with them. We have

³ See UK Government data at <https://www.gov.uk/government/statistics/youth-custody-data>

encouraged staff to reflect on their individual practice and ensure they question, challenge or seek legal advice when a child's rights are breached.

The Howard League has worked with children in SCHs, STCs and YOIs, delivering participation sessions and consulting them about their views.

This report summarises the work of the Howard League as part of Children's Rights Behind Bars 2:

Improving conditions of detention for children in secure settings (workstream 1)

Capacity building

The Howard League engaged with over 900 professionals who come into contact with children in custody, including child rights advocates, prison officers, lawyers, parole board members, healthcare staff, local safeguarding children board members and forensic and child and adolescent psychiatrists.

We conducted eleven workshops with professionals and presented papers at six national conferences on children's rights in detention. It is our experience that often the core training for professionals who work with children in custodial settings does not always cover children's rights.

For staff who work in prisons, such as prison officers or forensic psychiatrists, their training tends to focus on working with adults in the criminal justice system and does not always address children's legal rights. Professionals who work with children, such as child and adolescent psychiatrists or safeguarding board members have a good knowledge about the rights of children but sometimes have limited contact or little knowledge of the rights of children in detention.

Our work has raised awareness of the rights of children in detention and plugged the gaps in professionals' knowledge. It has encouraged professionals who work with children to see children in detention as part of their remit and not see them as 'other' children with separate and different needs.

Barnardo's advocates: The Howard League for Penal Reform organised and delivered workshops to 36 Barnardo's advocates. The charity Barnardo's provides an advocacy service for children in prisons and secure training centres across England. Our workshops, delivered to staff in London, Rotherham and Derby, focussed on children's legal rights in custody and on release. Using case studies, advocates explored the key issues facing children in detention and looked at how they could support children to ensure their legal rights were upheld. It raised awareness of the specific rules for the different custodial facilities (SCHs, STCs and YOIs), children's rights under English law and the UNCRC. Case studies explored children's legal rights when placed in segregation (solitary confinement) and gave advocates the knowledge to empower children to challenge conditions of detention.

Following our workshops, our lawyers noticed an increase in the number and range of referrals relating to children's rights from advocates who had attended the workshops.

The Howard League, working in partnership with the charity Barnardo's, developed a child-friendly leaflet and poster on the rights of children in detention. The Howard League organised a workshop for Barnardo's advocates and members of the Howard League legal and policy teams to discuss the content of a leaflet and poster, based on the concerns raised by children in secure custody and reported by advocates and lawyers supporting them. The Howard League also consulted with children in detention regarding the design and content of the leaflet and poster.

The leaflet and poster will be distributed to every child in secure training centres and prisons as part of their induction to secure custody. This will be followed by a workshop for children on their rights, delivered by Barnardo's advocates.

The aim of the leaflet is to enhance children's knowledge of their rights and raise awareness of how they can challenge conditions in detention and on release. It covers the rights of children to be safe in detention, to feel cared for, to have a full regime and to be supported in preparing for release.

The Howard League delivered a capacity building workshop with 60 forensic psychiatrist trainees as part of their academic teaching day. Trainee psychiatrists were given information about the UN Convention on the Rights of the Child and asked to consider the key concepts, such as the child's best interests and protection from abuse, as an integral part of their practice. Trainees were encouraged to reflect on the following statements when working with children in detention;

- How can I bring a child's rights closer to reality?
- What role do professionals play in supporting children's rights?
- How can I create a child rights ethos?
- Would this be a OK for a child I care about?

The feedback from the session was extremely positive and the workshop was described as *'informative, interactive and useful'* for the trainee forensic psychiatrists. Participants said the insight into children's legal and human rights issues was something they were not taught elsewhere as part of their programme of study.

Similar sessions were delivered to child and adolescent psychiatrists and lawyers.

The Howard League presented two workshops to 18 parole board members on achieving fairness for children and young adults at parole reviews. This was as part of the annual Parole board members conference in November 2017. The workshops explored top tips for planning and effective participation of children in parole reviews including adapting the language used, reflecting on whether children have understood and avoiding creating anxiety for children.

Comments from parole board who attended the workshop members included :

'Useful and enjoyable as we have no training on young people specifically.'

‘Very informative and what I learned will impact on my practice when dealing with young people and children.’

The Howard League has presented papers at a wide range of conference and seminars, allowing the dissemination of our work promoting the rights of children in detention to reach a significant and varied audience who all make decisions about the treatment of children in detention and what happens on release.

The Howard League presented a paper at the National Association of Youth Justice’s annual conference in 2017 on ‘child-friendly youth justice’. Around 30 practitioners attended the workshop which explored how a rights based participatory approach was preventative as well as reactive.

We delivered a paper at the annual lecture for prison staff, the Perrie lecture. The paper, delivered to 100 participants at the lecture, focussed on the impact of isolation on children in detention. It looked at the legal frameworks for the conditions of detention for children, including the use of isolation. Its aim was to empower prison staff to ensure the rules were adhered to.

The Howard League was invited to speak to 120 board members at the Associations of Safeguarding Board’s annual conference. Around 60 local safeguarding boards were represented at the event. The session focussed on protecting children in and at risk of detention. It raised awareness of the vulnerabilities of children in detention.

The Howard League presented a paper on at the East London NHS Foundation Trust ‘Crime in Mind’ seminar for forensic psychiatrists in April 2018. The paper explored a participatory approach to legal advice, education and change. Participants were asked to explore how using child-friendly methods to encourage and enable children to understand and use the law could help to create a culture of universal lawfulness, where it is recognised that children have inalienable rights and should be listened to.

The Howard League addressed the Secure Accommodation Network Conference in October 2018 and delegates at the National Youth Justice Board Convention in November 2018.

Influencing national policies

Over the course of the two years the Howard League has submitted evidence to 16 consultations including :

- The consultation on the Homelessness Code of Guidance for local authorities
- The Government consultation on Corporate Parenting Principles
- The Government consultation: Changes to statutory guidance: Working Together to Safeguard Children; and new regulations
- The consultation on the sentencing code: children and young people
- Her Majesty’s Inspectorate of Prisons consultation on the expectations for children’s young offender institutions (YOIs)
- Ofsted’s consultation on the proposed changes to joint inspections of secure training centres
- JCHR inquiry on youth detention, solitary confinement and restraint

- Ministry of Justice consultation on the complaints policy
- Consultation on the draft national standards for youth justice
- NHS England's refresh of the intercollegiate Healthcare Standards for Children and Young People in Secure Settings

We have given oral evidence to national inquiries including :

- Joint Committee on Human Rights inquiry on youth detention, solitary confinement and restraint
- Independent Inquiry on Child Sexual Abuse : children in custodial institutions

We have liaised with senior policy makers and held meetings with the Ministry of Justice, the Youth Justice Board, HM Inspectorate of Prisons, HM Inspectorate of Probation, the Prisons and Probation Ombudsman, the Local Government Association and the British Medical Association among others.

We met with Her Majesty's Inspectorate of Prisons in England and Wales to discuss the expectations and inspection criteria for places of detention for children and explore how children's rights can be enhanced as part of the inspection process.

The British Medical Association consulted with us on the development of a policy on the use of solitary confinement on children in prisons. Following our discussions and input, the BMA, the Royal College of Psychiatrists and the Royal College of Paediatrics and Child Health published a joint statement calling for a ban on the use of solitary confinement on children in detention⁴. Dr Janes, legal director at the Howard League, spoke at the launch of the BMA policy statement in the Houses of Parliament in April 2018. The launch was attended by members of parliament, NGOs and professionals who work with children in detention.

We have had a clear impact on national policies including the DfE, Home Office and MoJ National protocol on reducing unnecessary criminalisation of looked after children and care leavers⁵ and Her Majesty's Inspectorate of Prisons Expectations Criteria for assessing the treatment of children and conditions in prisons.⁶

⁴ <https://www.bma.org.uk/collective-voice/policy-and-research/equality/the-medical-role-in-solitary-confinement/our-joint-position-statement-on-the-medical-role-in-solitary-confinement>

⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/758873/The_National_Protocol_on_Reducing_Unnecessary_Criminalisation_of_LAC_and_Care_Leavers_002_.pdf

⁶ <https://www.justiceinspectores.gov.uk/hmiprison/wp-content/uploads/sites/4/2018/11/Childrens-Expectations-FINAL-261118-2.pdf>

We delivered a workshop to 21 professionals at the annual Youth Justice Board conference in November 2018 on a participatory approach to children's rights in custody.

We have written articles and reported in the media on children's rights in detention, reaching a much wider audience. We wrote a paper for the Prison Service Journal⁷ on the use of solitary confinement and children and spoke on BBC national radio about children's legal rights. Our paper on a child's rights participatory approach was published in a report by the National Association of Youth Justice⁸.

Professionals' voices

- Some professionals were not always aware that children's rights were being breached, for example when children were denied education in detention.
- Children's rights are not an integral part of the training for professionals who come into contact with children in detention
- Professionals who worked with children were not always aware they could challenge practices which they believed were unlawful or confident in doing so
- Professionals working in secure settings faced practical difficulties in enhancing children's rights and adopting a child rights based approach to their work. For example, prison staff told us they were sometimes unable to find a confidential space where they could ask children about their wishes and feelings. Others told us they had difficulties in finding the time to give every child a full hour to consult with them.
- There is no culture of rights in secure settings for children - if anything there is a fear of children's rights
- It is important to work with senior managers to ensure that a child's rights based approach is implemented from the top down and practical barriers are overcome.

What we learnt

Working across the board with a wide range of professionals has not only enabled us to raise awareness of children's rights but also to change culture and policy. During the project we learned;

- **It is important to use different ways of working in parallel** – for example, our work on solitary confinement was resulting in a clear statement from the BMA, the RCP and the RCPCH calling for a ban on the use of solitary confinement and a parliamentary inquiry was achieved through working with many different professionals on different levels by raising awareness of the rights of children in detention and highlighting breaches of their rights can lead to policy change within organisations, as well as legal work to highlight the issues.
- **Front line professionals need specific and practical support around understanding children's rights** : Advocates trained to support children in

⁷<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/PSJ%20236%20March%202018.pdf>

⁸ <http://thenayj.org.uk/wp-content/uploads/2018/05/NAYJ-Child-friendly-youth-justice-May-18.pdf>

custody told us they had benefitted from our bespoke workshops which focussed on the specific rights of children in detention. Our legal team noticed a much increased awareness of children's rights from the advocates following our workshops.

- **Awareness raising has tangible benefits for children's rights**, especially when children are empowered to take legal action themselves
- **It is important to engage with a wide range of professionals who work with children in detention**

Recommendations

- Children's rights should be integral part of professional curriculum for all those who work with children in detention, with on-going refresher training on the job that is practical in nature. At the moment it is not
- Children's rights must always stress the ability of the child to enforce their own rights with the help of a lawyer if necessary (Article 12 UNCRC)
- Steps must be taken to promote a culture of rights throughout all secure settings and among all staff involved, not just advocates.

Enhancing the participation of children in secure custody (workstream 2)

The Howard League organised twelve participation workshops and worked with 60 boys and girls in secure custody. We ran six workshops in secure children's homes, two in a secure training centre and three with boys in prison custody. We produced a range of child friendly resources for each of the workshop and explored children's legal rights through a series of games, structured activities and discussion. We developed a participation methodology which we shared with partners and used throughout our workshops and work with children. Every workshop included an opportunity for feedback and evaluation.

Participation workshops on children's legal rights

In October 2018 we ran two participation workshops on children's legal rights with nine boys in a secure children's home and in a prison. The children took part in interactive games where they were asked to consider different scenarios and think about whether they were legal or fair. The scenarios included:

- Peter lived with foster carers before he came into custody. He used to get pocket money every week. Since he has been in custody he has had no pocket money
- Arthur hurt his leg today while playing football. It is really hurting. Arthur has been told that the doctor is not in until next week
- Sam goes to hit a member of staff and gets restrained

The comments from the children discussing the scenarios included:

"nothing in the law says you have to have pocket money"

"every child deserves incentives"

"everyone has a right to medication"

"that's not their problem; it's just unlucky; it happened to me"

During the game, the children discussed the scenarios with a lawyer and were given information about their legal rights in detention, how to seek legal advice and how to complain. The majority of boys in prison were able to identify the legal rights and there were discussions about fairness and discrimination. The majority of the children taking part said that the interactive game *'Is it legal, is it fair?'* was their favourite activity and they felt that their views and opinions were listened to. The activity showed the children that the law could be used to empower them and bring about change and was not just something that was used against children.

Following the activities, the children had the opportunity to comment on the design and content of the child-friendly legal leaflet and poster for children in detention (see workstream 1). The children said that they found the leaflet and poster useful and that they thought other young people would find it useful too. Most of the respondents agreed that one of the best things about the leaflet was that the information was clear.

Participation workshop on monitoring the conditions of detention for children:

In June 2018 we ran a participation workshop with five boys aged 15 and 16 years in a secure children's home to consult them on Her Majesty's Inspectorate of Prisons

(HMIP) expectations for children's prisons. HMIP is responsible for monitoring conditions of detention for children in prisons and STCs and was consulting on proposed changes to the expectations for YOIs for children.

Our workshop used child-friendly resources and activities to engage with the boys, consult them about their views on the inspection process for places of detention for children and to enable them take an active role in the consultation process.

The boys were asked to come up with their top rule for a secure children's home. The rules that they came up with, in their own words, are listed below :

- Treat people in the same way that you would want to be treated
- Show people the attention they need
- Do things with them, not always leave them on their own
- Treat people with respect
- Understand other people's views and opinions
- Make it feel like home for them
- Always try to be unique, respectful and trustworthy while with others and push your peers when they need help
- Treat everyone fairly
- Treat everyone with respect
- Let us talk to friends at home and bring pets in
- Smoke

There was a discussion about what made secure custody feel more like home - pictures on the walls to remind you of home and being able to see your pets. The children agreed the top three rules chosen were:

- Respect
- Think of others
- Make it feel like home.

We discussed the Chief Inspector of Prison's expectations for inspecting prisons for children and the four tests of a healthy prison: safety, care, purposeful activity and resettlement.

Expectations: what matters to you

Activity: Write down what you think is important under each heading in the boxes.

1. Feeling safe being looked after	2. Feeling cared for Attention given to all yfs not certain yfs
3. Things to do each day Staff to able if yfs would not do activities and private all yfs not a certain group.	4. Plans for release work with yfs for their release.

Howard League for Penal Reform

Co-funded by the European Union

The young people were given four headings: Feeling safe, feeling cared for, things to do each day and plans for release. They were asked for their ideas about what mattered to them under each heading. The boys had strong feelings about what a good prison should be measured against and how children should be consulted.

The views of the young people are included in the consultation response from the Howard League⁹.

In November 2018, the Inspectorate of Prisons published the revised inspection criteria for assessing the treatment of children and conditions in prisons¹⁰. The revised criteria are now underpinned by children's legal rights including UNCRC. The criteria for inspecting resettlement provision has been strengthened to assess whether 'resettlement begins on arrival and is designed to meet children's needs, explore pro-social strengths and goals and reduce their likelihood of committing further offences' and 'the strategy is informed by and developed in consultation with children.'

Reintegration workshops with children

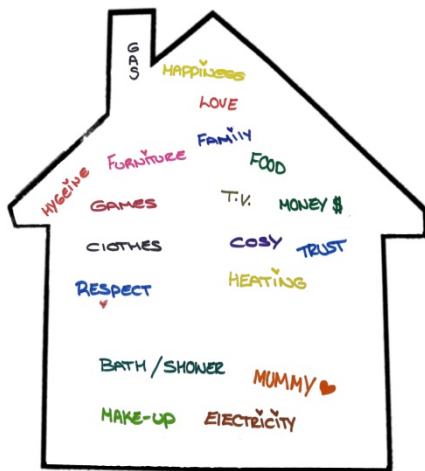
We ran six participation workshops in custodial settings exploring children's rights and reintegration and worked with a total of 37 children aged 14-17. We ran the reintegration workshops in two SCHs, one STC and two prisons. The workshops explored what makes a home, children's legal entitlements to advice and support in planning for release and the rights of children to accommodation and support after release.

We delivered workshops for professionals working in the same secure custodial facilities at the same time, giving staff information about children's rights and how to advocate on their behalf to ensure the children were able to participate in a meaningful way in their reintegration planning (See Workstream 3).

⁹ <https://howardleague.org/wp-content/uploads/2018/07/Howard-League-response-HMIP-expectations-YOIs.pdf>

¹⁰ <https://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2018/11/Childrens-Expectations-FINAL-261118-2.pdf>

During the workshops, we consulted the children about what home meant to them. Children were asked to complete a worksheet on what they thought made a good home.



In our participation workshops, children told us that home meant love, happiness, caring, food and drink, warmth and comfort. In short, for children in custody ‘home’ meant much more than just a roof over their head.

We explored with the children what they were legally entitled to on release.

Our participation workshops revealed that children were not just concerned with having accommodation on release. They wanted a place where they felt loved, cared for and supported.

The views of the children have been collated and published in our briefing, ***More than a roof overhead***¹¹. Children’s views have also informed the development of the resettlement toolkit we have developed with professionals (see workstream 3).

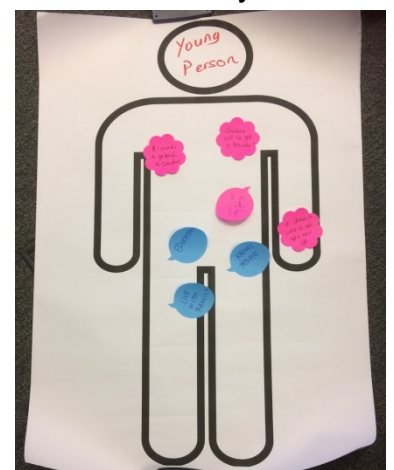
In all the workshops, the young people explored their legal rights including their rights to suitable support and accommodation on release. Children were given information about the legal rights of children in need and their entitlement to support from local children’s services departments under the Children Act 1989. Our lawyers explained the differences between accommodation and support provided by Children’s Services and accommodation from the Housing department to enable them to make informed decisions when consulted on their wishes and feelings

Participants discussed their understanding of the law, what they could use a lawyer for and what home meant to them.

Children also discussed the different views of professionals supporting children and compared those views to how children feel.

A model for participation and change

The Howard League has developed a model for participation and change which we used throughout the project and involves bringing children’s voices into the heart of changes to policy and practice. For example, the findings from the questionnaires have informed our briefing papers, such as ***More than a roof overhead***¹².



¹¹ <https://howardleague.org/wp-content/uploads/2018/05/More-than-a-roof-overhead.pdf>

¹² *ibid*

Children's voices have been reflected in the materials we have produced and have had an influence on professionals as we have used the materials in our workshops. They have also helped to inform both national and local policies on detention and resettlement, as we have ensured that the voice of the child is an integral part of our responses to consultations including those by HMIP, the DfE and NHS England.

Child-friendly resources: Throughout the project we developed child-friendly resources in consultation with children. This process has been used to produce our leaflets for children, workshop activities and leaflets for professionals and carers who support children. Our child-friendly resources have been used in all our participation sessions and our consultations with children. We designed and produced a leaflet on our legal advice line, in collaboration with children in detention. We developed questionnaires on a range of issues raised by children, including parole and resettlement. The child-friendly questionnaires have enabled us to consult a greater number of young people.

Children's voices

- What children want does not always reflect what adults think they want: it is essential to listen to what children want
- Children do not all want the same thing – they have individual wishes and feelings and every decision needs to reflect the individual child
- Children are not taught about the law or their rights or encouraged to have high expectations or information about how to make the law work for them
- The level and extent of children's knowledge of their legal rights varied and often depended on their background and experience or on where they were held
- The level of support and the level of empowerment that children had varied depending on where they were detained and their home local area – ie their support and experiences depended on adults
- Children wanted to be consulted and have the chance to share their views but they wanted their views to be informed and they were hungry for knowledge.

What we learnt

- Children need to be given encouragement, skills and confidence to speak out about what they think and want
- The children are the experts in their own lives
- Children often didn't have enough information about their lives or rights to make informed decisions
- Children are not routinely asked about their wishes and feelings
- Children often felt that professionals did not listen to them
- It is important that professionals take more care to consult children, to understand their wishes and feelings for resettlement and involve them in resettlement planning from the start of their sentence
- Children in detention are often vulnerable and come from challenging backgrounds and therefore need additional support to ensure their needs are met.

Recommendations

- All children in custody should be given information about their legal rights and entitlements and how to use them
- All children must have access to advocacy and legal services
- Children must be asked about their wishes and feelings and be listened to

Fostering post-release re-integration (workstream 3)

The Howard League has been working closely with professionals who support children in detention and on release to improve their knowledge of the legal rights and the protocols which already exist for children in detention and on release. It is our experience, from our legal and participation work, that in many cases children's legal rights are not upheld and protocols for resettlement are not always adhered to.

Our legal team receive calls via our legal advice line from children in custody who have inadequate plans or no plans in place for release despite clear the legal duties on local authorities to provide support and accommodation. Too often lawyers and social workers are desperately scraping around to find shelter for children and failing to ensure children get a home.

More than a roof overhead: Briefing paper



The Howard League consulted nearly 100 children and young people, during participation sessions and using questionnaires, about what home meant to them. The views of the children were collated and analysed and published in a briefing paper, *More than a roof overhead*¹³.

The briefing paper included the wishes and feelings of children and was published with the aim of ensuring professionals have high expectations for support packages for children. The briefing paper was published at the launch of the community care network for children and young people (CCCYP). It has been disseminated to professionals who support children in custody and on

release to educate them about children's views. It includes images produced by the children in the participation workshops.

Re-integration workshops with professionals : The Howard League delivered eight resettlement workshops to 83 staff who supported children in custody and were involved in planning for release. The workshops included two sessions with 20 Barnardo's advocates working in STCs and YOIs, a session with eleven staff at an STC, two sessions in secure children's homes with 22 staff and two sessions in prisons for boys, attended by 30 staff.

The professionals who attended the workshops included centre managers, vocational instructors, teachers, healthcare staff, speech and language specialists and resettlement workers from NGOs as well as secure custody staff.

The workshops covered the resettlement rights of children leaving custody, the resettlement process for children, other people's roles and responsibilities and the legal rights of children to support and accommodation. The sessions aimed to increase professionals' knowledge and confidence in developing robust resettlement plans for children and their confidence in finding solutions to help children when

¹³ ibid

planning for release. It included knowledge about children's rights, including their right to be consulted about their wishes and feelings.

The sessions were led by Howard League lawyers and included discussions, case studies and legal education. Practitioners had the opportunity to share their experiences and look for solutions to problems. The sessions also encouraged professionals to seek legal advice at the earliest opportunity if they felt that support plans for release were lacking or nonexistent.

At the end of the sessions, participants discussed the key messages and priorities they have taken away with them which included:

- The importance of preparation and timing
- Listening to the young person's voice and empowering them
- Managing young people's expectations
- The importance of education and social care for reintegration

Resettlement toolkit: The Howard League developed a resettlement toolkit, in consultation with staff working with children in detention. Our legal and participation work highlighted the need for guidance to enable staff to support children, to empower them and to challenge professionals when a support package was not fit for purpose.

A package of support on release should not be just an address but a holistic package. Professionals told us that often a gold standard resettlement package was a long way off and reality it was often little more than an address.

We ran reintegration workshops with staff working with children in prisons, secure training centres and SCHs and developed a draft toolkit for staff to use when planning for resettlement. We held a series of four follow-up sessions with prison resettlement staff in which we refined and developed the toolkit.

The toolkit is designed to take professionals through a step-by-step process when planning for release, beginning as soon as the child arrives in detention. Staff must actively seek the child's wishes and feelings and draft a plan which is in the child's best interests. The toolkit guides professionals to plan well in advance of the earliest possible release date and ensure a child's rights are upheld. It prompts staff on when, where and how to seek help if resettlement rights are breached. It is based around the rights of children enshrined in the UN Convention of the Rights of the Child.

- Article 12: right to express wishes and feelings and have them taken into consideration
- Article 3: Best interests
- Article 40: a justice system that enables re-integration

National protocol for reintegration

We have developed a national protocol for reintegration which recognises the requirements under Articles 3, 12, 37 and 40 of the UN Convention on the Rights of the Child

The protocol is for professionals to ensure they provide all children leaving custody with timely support and assistance in order for them to have the best possible chance of reintegrating into society at the earliest opportunity in a way that is consistent with their best interests and, so far as is possible, their wishes and feelings.

Professionals' voices

- Reintegration for children is enshrined in law but in practice there are challenges for professionals and provision is patchy
- There is too little focus on education and too much focus on merely getting an address for the child
- Professionals are sometimes in such a rush to find an address for a child and children's wishes are regarded as an unattainable luxury
- There is too little focus on what children want
- There is too much confusion about who does what and when
- There is too little acknowledgement of the rights of the child in the process and his or her right to legal support

What we learnt

- Secure establishments were keen for us to work with them and deliver the workshops for professionals
- Professionals were knowledge hungry and want and need regular upskilling in law, in order to increase their confidence
- The resettlement toolkit was desperately needed - Working with a wide range of professionals working in different settings has enabled us to produce a toolkit that is relevant to a greater number of staff
- Reintegration should focus on what the child wants a home to be like
- Education and healthcare should be integral to the reintegration plan

Recommendations

- The toolkit should be rolled out nationally
- Staff need training and updates – this must include all staff, not just designated resettlement workers
- There must be wider awareness of the damage to children of not knowing reintegration plans well in advance
- There must be more robust complaints and penalties systems for failure to plan for reintegration

Appendix 1 – Summary of Evaluation

Children's Rights behind Bars 2

National Evaluation UK - Summary

A. Context

The second phase of the Children's Rights behind Bars project 2 (CRBB2), co-ordinated by Defence for Children International, was launched in January 2017 in four European locations, Belgium, Italy, Poland and the United Kingdom. The project aimed to improve the treatment of children deprived of their liberty and promote the effective participation of children in that process. Intervention was focused around three work streams:

- Improving the detention conditions of children;
- enhancing the participation of children; and
- fostering post release integration and resettlement.

The Howard League for Penal Reform was the delivery agent for CRBB2 in England and Wales.

B. Project overview and theory of change

The programme of work was designed to take account of the national context – which includes a rapidly contracting custodial population, a well-established structure for monitoring conditions of detention and, perhaps paradoxically, evidence that conditions for children in detention have become worse in the recent period. Analysis of the national context concluded that the mere existence of a statutory monitoring function is not, in itself, sufficient to ensure that treatment of children deprived of their liberty is child-friendly and consistent with children's rights. This analysis suggested that addressing weaknesses would require improved implementation of the recommendations of monitoring bodies and a wider acceptance of a children's right philosophy among those working with children in the secure estate, rather than increasing the level of or changing the nature of monitoring activity.

The programme was particularly well adapted to this context, embodying a range of assumptions that, in combination, constituted a coherent theory of change. There was a logical, and reciprocal interaction between various elements of intervention that reinforced each other and impacted on a wide range of agencies and relevant individuals. In particular the strategy focused on:

- Increasing awareness of children's rights, promoting a commitment to the improvement of conditions for children in detention, and developing practical solutions to problems among a range of staff, stakeholders and crucially children deprived of their liberty, through a series of workshops;
- The production of materials to influence a wider pool of practitioners, stakeholders and children; and
- Encouraging a culture change in respect of the treatment of children deprived of their liberty with the potential for a lasting impact on policy formation, practice, challenge and the capacity of children to exert their own agency within the custodial environment.

The range of activities undertaken was extremely impressive, with a considerable reach that exceeded the targets associated with CRB2 by a large margin as shown in table 1 below.

Table 1 - Anticipated beneficiaries of the programme, engagement achieved and whether target has been attained

Description of target audience and spread of anticipated engagement	Reach / engagement of relevant activities	Performance against target
All children deprived of liberty, including in particular 10-15 children deprived of liberty in each country	Workshops with 46 children in custody. Materials produced that have the potential to reach all children	Target exceeded
5-20 staff members of detention places in each country	Workshops attended by 87 staff in places of detention. Materials produced that have potential to engage a much wider group of staff	Target exceeded
15 law enforcement professionals and legal practitioners working with children in each country, in particular with regard to supporting their reintegration after deprivation of liberty	<p>Workshops attended by 36 professionals providing advocacy services to staff.</p> <p>Workshop at annual Youth Justice Convention, attended by 21 practitioners from a variety of backgrounds and other stakeholders</p> <p>Network of lawyers established with 70 participants attending the launch</p>	Target exceeded

The events organised for practitioners included distribution of the Practical guide for Monitoring Places of Detention, produced as part of Children’s Rights behind Bars 1 project. Dissemination of the guide was deliberately targeted at audiences at a point in time when they were engaged in discussion of children’s rights in custody to provide a context for the publication, maximise its impact and reinforce the learning during the sessions.

In addition the above activities, the project produced a range of diverse publications and other materials targeted at different audiences, including children in detention, practitioners, policy makers, and other stakeholders. Significantly a number of these materials were co-produced by children, thereby reinforcing the importance of listening to children among the intended audience, while simultaneously empowering the children involved in the production and instilling in them a sense of their right to be heard.

C. Impact and effectiveness

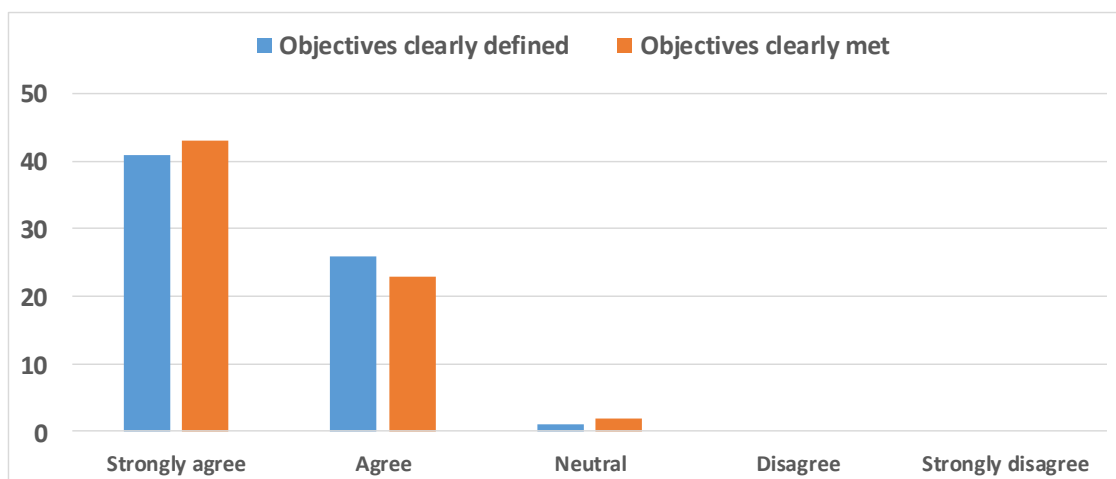
As an international programme, CRBB2 had a number of high level objectives. Impact against each of these is addressed in turn.

C.1 Improving the detention conditions of children through training of monitoring bodies and professionals

Workshops were delivered to 144 professionals working with children deprived of their liberty in a variety of capacities and covering a range of themes. It was anticipated that participation in such activities would improve implementation and better embed a children’s right philosophy among those working with children in the secure estate.

While such shifts are difficult to demonstrate conclusively, feedback from participants was extremely positive on a range of different indicators. As shown in Figure 1, workshop participants overwhelmingly agreed that objectives for the sessions were both clearly defined and were met. Given that the former were focused on increasing participants knowledge of children’s rights issues and enabling them to feel more confident to undertake their role with children (there was some variation according to the focus of the workshop), these finding suggest that the workshops are likely to have had their intended impact.

Figure 1: Professional Workshop participants’ response to statement - ‘The objectives of the workshop were clearly defined’ and ‘The objectives of the workshop were clearly met’



Before and after questionnaires demonstrate that the knowledge of participants in relation to children’s rights within custody improved as a consequence of participation. Table 1 provides a breakdown of participants’ self-assessed knowledge on a range of issues prior to and after the workshop.

Table 2: Workshop participants self-assessed knowledge of legal rights before and after intervention (Scale of 1 to 5, where 5 = very good)

Area of knowledge	Average score pre-workshop	Average score post-workshop	Change in average score
The legal rights of children in prison	2.9	4.1	1.2
The complaints system in prison	3.5	4.2	0.7
Other ways of resolving children's issues in prison	3.2	4.2	1
Others people's' roles and responsibilities in relation to children's rights	3	4	1

The feedback thus confirms that workshops had the desired effect of improving participants' knowledge in relation to children's rights in custody by a good margin. One might anticipate the improved awareness in this regard might be reflected in better practice. Direct evidence in relation to this assumption is not available. However, before and after questionnaires also demonstrate an increased confidence to act in ways that are likely to improve the conditions of children in detention, as shown in table 3.

Table 3: Workshop participants self-assessed confidence in their ability to promote children's rights and related support functions (Scale of 1 to 5, where 5 = very confident)

Area of confidence	Average score pre-workshop	Average score post-workshop	Change in average score
Promote and raise the legal rights of children in prison	2.8	4.1	1.3
Support a child in prison	3.6	4.3	0.7

C.2 Enhancing the protection of children deprived of liberty by promoting effective participation in the improvement of their detention conditions and in the enforcement of their rights

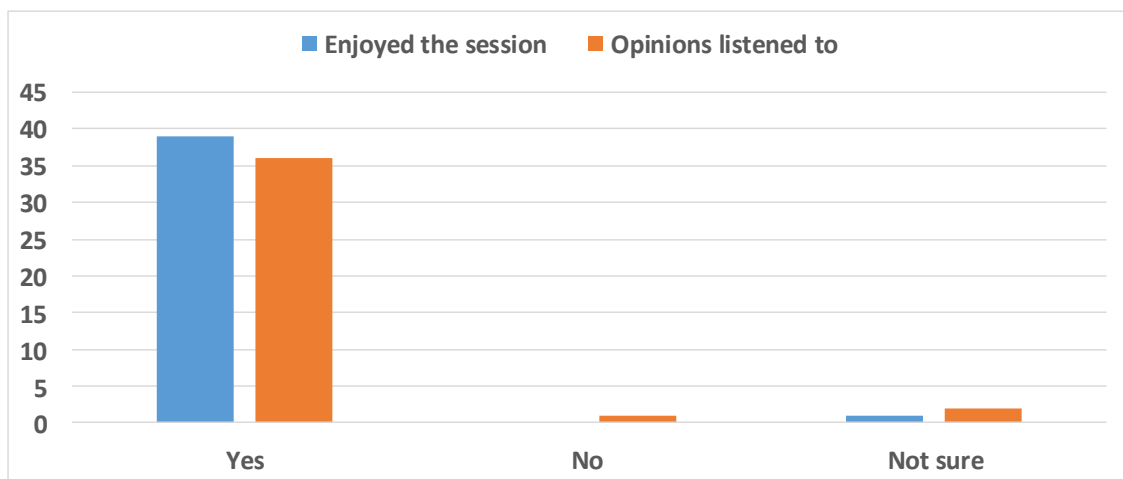
Workshops with practitioners were also designed to promote the adoption of a participative approach to working with children in trouble and, and as indicated in table 4, there was a considerable improvement in participant's knowledge in this area.

Table 4: Workshop participants self-assessed knowledge of participation rights before and after intervention (Scale of 1 to 5, where 5 = very good)

Area of knowledge	Average score pre-workshop	Average score post-workshop	Change in average score
The rights of children to participate in decision making	3.2	4.3	1.1

A major strand of intervention in relation to this objective was the planning and delivery of workshops with children in custody. Nearly all children reported that they enjoyed the session, which might be thought a positive indicator that the activities - which were all focused around their rights and the potential for participation – had engaged the participants and been of interest to them. The most popular of the activities was the group work which was arguably the central focus of the content since it involved children in co-production on various tasks. Similarly, all but one child indicated that they considered that their opinions had been listened to. This is significant because part of the aim of the session was to provide an intervention that mirrored the right to participation endorsed by the programme, in anticipation that through engagement in such activities, children would be more likely to accept that what they had to say was important. The results are shown in figure 2.

Figure 2: Children’s views on whether they enjoyed the workshops and their opinions were listened to



C.3 Fostering collaboration of services involved in reintegration

Many of the workshops with staff working in custodial settings were explicitly designed to increase understanding of resettlement and enhance confidence of staff to work for effective, child friendly resettlement outcomes. In developing the materials for the sessions, it was understood that a pre-requisite of improved resettlement was better inter-agency working, given the complex arrangement of different responsibilities of professionals at various stages of the child’s journey.

Table 5 confirms that before and after responses demonstrated consistent improvements in self-reported knowledge of resettlement issues and table 6 indicates, as might be anticipated, that better understanding was associated with improved confidence to undertake resettlement activities and find solutions to problems.

Table 5: Workshop participants self-assessed knowledge of resettlement issues before and after intervention (Scale of 1 to 5, where 5 = very good)

Area of knowledge	Average score pre-workshop	Average score post-workshop	Change in average score
The resettlement rights of children leaving prison	2.5	4	1.5
The resettlement process for children in prison	2.9	4.2	1.3
Resettlement provision for children leaving prison	2.7	3.9	1.2
Others people's roles and responsibilities regarding resettlement	3	4	1

Table 6: Workshop participants self-assessed confidence in their ability to develop resettlement plans an in respect of related support functions (Scale of 1 to 5, where 5 = very confident)

Area of confidence	Average score pre-workshop	Average score post-workshop	Change in average score
Developing a resettlement plan for a child leaving prison	2.6	3.8	1.2
Negotiating with other professionals and agencies when developing a resettlement plan	3.2	4.2	1
Finding solutions to help support a child leaving prison	2.9	4	1.1

It is important to acknowledge that the workshops were just one element of activities designed to have an impact on the programme objectives: these other interventions included production of materials for wide dissemination, some of which were co-produced with children, and engaging stakeholder audiences through a variety of mechanisms have been developed out of, and were intended to reinforce the direct influence, of workshop participation to a much wider constituency. The range of complementary activities ensured the widest possible engagement of stakeholders including senior policy makers, agencies responsible for monitoring, professionals representing and advocating on behalf of children in custody and at the point of release, youth justice staff in general and custodial staff in particular, as well as children. Materials produced were of high quality and well received; given the wide dissemination, they accordingly have the potential to have a legacy beyond that achieved through workshop participation.

D. Conclusion

The extensive range of activities undertaken by the Howard League during CRBB2 had a clear rationale. They were targeted at appropriate audiences and, given the scale of the programme, achieved a reach that could reasonably be described as extremely impressive.

It was anticipated that interventions would have an impact in at least two ways. First, it was intended that there would be a direct influence on those benefitting from participation in workshops – both children and practitioners – that would enhance understanding of, and commitment to a child rights approach to the treatment of children in detention, including the right of the child to be heard. The available evidence clearly indicates that this objective was achieved.

Second, activities were designed to have a wider, and potentially more enduring impact, by contributing to a culture shift that would embed a child's rights approach to children deprived of their liberty. Impact of this nature is inevitably more difficult to measure. However, it is clear that the work of the Howard League through the programme has achieved a wide reach, and high level of influence and buy in, to the extent that any future developments in relation to the treatment of child deprived of their liberty will, if they are to be credible, need to engage with the body of learning developed through the programme.

Dr Tim Bateman

University of Bedfordshire

December 2018

Appendix 2 – Data collection

Data : The Youth Justice system England and Wales

1. The age of criminal responsibility in England and Wales is 10 years old.
2. Children from the age of 10 who received a custodial sentence are subject to detention in the juvenile justice system, either in:
 - Secure Children's Homes (SCHs) – small local authority run units with high ratios of well-trained staff, education, therapeutic and behavioural provision tailored to children's needs. Children are held in small units within each home, where relationships built with staff and high levels of interventions enable children to make positive changes to overcome the barriers to leading positive lives when they are released.
 - Secure Training Centres (STCs) – purpose built child prisons. Two are run by private companies for profit. Medway STC was privately run but has been placed under the control of Her Majesty's Prison Service. STCs have a more punitive ethos than secure children's homes and from the outset have been characterized by being staffed by proportionately fewer, less well-trained staff, which has resulted in an over reliance on restraint. They provide 301 places holding boys and girls across four establishments.
 - Young Offender Institutions (YOIs) – part of the main prison system, these are large institutions with the lowest staff ratios (as few as 4 officers on a wing of 60 boys). Children spend the majority of their days locked in their cells and are under the control of staff who have not chosen, and have little training, to work with children. YOIs are wholly unsuitable for children, yet four in five children who are in custody are imprisoned in them.

Children are held separately from adults. However, children as young as 17 are sometimes 'starred up' and sent to adult prisons which are not appropriate for them.

3. Youth custody population by legal basis for detention January 2017

	Total under 18 in detention
Remand (pre trial detention)	184
Sentenced to custody	678
Total in custody	862

4. Youth custody population by gender (average monthly youth population year ending March 2017)

Male	843
Female	25
Total	868

5. Children arrested by the police for suspected offences

Children arrested for suspected offences¹⁴:

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Male		251,552	205,790	193,637	168,801		107,986	92,660	85,008	73,038
Female		62,969	56,467	46,207	34,607		21,287	19,377	16,918	14,487
Total		314,521	262,257	239,844	203,408	149,983	129,273	112,037	101,926	87,525

6. Children detained overnight in police custody¹⁵:

	2008-2009*	2010**	2011**
Male	42,155	38,932	34,520
Female	10,845	6,386	6,196
Total	53,000	45,318	40,716

*10-15 years old

** 10-17 years old

¹⁴ Howard League reports on Child Arrests in England and Wales

<http://howardleague.org/publications/?keyword=child+arrests&search=1&subject=15>

¹⁵ Howard League reports on overnight detention of children in police custody

<http://howardleague.org/publications/?keyword=overnight+detention&search=1&subject=15>

7. Number of custodial remand episode given to children, year ending March 2014¹⁶

(Year ending March)	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Total			5,504	3,404	3,485	3,621	1,900	1,930	1,456	1,483	1,244

**The data available only shows the number of remand episodes given by Courts within a year, which may not equate to the number of children taken into pre-trial detention.*

(Year ending March)	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Male	599	574	572	559	504	457	328	253	234	203	179
Female	38	35	33	28	24	19	11	7	6	9	4
Total	637	609	605	587	528	477	338	260	240	212	183

8. Average monthly remand population¹⁷

9. Receptions of children into prison or other detention facility¹⁸

(Year ending March)	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Male	5,583	5,301	4,964	4,314	3,904	3,739	2,625	2,108	1,738	1,593
Female	454	483	447	319	274	254	136	130	86	66
Total ¹⁹	6,037	5,793	5,450	4,657	4,199	4,024	2,818	2,260	1,844	1,687

10. Children sentenced to life imprisonment²⁰

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Children sentenced to life imprisonment										
Male	23	24	22	17	13	13	13	21	13	8
Female	3	1	1	2	2	1	0	0	1	
Total	26	25	23	19	15	14	13	21	14	8

NB figures do not include children sentenced to an indeterminate sentence for public protection which is another type of life sentence.

11. Persons found guilty at all courts per 100,000 population by sex and age group 2017

¹⁶ Annual supplementary tables 6.1, <https://www.gov.uk/government/collections/youth-justice-statistics>

¹⁷ ibid

¹⁸ Annual supplementary tables 5.5a and 5.5 b, <https://www.gov.uk/government/collections/youth-justice-statistics>

¹⁹ Including children of unknown gender

²⁰ <https://www.gov.uk/government/statistics/sentencing-statistics-annual-ns> (Table 2.d)
https://www.crin.org/sites/default/files/life_in_the_eu3.pdf (p.37)

Age	Aged 10-11	Aged 12-14	Aged 15-17	Total
Males	10	376	1,850	2,236
Females	-	68	233	301
Total	10	444	2,083	2,537

12. Proven offences by children by year

(Year ending March)	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Total	295,129	277,986	244,583	198,449	171,750	137,335	98,837	90,769	87,160	79,641	72,985

13. Examples of good practices aimed at preventing the detention of children, reducing the number of children deprived of liberty within the administration of justice or shortening the period of detention.

- Child arrests – Since 2010, the Howard League has been campaigning to reduce the numbers of child arrests in England and Wales. Our work with the police coincided with a fall of 59 per cent in the number of child arrests between 2010 and 2017.
- Access to appropriate adults at the police station for 17 year olds – The Howard League intervened in the case of *R (on the application of HC) v Secretary of State for the Home Department, 2013*. Before this judgment, children aged 17 were dealt with as adults, which meant they did not automatically receive the support of an appropriate adult to help them through the legal process. In many cases, parents were not even told that their son or daughter had been arrested.
- Detention of children in police station following charge. Recognising the continued high number of children kept in custody overnight at the police station despite legal requirements to transfer them to suitable accommodation, the Home Office published a *Concordat on Children in Custody* on 30 October 2017. The Concordat aims to clarify the legal requirements and bring about a decrease in the number of children held in police custody.²¹

²¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/655222/Concordat_on_Children_in_Custody_ISBN_Accessible.pdf