



Howard League for Penal Reform submission to the Justice Select Committee inquiry into children and young adults in the secure estate in England and Wales.

13 March 2026

Key points

- The current landscape of custodial settings for children is not fit for purpose in meeting the complex needs and welfare requirements of children and young people. Young Offender Institutions and Oakhill secure training centre routinely fail to provide a safe and rehabilitative environment and instead, these institutions tend to intensify children's trauma and negative experiences.
- While secure children's homes also experience challenges and can offer variable provision, it is the view of the Howard League that only such smaller, intensive settings can meet the needs of children in custody.
- The history of failed forms of youth custody is a long and extremely unhappy one. It is, in part, the history of misguided attempts to adapt an adult model of imprisonment for children. The Committee should recognise that fundamental transformation of the secure estate for children requires reform of the youth sentencing framework.
- The Howard League has long been concerned with the placement of girls in prison, which are wholly unsuitable to meet their needs. The independent review by Susannah Hancock was welcome but the government must deliver on its recommendations.
- High levels of violence, self-harm and use of restraint and force in the children's secure estate both replicate and reflect how these institutions fail to meet the complex welfare needs of the children and young people confined there. Violent and unsafe environments can instead compound trauma and vulnerability.
- Statistics we have obtained through Freedom of Information Act (FOIA) requests reveal that children are frequently spending prolonged periods of time in their rooms and not getting access to the education they are entitled to. We note the recommendation of the Justice Committee in December 2025 in respect of a statutory minimum time out of cell and consider that the same should apply to education in custody, regardless of whether a child is of statutory school age.
- Although there are good arguments for strengthening the independent scrutiny bodies, there is a fundamental intractability with the failings in the YOIs and STCs that more robust oversight and scrutiny mechanisms may be insufficient to address. The problem is not one of transparency, but one of accountability.

- Any consideration of children in the secure estate must consider the high proportion of children on remand and racial disparities within the estate – disparities which are at their most distinct within the remand population.

1. About the Howard League for Penal Reform

1.1 Founded in 1866, the Howard League is the oldest penal reform charity in the world. The Howard League has about 7,500 members and 14,500 supporters, including people in prison and their families, lawyers, criminal justice professionals and academics. It is an independent charity and accepts no grant funding from government.

1.2 The Howard League has a legal team which operates a free and confidential advice line, available to every person in prison aged 21 and under. We provide advice on a wide range of issues from parole, recall and criminal appeals, to help with resettlement back into the community and treatment while in prison. The Howard League also takes strategic litigation where necessary – most recently, as regards children in custody, in relation to the roll-out of PAVA spray in children’s prisons.

1.3 We have drawn on our experiences of speaking to and advising children and young people custody on a daily basis. Young people to whom we spoke about the submission all stressed the importance of having meaningful purposeful activity to support rehabilitation, and that young people should not be spending all their time in their cells.

2. The appropriateness and suitability of the youth estate for children and young adults

2.1 As of December 2025, there were 369 children and 73 young adults in the Children and Young People’s Secure Estate¹ (CYPSE). Almost all are boys or young men. A significant proportion are from Black, Asian or minority ethnic backgrounds, and a significant minority identify as Muslim. Many are on remand. These children and young people are among the most vulnerable in society. Many have experienced poverty, neglect and abuse, and have previously been in local authority care. A considerable number have special educational needs, including learning difficulties and social, emotional and mental health problems. Many also experience physical health issues, including histories of substance misuse.

2.2 As the Committee recognises, children in custody are normally held in one of three establishments: a prison or Young Offender Institution (YOI), a Secure Training Centre (STC), or a Secure Children’s Home (SCH), based on their age, gender and level of need.

2.3 There is also a new form of child custody, the ‘secure school’ that opened in 2024 in Kent – although the opening of this institution has proven troubled and it was closed in August 2025 due to safety concerns. While the secure school may partially

¹ MoJ, *Youth custody report: December 2025* (2026)

<https://www.gov.uk/government/publications/youth-custody-data> accessed 11 March 2026

reopen for a very small number of children in 2026, the future of this new type of establishment seems extremely uncertain.

2.4 It is the Howard League's view that the current landscape of custodial settings for children is not fit for purpose in meeting the complex needs and welfare requirements of children and young people. YOIs and the STC routinely fail to provide a safe and rehabilitative environment and instead, these institutions tend to intensify children's trauma and negative experiences.

2.5 Indicative of the unsuitability of the current secure estate is that the majority of children in custody are held in YOIs, despite these establishments having the worst levels of violence and the most limited regimes. YOIs are not appropriately resourced to provide the care and support children and young people need. The Framework for Integrated Care 'Secure Stairs' is not embedded, so even where there is good practice (such as formulations completed by psychology), this is not reflected in wider day to day experiences of children. In many ways the recent decision to roll-out PAVA spray into three YOIs in England (Feltham A, Werrington, and Wetherby) is an admission of this failure.

2.6 Equally indicative of the unsuitability of the current secure estate is the continuing presence of Oakhill STC in Milton Keynes. This is an establishment that recently received its second Urgent Notification from HM Inspectorate of Prisons (HMIP) in four years and a damning inspection report highlighting "profoundly serious and systemic failures" that meant that children were risk of harm, with safeguarding systems "in disarray".² Children were being separated from other children for lengthy periods, sometimes for days at a time, and children with known mental health concerns did not always receive timely care. It was also found that children at Oakhill faced unsanitary conditions with deterioration in living units.

2.7 The Howard League has long campaigned against the use of STCs for children and the systemic problems they present since their introduction in the late 1990s. These privately-run centres have experienced a series of scandals and failures over the years, including two child deaths. Originally four in number, Oakhill is now the only STC still open.

2.8 The most recent annual report from HMIP on children's experiences of the YOIs and STC underline how poor the regimes on offer in these institutions are.³ Although fewer children were held in these establishments than in the year before, they continued to spend long periods locked up behind cell doors. Only 61% of those surveyed said they got more than two hours out of their cell on weekdays, which dropped to 45% for the weekend.⁴ When children were able to make it to education or other activities, the quality of the sessions was rarely good enough. Violence was

² HMIP, *Oakhill Secure Training Centre*, (2025)

https://hmiprisons.justiceinspectrates.gov.uk/hmipris_reports/oakhill-secure-training-centre-12/ accessed 11 March 2026

³ HMIP, *Children in Custody 2024-25* (2025)

https://hmiprisons.justiceinspectrates.gov.uk/hmipris_reports/children-in-custody-2024-25/ accessed 11 March 2026

⁴ This was corroborated by the data we gathered by means of FOIA request on the weekly averages of time out of cell and hours of education, further discussed in paragraph 5.2 below.

much higher than in prisons holding adults, and only 49% of children who responded to surveys said that they felt cared for by most staff. In some cases, children were so scared that they did not leave their cells at all.

2.9 There are eight SCHs where children can be placed by the Youth Custody Service – seven in England and one in Wales. These are smaller, welfare-led settings that provide intensive care and support, often for younger or more vulnerable children, with a strong emphasis on safeguarding and emotional wellbeing. They are operated by Local Authorities and have higher staff to child ratios than YOIs or the STC. While SCHs also experience challenges and can offer variable provision, it is the view of the Howard League that only such smaller, intensive settings can meet the needs of children in custody.

2.10 As of December 2025, there were 16 girls in the children and young people estate (of a total of 442 children and young people). Although this is much lower than a decade ago, it is at the higher end of things, particularly since Covid. For example, there were times in 2023, 2024 and 2025 when there were only five or six girls in custody.

2.11 Until 2021, girls in England and Wales who were remanded or sentenced to custody could be placed in either an SCH or Rainsbrook STC. In June 2021, a decision was made to close Rainsbrook due to concerns about the safety of children placed there. Girls who were not placed in an SCH were placed in Wetherby YOI, and subsequently at Oakhill STC and the secure school.

2.12 The Howard League has long been concerned with the placement of girls in prisons, which are wholly unsuitable to meet their needs. In 2024, following pressure from the Howard League and many others in the sector, the government commissioned an independent review by Susannah Hancock into the placement and care of girls in custody. The report, which was published in March 2025, recommended the end of girls being placed in YOIs with immediate effect, which the government accepted. The review also recommended ending the use of STCs for girls by 2029, when the government's contract with G4S, who run Oakhill, ends. Other recommendations included the establishment of a Girls in Youth Justice Advisory Board which will focus on discussing the delivery of government commitments in response to the review.

2.13 The Howard League believes that no girls should be remanded into custody – appropriate community alternatives should be found. The very small number of girls who do receive a custodial sentence should be placed in suitable placements where they can receive gender-responsive, trauma-informed support.

2.14 Children, particularly those in YOIs, can find themselves placed far away from their home area. This can limit regular contact with family and also make it more difficult for professionals to attend segregation reviews or meetings for resettlement planning. In 2023, the Office of the Children's Commissioner completed a report titled *Family contact in youth custody*⁵, which set out the structural barriers

⁵ Office of the Children's Commissioner, *Family contact in youth custody* (2023) <https://assets.childrenscommissioner.gov.uk/wpuploads/2023/03/cc-family-contact-in-youth-custody.pdf> accessed 4 March 2026

preventing children from having meaningful relationships with their families. It found that almost half of children in custody (44%) did not receive an in-person visit between October and November 2022. We hear through our advice line from children in YOIs who are far from home and not receiving regular visits. One child who requested a move to a YOI closer to home was told that this was not possible due to having a 'non-associate' at that prison. This meant he was unable to move closer to home during his resettlement window, which would have meant that alongside visits with his family he would also have been able to be considered for Release On Temporary Licence (ROTL) in his home area ahead of release.

2.15 The Howard League outlines its vision for change in youth justice at the end of this submission. The history of failed forms of youth custody is a long and extremely unhappy one. It is, in part, the history of misguided attempts to adapt an adult model of imprisonment for children. The Committee should recognise that fundamental transformation of the secure estate for children requires reform of the youth sentencing framework. Custody is not always used as a last resort and the age of criminal responsibility is too low, resulting in children as young as 10-12 years old being inappropriately held in custody.

3. Violence, safety and disorder

3.1 High levels of violence, self-harm and use of restraint and force in the CYPSE both replicate and reflect how these institutions fail to meet the complex welfare needs of the children and young people confined there. Violent and unsafe environments can instead compound trauma and vulnerability.

3.2 For the past two years, HMIP have found high levels of violence and disorder in the youth estate.⁶ 43% of children surveyed said that they had felt unsafe since they had been in custody, a proportion which has increased in recent years, and now sits above a pre-pandemic peak.⁷ 61% reported having experienced bullying, violence or victimisation. HMIP reported that, in some cases, children did not leave their cells at all due to fear of violence. This echoes what we hear on our advice line and through our legal casework. For instance, we worked with a child who felt that he had to join in with a 'group assault' to protect himself as he was scared that he would also be assaulted, only to end up the victim of a group assault himself weeks later.

3.3 Official published data provides a snapshot into safety in the CYPSE.⁸ The latest data shows us that, in the three months July to September 2025, there were

⁶ HMIP, *Children in custody 2024–25* (2025)

<https://cdn.websitebuilder.service.justice.gov.uk/uploads/sites/19/2025/09/Children-in-custody-2024-25-web-2025.pdf> accessed 4 March 2026

⁷ *Ibid.*, p12

⁸ Figures in paragraphs 3.3 to 3.5 originate from: MoJ, *Safety in the Children and Young People Secure Estate: Update to September 2025* (2026) <https://www.gov.uk/government/statistics/safety-in-the-children-and-young-people-secure-estate-update-to-september-2025> accessed 5 March 2026.

Rates of assault, self-harm and use of force are reported on a quarterly annualised basis, in order to account for the small population and facilitate greater understanding about the impact of individuals, as well as to account for a change in recording methodology.

521 assault incidents involving 327 individual children and young people. The annualised rate of assault increased by 26%. In the reporting quarter, there were 289 incidents where staff were assaulted, and the annualised rate increased by 44%. Long-term data about assaults is not available due to a change in recording practices. In recent years, however, the rate of assault has remained below pre-pandemic levels, but is now showing signs of increasing.

3.4 In the three months July to September 2025, there were 537 incidents of self-harm involving 79 individual children and young people. The annualised rate increased by 57%. Over 42% of self-harm incidents resulted in an injury requiring treatment, and 3% required hospital treatment. Rates of self-harm were highest in the STC and SCHs, and increased significantly in these sectors (by 143% and 313% respectively). The number of individual children and young people self-harming was also highest in the STC and SCH sectors. Despite making up just 2.5% of the total average CYPSE population in the reporting period, girls were involved in over 20% of all self-harm incidents.

3.5 In the three months January to March 2025, there were 1,123 incidents of use of force involving 377 individual children and young people; the annualised rate increased by 6%. Use of force in order to prevent harm to the child or young person themselves increased by 32% compared to the same period in 2024. The rate of use of force increased in the YOI and SCH sectors. Use of force was most commonly used against 15-year-olds, children and young people from a Black background, and children and young people of Muslim faith.

3.6 The association between poor mental health, violence, and self-harm is well-documented.⁹ It is reported that a third of children in custody have a known mental health need, rising to almost 40% for young adults.¹⁰ Higher levels of neurodiversity are also reported.¹¹ The Youth Custody Service recognises that 'Adverse childhood experiences, including abuse, neglect or exploitation may be reflected in symptoms of trauma, psychological health issues, cognitive impairment and propensity to use violence or display coercive behaviour.'¹² They highlight the 'multiple and chronic childhood adversities and trauma' which can impact children's development; their ability to regulate emotions and anger; their physical and mental health; their well-being; and their ability to forge trusting and productive relationships.¹³ The Ministry of

⁹ Davies, M., Hutchings, R., Keeble, E., 'Growing up inside: Understanding the key health care issues for young people in young offender institutions and prisons', *Nuffield Trust* (2023) https://www.nuffieldtrust.org.uk/sites/default/files/2023-10/Nuffield%20Trust%20-%20Growing%20up%20inside_WEB.pdf accessed 5 March 2026

¹⁰ National Audit Office, *Children in custody: secure training centres and secure schools* (2022) <https://www.nao.org.uk/wp-content/uploads/2022/04/Children-in-custody-secure-training-centres-and-secure-schools.pdf> accessed 5 March 2026; Justice Select Committee, *Does the secure estate meet the needs of young people in custody?* (2021) <https://houseofcommons.shorthandstories.com/justice-youth-secure-estate/index.html> accessed 5 March 2026; and Davies et al, 'Growing up inside' (n6)

¹¹ Davies et al, 'Growing up inside' (n6)

¹² HMPPS and Youth Custody Service, *Policy framework: Safeguarding and child protection in the Children and Young People Secure Estate* (2023) <https://assets.publishing.service.gov.uk/media/6902215dbdb1ef2270a1d142/safeguarding-child-protection-children-young-people-secure-estate.pdf> accessed 5 March 2026

¹³ Ibid.

Justice report that high levels of individual need impact on safety and self-harm rates.

3.7 But the custodial environment is also re-traumatising and uncondusive to children's safety and wellbeing. Time out of cell and staffing levels remain key issues: figures obtained by the Howard League show that children in prison in England are typically kept in their cells for around 20 hours a day, and receive less than 15 hours of education a week.¹⁴ Access to education, exercise and time outdoors is limited due to staff shortages.¹⁵

3.8 A recent IMB report at HMYOI Feltham noted the impact of staff shortages on regime delivery, stating "Staff absence has continued to impact the children's regime. The main reasons for staff absence are training requirements and sickness. It appears to the IMB that staff sickness levels tend to be high, particularly at times of school holidays. Some steps have been taken to follow up staff attendance issues. When staff are not there, for whatever reason, the boys remain in their rooms."¹⁶ HMIP observed that time out of cell and levels of violence are caught in a 'vicious cycle', where violence leads to a reduction in time out of cell, fuelling frustration and further disorder.¹⁷

3.9 This echoes what we hear through our advice line. One child in a YOI described the experience of being locked behind his cell door all day without regime as being treated like a caged animal.

3.10 High levels of violence have a knock-on effect, impacting regime delivery. For example, at Feltham, injury as a result of violent incidents led to staff shortfalls.¹⁸ Methods for dealing with violence such as separation meant that many children are unable to access education or programmes. Inspection reports suggest that behaviour incentive schemes are ineffective, and that children may be reluctant or ill-equipped to report bullying or victimisation (only 27% of children surveyed by HMIP said that they would report such behaviour).

3.11 The Ministry of Justice publish safety statistics for the CYPSE on a quarterly basis, which provide some basic information about the number of incidents and rate (of assaults, self-harm, and use of force), as well as some basic information about protected characteristics. There are however limitations to this data. It is not possible to cross-reference protected characteristics, and there is no publicly available information about neurodiversity and disability, therefore limiting the ability to

¹⁴ Howard League, *Revealed: The prisons keeping children locked in their cells for hours on end* (2025) <https://howardleague.org/news/revealed-the-prisons-keeping-children-locked-in-their-cells-for-hours-on-end/> accessed 5 March 2026

¹⁵ HMIP, *Children in custody 2024–25* (2025) <https://cdn.websitebuilder.service.justice.gov.uk/uploads/sites/19/2025/09/Children-in-custody-2024-25-web-2025.pdf> accessed 5 March 2026; and HMIP, *Children in custody 2023–24* (2024) <https://cdn.websitebuilder.service.justice.gov.uk/uploads/sites/19/2024/11/Children-in-custody-2023-24-web-2024.pdf> accessed 5 March 2026

¹⁶ IMB, *Feltham 2024-25 annual report* (2026) <https://imb.org.uk/document/feltham-2024-25-annual-report/> accessed 5 March 2026

¹⁷ HMIP, *Children in custody 2023–24* (n13)

¹⁸ HMIP, *Children in custody 2024-25* (n13), p13

scrutinise any disproportionate impact on children with disabilities. There is a lag between reporting and publication time, so it is not possible to observe the situation in real time. Publicly available data on the reasons for use of force is basic and information about techniques is patchy. Information that we have received through FOIA requests suggests that the safeguards in place to ensure that pain-inducing techniques, the most severe type of force that can be used on a child, are used only in exceptional circumstances and as a last resort are not working: for example, data showed that of the 20 incidents where pain-inducing techniques were used from 1 April 2023 to 31 March 2024, 13 of those incidents were deemed to be used outside of the policy by the Independent Review of Restraint Panel. Data on other important contextual matters such as time out of cell are only available through an onerous FOIA process, further impacting the ability to scrutinise this situation.

3.12 Through our advice line, we hear from children who feel that force was not used as a last resort or who feel that excessive force was used by staff. A number of children who have called us have suffered significant injuries as a result of force used against them. We are aware of cases where the officer who used force has been criminally charged for assault against the child.

3.13 One child whom we represented had experienced a high number of restraints since his arrival at the YOI that same year, including on some occasions being restrained for compliance reasons and being restrained for prolonged periods of time (multiple restraints that lasted over twenty-five minutes in length). In response to legal correspondence, the Government Legal Department conceded that in two of the incidents we referred to restraint was not used as a last resort and we referred the client for a civil claim in respect of these incidents. We issued proceedings challenging the ongoing treatment of our client but withdrew the claim after the Ministry of Justice agreed to a series of actions to ensure our client's needs were taken into account and heard from our client that he had experienced a marked reduction in the use of restraint.

3.14 In our experience, children often do not feel that the complaints system is an effective way to resolve issues. Children have raised concerns with us about how they feel that submitting a complaint, far from improving their situation, may in fact make matters worse.

4. Scrutiny

4.1 While statutory inspections and independent monitoring provide important insight into and scrutiny of the CYPSE, the enduring failures outlined elsewhere in this response underline the difficulty in translating any of this evidence into systemic change. HMIP and Ofsted have published numerous reports of YOIs and STCs that plainly describe a failing system and, since the Urgent Notification process was introduced in 2017, more than a quarter of the Urgent Notifications issued (six of 22) have been issued in respect of establishments in the CYPSE.¹⁹ Twice in two years,

¹⁹ These include: Oakhill STC in 2025; Cookham Wood YOI in 2023; Oakhill STC in 2021; Rainsbrook STC in 2021; Rainsbrook STC in 2020; and Feltham A YOI in 2019. Full list available here: MoJ,

damning HMIP reports concluded that two different children’s prisons – Werrington in 2022 and Feltham A in 2024 - were the “most violent” prison in the country.²⁰ But even with detailed inspection reports and published ministerial responses to them, there are no meaningful mechanisms to force improvement and seemingly limited consequences for persistent failure.

4.2 Even when establishments are closed in the aftermath of an Urgent Notification, such as Rainsbrook STC in 2021 and Cookham Wood YOI in 2024, the issues that caused their closure are largely transferred to other sites. For example, when HMIP inspected Feltham A in the autumn of 2024 after the closure of Cookham Wood, it was reported that “the closure of HMYOI Cookham Wood in May 2024 had compounded the problems by dramatically increasing the number of new arrivals and the proportion of children on remand, as well as Feltham’s overall population by nearly 50%. Children’s attendance at education and work had consequently been severely curtailed, and they were unable to make any kind of meaningful progress”.²¹ In April 2024, the average education delivered per week to children at Feltham was just over 12 hours. In August 2024, that average dropped to 1.5 hours of education per week – and it has never since risen higher than an average of 7.8 hours per week. As noted below in respect of education, the bare minimum is 15 hours of education per week, which is the statutory requirement for children of statutory school age.

4.3 Although there are good arguments for strengthening the independent scrutiny bodies (many of which were explored in a recent government consultation, which unfortunately never reported its findings²²), there is a fundamental intractability with the failings in the YOIs and STCs that more robust oversight and scrutiny mechanisms may be insufficient to address. The problem is not one of transparency, but one of accountability.

5. Education

5.1 The quality of education in the secure estate varies drastically between different institutions. In August 2025, alongside the charity IPSEA, we jointly published an updated version of our guide *Education inside penal detention for children in England*, which sets out the educational landscape and entitlements in

Urgent notification process (undated) <https://www.gov.uk/government/collections/urgent-notification-process> accessed 11 March 2026

²⁰ HMIP, *Report on an independent review of progress at HMYOI Werrington* (2022) <https://hmiprisons.justiceinspectorates.gov.uk/news/hmyoi-werrington-children-feeling-unsafe-in-a-violent-environment/> accessed 11 March 2026; and HMIP, *Report on an unannounced inspection of HMYOI Feltham A* (2024) <https://cdn.websitebuilder.service.justice.gov.uk/uploads/sites/19/2024/07/Feltham-A-web-2024-1.pdf> accessed 11 March 2026

²¹ HMIP, *HMYOI Feltham A* (n18)

²² MoJ, *Strengthening the Independent Scrutiny Bodies through Legislation* (2020) <https://www.gov.uk/government/consultations/strengthening-the-independent-scrutiny-bodies-through-legislation> accessed 11 March 2026; and Howard League, *Strengthening the independent scrutiny bodies* (2020) <https://howardleague.org/blog/strengthening-the-independent-scrutiny-bodies/> accessed 11 March 2026

different types of youth custodial settings and the support to which children with special educational needs are entitled.²³

5.2 The difference in educational provision is highlighted in different inspection reports. For instance, in Clayfields House SCH's most recent report, education provision was described as 'outstanding', stating "children benefit from highly structured, broad and very personalised curriculums that cover core subjects and the development of useful vocational skills"²⁴ and "in education, children are respectful of peers and staff. Their behaviour is exemplary. Children develop very high levels of confidence and self-esteem through their learning. They are proud of their achievements", highlighting the valuable role education can play in a child's rehabilitation. By contrast, in YOIs, access to education is extremely poor. Figures obtained by the Howard League from January 2024 to December 2025 through FOIA requests show that at no point did any of the three English YOIs deliver the bare minimum of 15 hours education a week for children: this is a statutory requirement for children of statutory school age. We note the recommendation of the Justice Committee in December 2025 in respect of a statutory minimum time out of cell and consider that the same should apply to education in custody regardless of whether a child is of statutory school age.

5.3 Through our legal work, we hear from children in YOIs who report education being frequently cancelled as well as concerns about the quality of education. Children on the segregation unit report being given workbooks to complete in their cell instead of education. If they do attend education, this is 'outreach' education and the amount of time that they are taught may depend on how many people require separate education, as the time one teacher has is split between different children. One child we spoke to who was on segregation had been designated a 'risk to females' and was therefore told he was not able to access education at all, as the teacher was female.

5.4 In our experience, children are rarely able to access the support that they are entitled to. We worked with one child in a YOI who was keen to make the most of educational opportunities on offer there as he had missed so much education as a child. The child had an Education, Health and Care Plan and would have benefited from one-to-one support for Maths and English, which he had received at a previous YOI. After he requested this support, he was allocated to outreach education provision where he received one-to-one support but received significantly less education each day than when he was in a main education pathway. As a result, he felt he was receiving less, rather than more, support than previously.

5.5 We continued supporting this young person when he transitioned to the adult estate. In preparation for release, he wanted to ensure that he had a copy of all the

²³ Howard League, *Education inside penal detention for children in England* (2025) <https://howardleague.org/publications/education-inside-penal-detention-for-children-in-england/> accessed 11 March 2026

²⁴ Ofsted, *Clayfields House Secure Unit* (2025) <https://files.ofsted.gov.uk/v1/file/50287925> accessed 11 March 2026

education certificates he had achieved in custody. He had been following up with the education team at prison about this and were told these were not on file. We followed this up on the young person's behalf, and were told that certificates should have been sent with him to the adult estate. We were informed that due to a change of education providers, the site themselves no longer had access to the certificates themselves. The young person was never able to get his certificates before his release.

5.6 The lack of access to education, and poor quality of education, inhibits children's rehabilitation. The Howard League has historically conducted a lot of resettlement cases for children in custody who were due for release but did not have accommodation in place. Too often last-minute planning for accommodation meant that education was treated as an afterthought, to be confirmed once accommodation had been finalised, rather than as a pivotal part of the resettlement plan. We have seen some examples of good practice, such as heads of education at SCHs going to meetings in the community post-release, but these are not the norm.

6. Transitions to adult custody

6.1 Turning 18 is not a cliff edge and the needs and vulnerabilities that children in custody have do not disappear overnight. The transition from the children's estate to the adult estate can be unsettling, with a change in environment, regime and levels of support. Parallel transitions, including from youth justice services to probation, children in care to care leaving services, make this a particularly difficult time.

6.2 There are a number of instances where it is in the best interests of a young person to remain in the CYPSE, despite turning 18. This is especially the case while they are on remand. Going through a criminal trial and sentence is extremely stressful and it will rarely be in a young person's best interests to be moved to the adult or young adult estate where the conditions are harsher and the support much reduced at this time, especially in light of all the evidence that young people continue to mature and develop beyond the age of 18. We have also supported sentenced young people who wanted to remain in the children's estate pending applications for parole and early release on home detention curfew, which, if successful, would mean they avoid ever needing to be placed in adult prisons.

6.3 For those children and young people for whom a transfer to the adult estate is inevitable, there remain concerns around the transition process, and in particular which adult prison they will be placed in. We frequently hear from young people who are worried about the risk posed to them in a particular prison from other people, but who feel that they have little agency over the process because the onus is on them to prove this risk. We have also advised young people where the transition policy, which requires a three-month planning period, wasn't followed.

6.4 The Youth Custody Service's transitions policy says that decisions should be made on a case-by-case basis, but in our experience this doesn't always happen. An individualised, needs-led approach should be the starting point for any decision around transitions.

7 Other issues to consider: remand and racial disparities

7.1 Any consideration of children in the secure estate must consider the high proportion of children on remand and racial disparities within the estate – disparities which are at their most distinct within the remand population. Large numbers of people spending lengthy periods on remand is a critical issue for both the adult and youth estates, but it is arguably all the more damaging to endure this as a child, given the negative developmental impact it can have.

7.2 While the number of children sentenced to custody has fallen steadily in the past ten years, the number of children on remand has not reduced at the same rate. As a consequence, the proportion of children in prison on remand has increased. In the year ending March 2025, children remanded in custody accounted for 44% of the custodial population.²⁵ Almost two thirds of these children did not go on to serve a custodial sentence.

7.3 Over the years, the Howard League has seen from its legal work that children are let down by statutory services when they try to seek bail. Some local authorities fail to provide accommodation and support to enable a bail application to be made, or there is insufficient information available to allow the court to make an informed decision, resulting in children being remanded unnecessarily. The Howard League welcomes the publication of the Youth Remand Concordat, which recognises the importance of partnership working between relevant agencies to support children in the remand process.²⁶

7.4 We know from children on remand who have spoken to the Howard League that the prison environment and the uncertainty of remand exacerbates poor mental health, with remanded children frequently not able to access the same services as sentenced children, and subsequently left in limbo.²⁷ Exposure to violence, lack of contact with family and friends and poor education also form a large part of the experiences of children on remand.²⁸

7.5 Racial disparities are also prevalent across youth justice, with Black and Mixed heritage children continuing to be over-represented across most stages of the system. These disparities are especially stark within the remand population. The most recent annual youth justice statistics (ibid) report that 55% of children on remand to youth custody are from an ethnic minority. 28% of children on remand are Black, despite Black children comprising only 6% of the general population aged 12-

²⁵ Youth Justice Board, *Youth justice statistics: 2024 to 2025* (2026)

<https://www.gov.uk/government/statistics/youth-justice-statistics-2024-to-2025> accessed 11 March 2026

²⁶ MoJ, *Youth Remand Concordat* (2025)

<https://assets.publishing.service.gov.uk/media/67c05398750837d7604dbc44/youth-remand-concordat.pdf> accessed 11 March 2026

²⁷ Howard League, *What's wrong with remanding children to prison?* (2021)

<https://howardleague.org/publications/whats-wrong-with-remanding-children-to-prison/> accessed 11 March 2026

²⁸ Howard League, *Children on remand: voices and lessons* (2022)

<https://howardleague.org/publications/children-on-remand/> accessed 11 March 2026

17, and 18% of children on remand children are Mixed heritage, despite Mixed heritage children comprising only 6% of the general population aged 12-17.

7.6 A number of reasons for these disparities have been put forward. There are systemic issues with Black boys increasingly not being afforded the notion of innocence due to perceptions of being older, and therefore more responsible for their actions, a process known as adultification. HMIP have also raised concerns in their most recent thematic review on remand, noting that racial and ethnic disparities were present at many of the key decision points in the system, which result in Black and Mixed heritage children being over-represented in custody.²⁹ The Howard League has also highlighted worrying disparities in the use of remand for racialised children across England and Wales, with a breakdown provided on regions with the greatest disparities.³⁰

8 The Howard League's vision for change

8.1 Domestic and international law set out the overarching aims of the youth justice system as follows: to prevent (re)offending; to prioritise the welfare of the child; to use custody as a last resort. The current situation faced by children in custody is failing to meet any of those aims.

8.2 Every child needs fresh air, education, contact with other people and a safe environment to thrive, but the establishments we have are failing to provide for children's basic needs and keep them safe. More education and meaningful regimes are a must, but ultimately, prison is no place for a child, so we must stop the use of prisons for children and close YOIs and STCs.

8.3 It is well-established that custody should be a last resort for children. This is reflected in the United Nations Convention on the Rights of the Child and has been echoed many times by the UK government. However, this is often not the case, particularly for children from racialised minorities.

8.4 The few children who must be held in custody should be held in small, local units, with a high ratio of staff to children and staff trained in child welfare. This would be similar to the local authority-run SCHs already in operation across England and Wales.

8.5 If a young child is in trouble or behaving in a concerning way, the priority should be to consider their welfare and understand the reasons for their behaviour, working with the child to address the root causes, not custody.

8.6 It is better to do this outside the criminal justice system so that the child gets the support they need without being held back in life by a criminal record. The best

²⁹ HMIP, *A Joint Thematic Inspection of Work with Children Subject to Remand in Youth Detention* (2023) <https://hmiprobation.justiceinspectorates.gov.uk/document/a-joint-thematic-inspection-of-work-with-children-subject-to-remand-in-youth-detention/> accessed 11 March 2026

³⁰ Howard League, *Children on remand: racial disparities in England and Wales* (2025) <https://howardleague.org/blog/children-on-remand-racial-disparities-in-england-and-wales/> accessed 11 March 2026

way to ensure that children stay out of the criminal justice system is to limit their contact with the system at an early age.

8.7 The age of criminal responsibility in England and Wales should also be raised. England and Wales have one of the lowest ages of criminal responsibility in the world. Other European countries have a significantly higher age of criminal responsibility such as 14 in Germany, 15 in Sweden and 16 in Portugal. Increasing the age of criminal responsibility is in line with the recommendation from the UN Committee on the Rights of the Child of at least 14 years old. This would limit children's contact with the criminal justice system and ensure that they are supported through welfare systems. It would also prevent offending and encourage rehabilitation.

8.8 Children in trouble with the law should be supported to tackle the underlying causes behind their behaviour. Too many children are caught up in the criminal justice system because they have experienced childhoods of chaos, neglect and abuse. Rather than focusing on punishment and criminalisation, children should get the care and support they need to lead healthy and safe lives.

8.9 There should be a truly child-first approach to youth justice that focuses on children's welfare, wellbeing and growth. Such an approach would prioritise early intervention, divert children away from the criminal justice system and provide community-based alternatives to custody.