

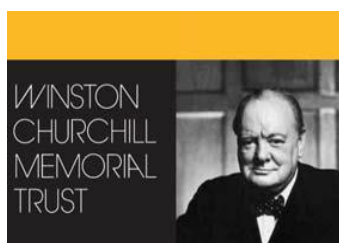
Correction or care?

the use of custody for children in trouble



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It's difficult to imagine that a visitor to England would have received the same open access to such sensitive - and secure - establishments. The places I visited, and the people who made this possible are listed at the end of the report.

Biography

I spent 25 years of my working life as a social worker and manager within local authority children's services, seeing at first hand the deprivation and abuse still facing many children in the UK. Moving to a youth justice development post with the National Children's Bureau in 2002, the fact that many children in the criminal justice system had also experienced deprivation and abuse was inescapable. They generated a very different societal response, however, with their unmet needs taking a back seat to the wish to hold them to account for their troublesome behaviour. Much of the work I did while at the National Children's Bureau was focused on trying to bridge this gap between welfare and justice approaches, on topics such as looked after children or safeguarding in custody, the practice of 'breaching' children for non-compliance with their orders, and physical restraint. I am now working on a freelance basis, but retain my commitment to children in custody.

Images on cover: the 'Snack Shack' and vegetable growing in Mt Meigs, Alabama: Los Pinos - and the parrot - in Murcia: Sippola koulukoti in Finland.

Terminology and abbreviations

Children	The term 'children' is used throughout this report to reflect the legal status of those under the age of 18 within our youth justice and child welfare systems
Custody	This is used as shorthand for 'out-of-home placements used for children as a result of their criminal behaviour'. When describing the English system the focus is on YOIs because they contain almost $\frac{3}{4}$ of the custodial population
England	The UK has three different systems for dealing with children in trouble: the system referred to throughout this report is the one applying in England and Wales but will be referred to as the English system for reasons of brevity
Koulukoti	'School-homes' - establishments caring for troubled children in Finland
ABSOP	Accountability Based Sex Offenders Program, Mt. Meigs Campus in Alabama
ACS	Administration for Children's Services, New York City
ADCS	Association of Directors of Children's Services
AECF	The Annie E. Casey Foundation, a philanthropic organisation improving outcomes for disadvantaged children in the US
CARE	Children and Residential Experiences: creating conditions for change programme developed by Cornell University, US
DfE	Department for Education
DoH	Department of Health
HMI Prisons	Her Majesty's Inspectorate of Prisons
LGA	Local Government Association
MoJ	Ministry of Justice
OJJDP	Office of Juvenile Justice and Delinquency Prevention (USA)
SCH	Secure Children's Home
STC	Secure Training Centre
YJB	Youth Justice Board
YOI	Young Offender Institution
YOS	Youth Offending Service

Executive summary

There are currently less than 1000 children in custody in England as a result of their criminal behaviour. This is a sharp decline but concerns remain about their experiences and outcomes, with 70% being reconvicted within a year of release. This report describes how Spain, the US and Finland respond to similar children and proposes what we might want to do differently. The current Youth Justice Review provides an opportunity to revisit the big questions about child custody, starting with the role it is expected to play in helping children to change their criminal behaviour and therefore what an 'ideal' secure estate would look like.

The practice of removing children from home because of their challenging or criminal behaviour is common to all the countries visited but with fundamental differences in how, when and where. At one end of the spectrum is Finland where criminal behaviour is seen as a child protection issue because it poses a risk to children's health and development. The overwhelming majority of children who need specialist help for very problematic behaviour are cared for within koulukoti or 'school-homes' and only a handful are ever imprisoned. At the other end of the spectrum is the US, where many states still place large numbers of children in punitive correctional institutions but where there are also pockets of progressive practice and an appetite for reform. Spain also places children in closed institutions because of offending behaviour but with a view to their 're-education' and the system is based on the children's best interests, not punishment.

Key differences in the structural arrangements for custody can be summarised as follows:

- **Age.** Both the minimum age when children are considered to be criminally responsible, and the age when they transfer to the adult criminal justice system vary across countries.
- **Who decides?** There is no international consensus about whether justice or welfare systems should predominate when it comes to the proper response to offending behaviour.
- **Types of establishment.** Children may be placed in anything from an open children's home, looked after by care staff, through to a high security prison staffed by prison guards.
- **Fixed or flexible sentences.** In England, sentence length is usually determined by the courts but other countries believe it should be linked more closely to progress within custody.
- **Case management.** The role of the custodial establishment in planning and resettlement varies widely, with some taking a primarily containment role whilst others effectively manage the case.
- **Professional input.** Mental health and social work practitioners are an integral part of the work done with children in custody in most countries, more so than in England.
- **Workforce.** There are different expectations about the skills, experience and qualifications needed by staff to look after children in custody on a day to day basis.
- **Safety and security.** Other countries place children in establishments with different levels of security, ranging from open to high-secure. England is unusual in having only secure placements, and in its risk averse approach.

The origin of these differences may lie in different ideas about the purpose of custody, and how it will achieve this purpose. Is it to protect the public, to punish, educate or provide treatment? All countries hope that the experience will somehow rehabilitate the child but theories about what it takes to change children's behaviour are not always explicit. Although we know that factors such as

a safe and humane environment and the provision of housing and education on release contribute to the possibility of change, they are not transformative in themselves. The research literature on desistance from offending shows that how a person thinks and feels about their life chances is an important element in a successful outcome and should therefore be at the heart of the work. Other countries visited seemed to have a more positive sense of how their custodial establishments would achieve this. In Spain, this was often described as 'love and boundaries'; the progressive models of care in the US talked about 'Positive Youth Development' and Finland expects placements to offer not just care and education but 'upbringing'.

What does this look like in practice? What do establishments actually *do*? In order to understand what goes in any institution, it is necessary to look both at formal interventions and the informal aspects of day to day life. There were impressive examples of high quality education, treatment services or behavioural programmes in other countries from which we could learn but perhaps of greater significance was the role of front line staff as agents of change. The overwhelming message from the visits was the importance of good quality relationships: not just between staff and children but within staff and peer groups. Not that good relationships are an end in themselves: as with a humane environment, they are a necessary but not sufficient precondition for change. Staff need a clear sense of how they can use a positive relationship to help a child 'Learn how to live'.

In Spain, front line staff are called 'educators'. They spend all day with the children: eating with them, supporting them in the classroom, sharing activities and looking after the building - and pets - together. Similarly, in Missouri staff are expected to be 'eyes-on, ears-on' with the children at all times, and care staff in Finland see their job as engaging and sticking with children, however difficult their behaviour. Positive, trusting relationships are seen as the context within which children can begin to feel safe and learn new ways of thinking and feeling about their lives. A healthy staff culture is crucial to this process, where staff want to engage with the children rather than just contain them. Boredom is recognised as the enemy, allowing tensions to build and the days are filled with activities that provide opportunities for the children to learn skills, gain confidence and test out different ways of being.

It is not just relationships with children that are seen as important: establishments in other countries have a role in working directly with families to support children's return to the community. The more flexible nature of provision also allows children to have a phased 'step-down' from custody instead of the abrupt release faced by children in England. This works particularly well where staff have a formal role in aftercare so that positive relationships are not severed just at the point when the child is most vulnerable to relapsing into old, problematic patterns of behaviour.

Unfortunately, there is little data to allow for direct comparison of children's outcomes following their time in custody. Reoffending rates are the most commonly used measure of success but are collected in such different ways that they offer only a crude indication of effectiveness.

Nevertheless, the English reconviction rate of 70% within a year of release seems to be at the higher end of the spectrum. This is not the only outcome that matters: both the experiences of children in custody and their subsequent well-being are important in assessing whether removal from home is justified. Rates of suicide, restraints and assaults are collected in the US and England and show that custody does not consistently provide a safe environment, which will inevitably reduce its ability to rehabilitate. Unfortunately, there is very little data about well-being following release other than

the anecdotal. Given the expense and disruption caused by a custodial placement, the lack of evidence about its impact is worrying.

Is it possible to distil all the positive aspects of the approaches taken across countries to propose an ideal system? There are dangers in this because of cultural differences but, nevertheless, there are striking similarities in the models that seem to be serving children well. The key elements seem to be:

- small units, caring for children in groups of no more than 12;
- close to home to allow for successful reintegration into family and community;
- a continuum of placements, with levels of security based on risk and need;
- streamlined case management systems, with the establishment playing a central role;
- a regime that promotes adolescent development, based on a theory of change;
- active and continuous engagement by front line staff, who are seen as key agents of change;
- a clear pathway to success that offers children meaningful rewards linked to their progress;
- family engagement to support parents to regain control over the child's behaviour;
- a phased rather than abrupt return to the community.

This report must not be taken as a blanket criticism of the way children are currently looked after in our secure estate. There are many examples of good practice but is this because of the system staff have been given to work with or in spite of it? In comparison with some of the innovative and flexible models of care elsewhere, our system looks rigid, process-driven and lacking in vision. How then could it be reformed?

Recommendations

1. **Reconsider the separation of justice, welfare and psychiatric placement models for children with challenging or criminal behaviour.**
2. **Develop a shared understanding of the needs of children in custody and other forms of residential care for children, and the best models for meeting those needs.**
3. **Develop a model of regional commissioning for all children needing a residential placement.**
4. **Pilot a new model of residential care, based on the elements of an 'ideal' system outlined above.**
5. **Develop a shared data set to measure the experiences and outcomes of children in different forms of residential care.**
6. **Establish an expert panel to advise on the best available evidence about good practice in custodial/residential placements.**
7. **Devise a system to maintain the involvement of sentencers in tracking the progress of children they have sentenced.**

It is difficult to make recommendations for sweeping reform in a time of austerity, but there are examples in the US where investment in high-quality, local services has led to longer-term savings. If the children do not return to custody, cause less the harm to society and themselves and go on to work and take care of their own children, the savings are immeasurable.

Introduction

The numbers of children in custody in England currently stands at 981¹ - an impressive reduction since a peak of over 3000 in 2002. This reduction has not been associated with an increase in crime - just the opposite - and it is to be hoped that numbers will continue to fall. However, it is likely that there will always be some children whose crime is so serious, or who are thought to pose such a risk to society, that they will be held in a secure placement. It is these children who are the subject of this report.

With the reduction in numbers, has come a higher concentration of children with complex problems. The most recent report from Her Majesty's Inspectorate of Prisons (HMI Prisons) showed that the proportion of children in Young Offender Institutions (YOIs) with experience of the care system had risen to about a third, and almost a quarter of children described themselves as having emotional or mental health problems². Yet the evidence suggests that time in custody is doing little to turn lives around, with about 70% of children reconvicted within a year of release. A recent damning report recommended better coordination of resettlement processes³ but is this enough? There are some worrying clues that the problems are more fundamental. The HMI Prisons report shows that in spite of the smaller numbers, children's experiences are worsening and the steady trickle of children taking their own lives inside our YOIs continues. Nearly a third of children reported feeling unsafe in our YOIs: children who described being 'victimised' by staff outnumbered those who would talk to staff if they were worried. In order to learn - and to change - children must first feel safe. So if custody is not 'working' to rehabilitate and may not even protect children from harm, what is the point of it?

That is why I wanted to see how things are done in Spain, the US and Finland. These countries were chosen for their very different approaches to children in trouble. Life in Spain is still centred around the family, and there is less expectation of state involvement than in northern Europe. The US has favoured mass incarceration in 'correctional' institutions for its troublesome children, but with pockets of innovative practice. The Finns have a strong child welfare system that emphasises children's rights and rarely imprisons them. In all three countries, I visited a range of residential facilities where children with a history of criminal behaviour were placed, and met practitioners, clinicians, policy makers, academics, campaigners and children, all of whom helped me to make sense of the experience.

The fact that other developed nations respond completely differently to children in identical circumstances should give us pause for thought. As one of the policy makers in the US described it, they are having a 'moment' when it is possible to debate fundamental questions about the use of imprisonment for both adults and children. This is not driven by purely humanitarian concerns: commentators across the political spectrum are acknowledging that the US policy of mass incarceration is not only hugely expensive but does not 'work' in terms of reducing crime. We are having a similar 'moment' here. The new Minister of Justice has abandoned the plan for a 320 bedded 'secure college' in the Midlands and announced a Youth Justice Review, providing an

¹ <https://www.gov.uk/government/statistics/youth-custody-data>

² Prime R (2014) *Children in custody 2013-14: An analysis of 12-18-year-olds' perceptions of their experience in secure training centres and young offender institutions* London: HMI Prisons

³ HM Inspectorate of Probation (2015) *Joint thematic inspection of resettlement services to children by Youth Offending Teams and partner agencies*. London: HMI Probation

opportunity to go back to the drawing board. We need to seize the opportunity to consider whether our current system is really the best we can do and, if not, what might the alternatives be? It is time to revisit the big questions:

- Under what circumstances should children be removed from the community because of their behaviour/ criminality?
- Where should they be placed?
- What should happen to children within custody, including the quality of care, education and treatment, and planning for release?
- Which agencies/ professionals should be involved and who should do what?
- How should the impact of custody on both children and the community be measured?

The most fundamental question of all - without which none of the above make sense - is:

- What is our underlying theory about how children can be helped to change their criminal/ challenging behaviour and to develop in a more positive direction?

Although the main focus of this report is the use of custody as a result of criminal behaviour, it cannot be considered in isolation. In England some children lose their liberty on 'welfare' grounds because of the risk they pose to themselves or others, and some with complex mental health disorders are placed in Tier 4 psychiatric units. The needs of these children often overlap and some move between all three types of provision. Equally, there are close parallels with looked after children in other forms of residential care, often described as a last resort for children who cannot be placed within a family. These children go on to be over-represented in both the youth justice and mental health systems. All these models of care are in crisis to some extent and both secure and open children's homes are currently being reviewed by the Department for Education (DfE)⁴. Yet the terms of reference do not suggest any links with the Youth Justice Review: a missed opportunity.

The report is structured as follows:

- different models for removing children from home as a result of criminal behaviour, and the key differences across countries;
- theories of change underpinning the different models;
- interventions and daily life within custodial settings;
- returning to the community;
- elements of an 'ideal' system;
- conclusions and recommendations for the English context.

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/471832/Children_s_residential_care_review_terms_of_reference.pdf

Findings

Approaches to child custody

This chapter describes the key approaches taken in Spain, the US and Finland towards out of home placement for children as a result of criminal behaviour, and the ways in which this differs from the system in England.

How, when and where?

England

The age of criminal responsibility in England is 10, although custody is now rarely used for those under 15 (4% of total under 18 population). Cases are heard either in the Youth Court or, for more serious cases, Crown Court and there is no point of contact with Family Courts dealing with child welfare matters. There are three types of provision within the secure estate: YOIs run by the Prison Service, Secure Training Centres (STCs) run by private providers and Secure Children's Homes (SCHs) run by local authorities. Placements are made centrally by the Youth Justice Board (YJB) based on information about each child's risks and needs provided by the local Youth Offending Service (YOS). YOIs take boys aged 15-17 and accommodate over 70% of the custodial population. Girls, younger children or those considered to be particularly vulnerable are placed in an STC or SCH: smaller establishments with higher staffing ratios. All are secure, however, with high fences, multiple locked internal doors, restrictions on visitors and limited opportunities for children to go on outside visits. Because of the declining population, several establishments have closed leading to reduced placement choice and children are often placed far from home. The decision of the incoming Minister not to proceed with the secure college is to be welcomed, but it is not yet clear what the alternative strategy will be. The present situation in England is therefore of patchy provision, with establishments facing an uncertain future whilst trying to care for an increasingly troubled population of children. All this against a background of austerity, with fewer staff and resources.

Spain

The current youth justice system in Spain is based on the Young Offenders Act (2000). Its aim is to ensure that decisions made about children in the youth justice system are based on their best interests, and to offer them a process of 're-education' to restore their stability. It created a separate youth justice system for those aged 14-17 (previously 12-15) but the disposals they can receive are age-dependent, with 14/15 year olds receiving shorter disposals (maximum 2 years) than 16/17 year olds (maximum 5 years), including custody. These maximum terms were subsequently extended for offences of murder, sexual assault and terrorism.

The system is operated at local level in Spain's 17 Autonomous Communities by local judges, prosecutors and local authorities. Community disposals may also include a custodial element, such as weekend custody. Judges and prosecutors are advised on individual cases by *'a team of professionals specialised in sciences other than legal ones'*, usually consisting of social workers and psychologists. The team assess the child's circumstances and advise on a plan to best serve the child's interests. In contrast to most countries where the judge ceases to be involved once the case has been determined, Spanish judges retain contact with the child following sentence, visiting them regularly if they are in custody and tracking their progress. They have the authority to vary the order,

and to agree that a child in custody can have an increasing amount of freedom by, for example, spending weekends at home or going to a local college.

The establishments where children in custody serve their sentences vary from relatively open to 'closed' centres, although even the latter have relatively low levels of security compared with those in England and most are smaller than our YOIs. They are commissioned or provided by the Autonomous Communities: some are publicly operated, others by the voluntary sector but none can be run for profit. Although all are intended to adopt a social-educational approach to rehabilitation, there is considerable variation across the country with some areas said to have adopted a more coercive approach than others⁵. I visited a range of establishments operated by the Diagrama Foundation in South and East Spain⁶.

US

The US is a country of extremes. Every State has its own laws, age of criminal responsibility and determines its own types of establishments. In 1974 The Federal Government set up the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to ensure that contact with the youth justice system is 'rare, fair, and beneficial' to children. Unfortunately, this was followed in the 1990s by a period of mass incarceration and, despite a subsequent decline, there is still nothing rare about it, particularly for black and Hispanic children. The latest national figure for children in placement because of their offending is 54,148⁷.

New York City has recently embarked on its Close to Home initiative, with youth justice being transferred to the Administration for Children's Services (ACS), also responsible for child welfare. Using a tool to determine the level of risk posed by children in their system, they first commissioned residential provision for low-risk children. These placements are not secure, although the children are supervised and staff should know where they are. The children attend school outside the unit and receive a range of individual and group interventions. The next step is to create a number of 'limited secure' residential units with onsite education for the medium-risk children. This stage has proved challenging, with some communities being resistant to having a unit in their neighbourhood, not helped by a serious crime being committed by three boys from a non-secure unit. The remaining young people continue to be accommodated in secure facilities run by the State. New York is one of the two remaining states to treat children aged 16 and above as adults, which means that 16/17 year olds are imprisoned in adult prisons including the notorious Rikers Island with its continual reports of abuse and corruption. This poses a challenge for ACS, as these children are still entitled to a child protection service.

⁵ Mejías, F. Benítez, I. Davison, C. and Green, G.(2013) Youth Justice and Education: A Typology of Educational Approaches to the Resocialisation of Young Offenders in Spain. *International Journal of Criminology and Sociology* (2): 438-452.

⁶ <http://www.diagramainternational.org/>

⁷ http://www.ojjdp.gov/ojstatbb/snapshots/DataSnapshot_CJRP2013.pdf

Children can be placed in a range of facilities, some state-run and some locally operated at county or city level, including open children's homes. The trend is to reduce the use of state facilities and locate children closer to their communities, which not only allows cities and counties to have more control over costs but allows for greater flexibility. Local units usually include 'detention' facilities for children on remand. The separation of sentenced ('committed') and remanded ('detained') children has the advantage of providing a more stable environment for sentenced children, who are not facing the constant disruption of new arrivals. However, there are ongoing concerns both about the over-use of detention and the conditions children are held in with a number of reports describing brutal and abusive conditions⁸.

Finland

In Finland, the overwhelming majority of children with criminal behaviour are dealt with by the child protection system because criminal behaviour is seen primarily as a risk to their health and development. As with other Nordic countries, the state is committed to offering high quality services to support families, including accessible day care. Most children growing up in Finland will have benefitted from this and then gone to a school with in-built support services, including child mental health practitioners. Problems are identified and tackled at an early stage, including emerging conduct disorder. It is impossible to quantify but this approach is likely to have reduced the level of criminality in later life. If a child does develop behavioural problems, this is seen as a collective failure requiring support, not punishment. The age of criminal responsibility in Finland is 15, so any problematic behaviour before that age cannot be prosecuted and the family will be offered child welfare or health services, although there may also be some reparation work with the victim. Even where those aged 15 or older are referred to a criminal court, the most likely outcome is a community disposal or suspended sentence. Only a handful of children are ever imprisoned and there must be 'weighty reasons', usually serious violence. Between 2005 and 2011, the average number of 15-17 year olds in custody at any one time was six, and most of those were remanded rather than sentenced⁹.

Within the child welfare system, however, there are establishments that have evolved from a tradition of 'reformatories' for children with challenging behaviour who cannot effectively be cared for in mainstream placements. Data suggests that 70% of these children have engaged in criminal behaviour. These establishments are called 'koulu koti' which translates as 'school-home' and they are effectively children's homes with in-built education. Six are run by the state (170 beds in total) and two are private (approximately 100 beds in total). They are not secure, and the children are placed by their local authority child welfare service in order to provide 'care, upbringing and education'.

In 2007, Finland identified a need for some secure provision within the child welfare system. The Child Welfare Act gives staff in children's homes the authority to restrict children's liberty on a short term basis to keep them safe and legislated for the creation of Special Care Units where children can be detained for up to 90 days:

⁸ The Annie E. Casey Foundation (2015) *Maltreatment of Youth in U.S. Juvenile Corrections Facilities: an update*. Baltimore: AECF.

⁹ RISE (2015) *Statistics of the Criminal Sanctions Agency 2014*.
<http://www.rikosseuraamus.fi/en/index/topical/publications/statisticalyearbook.html>

...in order to interrupt a vicious circle of intoxicant abuse or crime or when the children's own behaviour otherwise seriously endangers their lives, health or development¹⁰.

Children must first be assessed by a multi-professional team including a psychologist, psychiatrist and social worker but the decision is ultimately made by the local authority. These establishments are similar to SCHs in England, but there is no requirement to involve a court in the decision. Most Special Care Units are within koulukoti, providing the opportunity to easily move the child to a less restricted environment, and are homely places albeit with high ratios of staff to children.

Sippola Special Care Unit accommodates four children within the grounds of Sippola koulukoti. Staff and children eat together, share activities and talk together. The children set their own objectives every week and share these with the whole group, so that staff and other children can support them to succeed.

The numbers of children between the ages of 15 and 17 in prison in Finland is so small as to present a challenge to the system. There is no longer a separate unit for under 18s because the numbers do not justify it. Children are therefore placed in adult prisons, but with rules about keeping them separate. This could mean children experiencing total isolation if they were the only child placed and, in reality, children do spend time with adult prisoners although they should always - theoretically - be supervised by staff.

In **Jokela** open prison, prisoners can move around the grounds or go off-site with permission. At night, they are locked into their living units with no supervising staff in the building, or even onsite. A 15-year-old boy recently spent time in this regime, housed with a group of adult men and presenting staff with an impossible challenge. In **Kerava** closed prison, a 15-year-old is spending 19 hours a day alone in his cell, with a TV and playstation. Education work is sent in to him, but he does not do it. Staff are working hard to look after him, particularly the pastor, and he receives individual support and as many additional activities as they can arrange. **Vantaa** remand prison also occasionally gets under 18s placed. They have good psychological and counselling support but are struggling to provide education. They are currently negotiating to have an on-site teacher, arguing that older prisoners would also benefit even when there are no under 18s in placement.

Key differences

Not only do these systems look very different, they challenge some of our basic assumptions.

Minimum and maximum age

No child can be imprisoned in Spain until the age of 14: in Finland 15. As always, in the US it depends on the state and some have no minimum. The age at which the adult criminal justice system begins is usually 18, apart from some US states where it is 16 or 17. In Spain and parts of the US children sentenced before the age of 18 can complete their custodial sentence in a children's establishment -

¹⁰ Finnish Child Welfare Act: s71

usually up to the age of 21. In Finland, full adult status is not reached until the age of 21, although those aged 18 and above have fewer protections than those under 18.

Who decides?

Decisions to place a child in an out of home placement because of criminal behaviour are taken in different arenas. At one end of the spectrum is Finland where the vast majority of decisions are made by child protection social workers, including placement in Special Care. They do not have a separate youth justice system but some, more serious, charges may be heard by a criminal court and can result in a prison sentence. In England and Spain, these decisions are taken only by magistrates/ judges in a criminal court. The US has a hybrid system: less serious offences (status offences and juvenile delinquency) are heard in a family court, which is also responsible for child welfare matters, but more serious cases are heard in an adult criminal court. There is therefore no international consensus about whether justice or welfare systems should predominate when it comes to the proper response to offending behaviour, or what type of agency is best placed to make decisions.

Types of establishment

Children may be placed in anything from an open children's home, looked after by care staff, through to a high security prison staffed by prison guards. These differences are not necessarily based on the seriousness of the child's offence or the risk to the public. The Division of Youth Services in Missouri has the flexibility to decide which of their range of establishments is the most suitable, and can move children into a less secure environment to make their release a more gradual process.

Fixed or flexible sentences

In England, most custodial sentences are of a fixed length¹¹, although there is the potential for early or delayed release depending on behaviour, and the average stay is 109 days for children on Detention and Training Orders¹². Other countries believe that release should be linked more closely to progress. In Missouri, most children receive indeterminate sentences and the agency caring for them will decide when they are ready for release with an average stay in a secure facility of 9-12 months¹³. Similarly, although children do receive a determinate sentence in Spain, the sentencing judge has the authority to allow the child to return the community provided a specified minimum period has been served.

Case management

Children in custody have many professionals involved in their lives, some from local child welfare or criminal justice agencies and others connected to the establishment where they are placed. In England, the continuing management of the case is the responsibility of the home YOS although the establishment is responsible for determining the regime. In theory, these should come together into a co-ordinated sentence plan but in practice some children encounter a bewildering number of professionals along their journey, and it is not always clear who is doing what.

¹¹ The arrangements are different for children on s90/91 sentences for grave crimes

¹² YJB & MoJ (2015) *Youth Justice Statistics 2013/14: England and Wales*. London: MoJ
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/399379/youth-justice-annual-stats-13-14.pdf

¹³ The Annie E. Casey Foundation (2010) *The Missouri Model: Reinventing the Practice of Rehabilitating Youthful Offenders*. Baltimore: AECF

In Spain and US states using the Missouri model, the agency providing the establishment takes on a much greater role. They effectively become the case manager, assessing the child's progress, working with the child's family and external agencies and determining release plans. They may also take on the post-release supervision. This simplifies the planning process and reduces the numbers of people involved. It also has the benefit of ensuring that the people who really know and have a relationship with the child can continue to offer support.

Professional input

All the countries visited seemed to value the input of psychologists and social workers, seeing them as an integral part of their service. In Spain, the judge and prosecutor have their own team to assess the children and advise on suitable disposals. Each establishment I visited also had its own 'technical team' of psychologists and social workers to undertake assessments, advise other staff and manage casework. The team also works with families, meeting them throughout the child's stay, liaising with them over home leave and running workshops to support parents. This was also the case in the US and Finland. This is in stark contrast to the battle it took to get a single social worker into each of our YOIs. Apart from the obvious disputes about funding, this may reflect the issue described elsewhere in this report: a lack of clarity about what we expect our secure estate to do other than contain.

Workforce

There are also differences in the nature of the workforce looking after children on a day to day basis. In England, working as a residential worker or prison officer is a relatively low status job with no required qualifications. This is also the case in many parts of the US, although it is changing in the units attempting to work in a more therapeutic way. For example, New Beginnings in Washington DC is trying to recruit college graduates, as is Bridge City in New Orleans. Mt. Meigs in Alabama is supplementing its workforce with students and interns from local colleges. In the Diagrama units in Spain, they employ 'educators' to care for the children with a small number of 'guards' to act as back up. For example, Els Reiets Re-education Centre has 70 beds for remanded and sentenced children aged 14 and above, and employs 130 staff: 64 are 'educators' and there is an expectation that they will have a professional qualification. In Finland, there are two levels of social work training and koulukoti staff will have at least the lower one. There is a general acknowledgement, though, that qualifications are not everything: some staff have the personal qualities to do this work and others do not. As one Prison Director in the US told me, his key interview question when recruiting is 'What do you think these kids NEED?'

Safety and security

Children with challenging and criminal behaviour present in similar ways regardless of their country of origin. When placed away from home, they may be violent to staff or other children, try to abscond or harm themselves. Or they may fail to engage with the regime and pose more subtle challenges. Yet the response to these behaviours varies hugely. In spite of having three types of establishment in England, our approach is very uniform. All are characterised by high and conspicuous levels of security, with visits to the outside world a rarity. The culture is risk averse. In YOIs, where the majority of children are placed, behaviour is managed through reward/ sanction schemes, physical restraint and single separation. Self-harm and suicide risk are managed through a variety of protocols and attempts to exclude any hazards from the child's environment.

In the **Diagrama** units in Spain, many children's rooms contain ligature points and they engage in a range of 'risky' activities, such as using power tools, whilst there are only a handful of security guards. There are fences around some - not all - establishments, and although doors are locked, there is not the same elaborate ritual of opening doors and key chains evident in England. They do use physical restraint and occasionally handcuffs, but this is rare, and they do not have segregation rooms. They have also never had a suicide.

The US has a long tradition of physical control, and there are ongoing reports of harsh and abusive treatment within their correctional facilities¹⁴. Children are shackled by the ankles to go to court - and sometimes even within their establishment - and there is a campaign to reduce the use of solitary confinement. In my brief visit to Rikers Island, there was a security incident and they have a room stacked to the ceiling with riot equipment. Yet in other establishments, security was light touch. Mt. Meigs in Alabama has a front gate but, once inside, there seemed to be a degree of free movement. The Missouri model is based on group living, so most children sleep in dormitories rather than single cells/ rooms with staff close by, which brings a degree of protection. Again, there has never been a suicide in Missouri since they adopted this model.

Because the overwhelming majority of children in Finland's system are accommodated in child welfare placements, their liberty is not restricted. Even in the Special Care Units security is relatively light touch.

Sippola Special Care Unit is secure, but this is not evident from the outside. There is no fence, no wire and the building looks like a normal house in the grounds of Sippola koulukoti. Staff regularly take the children to participate in activities in the local community, such as sport. Safety comes from the relationships with staff rather than external controls. Children are not locked in their rooms - although they can lock themselves in.

These differences would suggest that our ideas about the essential elements to keep children, staff and the public safe are culturally determined and based on assumptions rather than evidence.

Theories of change

The above section describes how, when and where children can be placed away from home because of their criminal behaviour but perhaps an even more fundamental question is *why*? Ideas differ about the purpose of child custody: is it to protect the public, to punish, educate or provide treatment? These categories are not distinct and form an overlapping continuum but are not always explicit within policy documents. For example, the Sentencing Guidelines in England begin by stating that: '*Offence seriousness is the starting point for sentencing*', implying that punishment and public safety are the main considerations, but then go on to say¹⁵:

...the intention is to establish responsibility and, at the same time, to promote re-integration rather than to impose retribution (p.3).

¹⁴ The Annie E. Casey Foundation (2015) *Maltreatment of Youth in U.S. Juvenile Corrections Facilities: an update*. Baltimore: AECF

¹⁵ Sentencing Guidelines Council (2009) *Overarching Principles – Sentencing Youths: Definitive guideline*. London: SGC

What the guidelines do not say, however, is *how* a custodial sentence might promote reintegration. The current government has emphasised the value of education, both in the proposals for a secure college that would '*put education at the heart of detention*' and the decision to appoint an education expert to chair the Youth Justice Review. Otherwise there is very little to suggest what custody aims to achieve. This is not to say that there are no expectations: there are a plethora of rules about how much time children should spend out of their cells, complaints procedures, behaviour management and restraint. There are also expectations about interventions focused on criminogenic risk factors and resettlement planning, yet a recent inspection concluded¹⁶:

Much hard work was carried out in the custodial institutions but it was not linked to giving children the best chance to stop offending and make a new life. It did not meet the individual, and often complex, needs of the child frequently enough; it was restricted to what was routinely available within the institution, the provision of education and behaviour management (p.6).

The limitations of this custodial experience suggest a lack of vision, or even a theory, about what it takes to change children's behaviour. A safe and humane environment is an essential backdrop to the possibility of change but is not transformative in itself. Similarly, a plan to provide housing and education on release is not enough if the child leaves the placement with all the same problems that prevented them from taking advantage of opportunities in the past. The research literature on desistance from offending has shown us that the way a person thinks and feels about their life chances is an important element in a successful outcome and should therefore be at the heart of the work. Children need to be actively engaged as agents in their own rehabilitation.

Other countries visited seemed to have a more positive sense of what they wanted their establishments to achieve, and a theoretical framework for how they would do it. For example, the Diagrama Foundation which runs many of the secure facilities in Spain states¹⁷:

Our staff work on the basis of a "good parent" – providing structure, support, encouragement and guidance together with emotional warmth. They work as positive role models to young people and actively take part in all aspects of the young person's life.

On a day to day basis, this is often described as 'love and boundaries'. Although the terminology differs, this theme is evident in the progressive models of care in the US where it is commonly described as 'Positive Youth Development', based on the belief that young people in trouble *want* to succeed but need therapeutic intervention to help them to change their attitudes, beliefs, and behaviours. In Finland it is referred to as 'upbringing'.

¹⁶ HM Inspectorate of Probation (2015) *Joint thematic inspection of resettlement services to children by Youth Offending Teams and partner agencies*. London: HMI Probation

¹⁷ <http://www.diagramafoundation.org.uk/childrens-homes>

The '**Missouri model**' pioneered a therapeutic approach within its youth justice system 30 years ago and has supported a number of other states to adopt it. It is based on clearly articulated beliefs about the change process.

- Young people must be emotionally and physically safe before they can engage in a process of change.
- This safety is generated by stable and trusting relationships within a small group of young people and staff.
- Group treatment provides an opportunity for young people to practice new ways of communicating and develop healthy relationships.
- Staff must maintain constant 'eyes-on, ears-on supervision' to de-escalate tensions and offer opportunities for young people to learn and mature.
- Facilities must provide a full range of daily activities, with minimal 'down' time.

Through this approach, the young people will learn about themselves and be able to test out new ways of behaving.

Even in establishments not working to this model, staff in the US seemed to be better informed about adolescent development than might be the case in England. They were aware of research on brain development, indicating that adolescents are very different from adults in their ability to control impulsivity and think through the consequences of their behaviour. They were also well-informed about the impact of trauma, and recognised that it was a universal experience for their residents. Many units in New York, including Columbia Secure Center for Girls as well as the Close to Home placements, were running extensive training programmes for staff so that they could work in a trauma-informed way.

These theories of change are reflected in the names given to the establishments, and in the job titles of the front line staff who work within them.

Country	Theory of change	Establishments	Job Title
England	???????????????	Youth Offender Institution	Prison officer
		Secure Training Centre	Secure care officer
		Secure Children's Home	Care staff
Spain	Love and boundaries	Centre for re-education	Educator
US 1	Positive youth development	Centre for coexistence	
		Youth Development Center	Youth Development Representative
US 2	Correction	Center for Youth	
		Juvenile Correctional Institution	Guard
Finland	Care, upbringing and education	Koulukoti - school home	Care staff

These differences matter because they give a message about how young people will be treated and what is expected of them. They also shape the way that the establishments will be organised, who will work in them and the interventions they provide.

The rehabilitative enterprise

Whatever the differences, there is a universal commitment to the possibility of rehabilitation. Even in the often punitive context of the US it has recently been ruled that those under the age of 18 must never be sentenced to 'life without parole' because there is always the possibility of change¹⁸. What does this rehabilitative enterprise look like in practice? What do establishments actually *do*? In order to understand what goes in any institution, it is necessary to look both at formal interventions and the informal aspects of day to day life.

Formal interventions

Education

Children who end up being placed away from home in these circumstances are likely to be educationally disadvantaged: either because of inherent developmental or learning difficulties, school exclusion or truancy, or just chaotic lives that interfere with their ability to focus on education. Most residential facilities state their intention to make up for these deficiencies and to help children re-engage and catch up. This is challenging to get right, however. Children may only be in custody for a short time, they will need a thorough assessment, classrooms are likely to contain a complex mix of special needs and levels of ability and behavioural problems may disrupt the opportunity to learn. It is naive to think that providing good education alone without addressing these barriers to learning will achieve good results. This was one of the frustrations of those who opposed the secure college idea: in an establishment of 320 children, it would be impossible to deliver the necessary individualised support, or to generate the sense of trust and safety that are pre-requisites for learning.

There are some inspirational examples of good educational provision, however. The school within New Beginnings in Washington DC shows how an unsafe and failing establishment can be transformed¹⁹. The education here is not an add-on. It has been fundamental in driving the cultural change, and in maintaining positive values at times when a drift back to a more 'correctional' approach has threatened. During my visit to New Beginnings, I saw a Science Fair where teams of scholars presented their ideas for scientific inventions to the whole community. I also witnessed the graduation ceremony of a scholar who had been unable to attend the main graduation event in the community. The school had decided to bring the ceremony to him so that the whole community, and his family, could celebrate his success and wish him well in college.

¹⁸ Miller v. Alabama, 132 S. Ct. 2455, 567 U.S., 183 L. Ed. 2d 407 (2012).

¹⁹ The journey in creating the academy is described in Domenici, D and Forman, J (2011) 'What It Takes to Transform a School Inside a Juvenile Facility: The Story of the Maya Angelou Academy' in *Justice for Kids: Keeping Kids Out of the Juvenile Justice System*. pp 283-306. Ed. Nancy Dowd. New York University Press

Education within New Beginnings is provided by the **Maya Angelou Academy**, a charter school already working with disadvantaged communities in the city, and committed to social justice. The academy aims to help each child recover missed credits that will then transfer with them to school in the community. For many children this gives them hope that they can graduate from high school - something they may have given up on. If they are unlikely to graduate, they are supported to take the alternative General Education Diploma (GED) test. The curriculum is designed to be delivered in brief modules so that even those on short sentences can complete them and each class of 10-12 scholars has two teachers (one general and one with special education expertise). There are also two Youth Development Representatives (from the living units) in each classroom who actively participate, and classes are structured into short activities. The school day is from 8am until 3.30, with additional Saturday and summer schemes. Children are encouraged to aspire to a college place, and given practical support to achieve this through an allocated Advocate who will obtain their school records, help them to prepare a portfolio of their work, liaise with family and professionals, and take them to interviews.

Education also includes vocational training, and all countries provide opportunities for this within their establishments, usually leading to qualifications. In Spain, each of Diagrama's units specialises in teaching a particular skill, such as metalwork or woodwork. For example, Pi Gros in Castellon produces mosaics and their work is evident in the signage of all their establishments. Els Reiets in Murcia offers building and decorating training and a number of children who have been released come back every day on a voluntary basis so they can complete their qualification. Bridge City in New Orleans took the opportunity of taking over the old kitchens after a refurbishment to provide a range of catering training, under the supervision of a qualified chef, and they are looking for an outlet in the community. Lagmansgården koulukoti has a workshop where the children can work on real cars. Mt. Meigs in Alabama has an allotment where children grow food for the establishment, and La Zarza in Murcia has a vineyard. The applied nature of these experiences seems to contribute to their success. Rather than being in a classroom environment, the children can see a real outcome from their work: El Reiets is not just teaching the children about building - they are working together with staff to refurbish the gym. Some establishments in England have worked hard to develop opportunities in partnership with external employers, such as barista training, but can be hampered by the risk averse culture within our secure estate.

Treatment

Treatment is difficult to define, and its relationship to regimes that describe themselves as therapeutic is unclear. Attempts to screen the populations of children in secure care suggest a range of neuro-developmental, emotional and mental health disorders²⁰. This is compounded by the growing awareness that adolescent brains are not yet mature, and that many of the children will have experienced trauma and abuse in their lives. This has given rise to different ideas about how best to intervene: do children require active, individualised treatment packages drawing on psychiatric and psychological therapies or is better not to pathologise them and to put in place the

²⁰ Mooney, A. Statham, J. and Storey, P (2007) *The Health of Children and Young People in Secure Settings*. London: Thomas Coram Research Unit

building blocks of healthy adolescent development? There are risks in the over-diagnosis and labelling of children with complex lives, and some concerns in the US about the excessive use of medication. Some countries are also very active in identifying problematic substance misuse in adolescence, whilst others see it almost as a developmental phase. For example, in many US States they prosecute the under-age possession of alcohol and both US and Finland have specific residential resources to tackle it. In Spain, they are more likely to say 'They're just kids!' and to take a holistic approach. There may also be dangers in starting some forms of treatment if there is no guarantee they can be completed, as is often the case with the short sentences of many children in the English system.

In **Alabama**, there is a legal requirement to provide treatment for juvenile sex offenders, and the threshold for being charged with such a crime is low. Behaviour that might otherwise be defined as sexual experimentation, or just unwise, such as 'sexting', may mean that children are given a custodial sentence and required to enter a juvenile sex offenders' unit. The **Accountability Based Sex Offenders Program (ABSOP)** within Mt. Meigs is one such programme, led by a Psychology Professor from Auburn University. The programme is based on a thorough assessment, looking at the origins of the offence and attempting to differentiate between the children who will pose no/ low risk of repeat offending and those who may progress to becoming adult offenders. The programme provides an impressive range of screening and interventions, including individual therapy, and their recommendations about when it is safe to release the children are now trusted by the courts because of their low recidivism rates.

Pi i Margall Re-educational Centre run by Diagrama is 'therapeutic' and designed to take some of the most disturbed and vulnerable children sentenced to custody. Although it operates along the same lines as their other units, with educators caring for the children on a day to day basis, it takes a smaller group of children (20) and staffing ratios are higher. There is also an on-site medical team, and they are able to cater for children with sexual offending histories, substance misuse problems and a range of mental disorders. It is sited next door to another, mainstream, re-education centre so is able to transfer children if or when they need less support. In many ways it is a parallel to the Keppel Unit within Wetherby YOI.

Some commentators have suggested that Finland operates a 'shadow' youth justice system and places children in psychiatric hospital for 'norm breaking' behaviour²¹. I was interested to explore this further and met two forensic psychiatrists who are often called upon to assess and, if necessary, treat children who pose a risk to themselves or others because of a mental disorder. The threshold for the involuntary detention of children on mental health grounds is lower for children in Finland than for adults. They need only to be suffering from a 'mental disorder' rather than a 'mental illness'. Nevertheless, there is no evidence that children are being detained unless they are seriously disturbed, with only three forensic adolescent units across Finland with about 30 beds in total. EVA psychiatric unit for 'seriously disturbed minors' in Tampere serves a useful function by offering a two-month in-patient assessment to help determine whether a seriously violent child is suffering

²¹ Pitts, J and Kuula, T (2005) Incarcerating Young People: an Anglo-Finnish Comparison. *Youth Justice* 5: 147-163

from a psychotic or neuro-developmental condition but if they find that the problem is predominantly a conduct disorder, they do not admit them for treatment. Neither do there appear to be excessive numbers of children detained in ordinary psychiatric wards. In 2013, 2,308 children aged 13–17 had a psychiatric inpatient admission but over 75% of these were voluntary and the average stay was 30 days²². Direct comparisons are difficult because we know that many more children in England need such a service but do not receive it²³.

Crossroads Detention Center in New York City takes remanded children and those waiting for a post-conviction placement. It has recently increased its mental health provision in partnership with Bellevue Hospital. There is a team of psychologists on-site, psychiatric sessions and 24-hour access to mental health services. They assess the children, identify specialist needs, devise treatment plans and advise on suitable placements if children are moving on. The staff team includes a number of registered mental health practitioners who can offer individual therapy. The clinicians are becoming increasingly embedded in the establishment, with the psychologists now sited on the living units. They take part in unit meetings, meet and work with families, provide staff training and have devised a number of activities to support the children such as a 'Feelings Jenga'.

Offending behaviour programmes

Given the rehabilitative purpose of custody, all establishments offer a range of individual and groupwork programmes designed to reduce the risk of re-offending. Some of these, particularly in the US, are 'evidence based' and draw on psychological interventions such as Cognitive Behaviour Therapy (CBT) or Dialectical Behaviour Therapy (DBT). Some are delivered through specific sessions, but others require a whole systems approach, such as the Sanctuary Model for dealing with trauma commonly used in the US. A particularly interesting programme has been developed by Diagrama in Spain to respond to the growing phenomenon of children who are violent to their parents.

Los Pinos Centre for Co-existence in Murcia takes 12 children convicted following a pattern of violence towards a parent. There is a requirement that parents will engage in the programme, and staff initially work with the child and parent/s separately before bringing them together in a series of joint sessions.

Other locally developed interventions include things like relaxation and massage, conflict resolution sessions and life skills training. It is difficult to comment on these interventions without more information. The lessons from English reports is that there may be an over-reliance on 'evidence-based' approaches²⁴ at the expense of some of the more unstructured aspects of life in a residential setting: what is referred to sometimes as the 'other 23 hours'.

²² <https://www.thl.fi/en/web/thlfi-en/statistics/statistics-by-topic/specialised-health-care-services/psychiatric-specialist-medical-care>

²³ NHS England (2014) *Child and Adolescent Mental Health Services (CAMHS) Tier 4 Report*

²⁴ Pitts, J (2007) Who Cares What Works, *Youth and Policy* No.95:5-23

Day to day life

Transformative relationships

Whatever the nature of intervention or treatment programmes, they are delivered through the medium of relationships. The overwhelming message from the visits was the importance of good quality relationships: not just between staff and children but within staff and peer groups. Not that good relationships are an end in themselves: as with a humane environment, they are a necessary but not sufficient precondition for change. Staff need a clear sense of how they can use a positive relationship to help a child 'Learn how to live', as one Spanish policy maker described his expectations for secure care. This is the stuff of everyday life: it is at the heart of the Missouri model, and is what makes the difference between containing children or actively helping them to change and develop.

This brings us back to the Theory of Change, and what people who work in the establishments are expected to do. People familiar with YOIs will recognise the scenario where a group of children are playing pool while the officers stand around at the side, or where children are in the classroom and officers sitting outside talking amongst themselves. It is not necessarily the officers that have chosen to work in this way: some used to organise activities for children but were told to stop because they were not 'evidence-based'. The message was that the 'real' work was done by others and the officer's job was to deliver them to these sessions whilst stopping the children from absconding or harming anyone. There are, of course, many exceptions to this and the fishing lake in the Keppel Unit has been a great success in supporting positive interactions: an officer and child can sit side by side fishing, which provides a much more natural opportunity to communicate than a formal session.

This idea of doing things together is central to the Educators within **Diagrama's establishments in Spain**. Their role is to be with their assigned children during their whole shift: eating with them, joining in their classroom activities, playing football with them, maintaining the building and grounds together, watching TV together. The children live in groups of about 12 within the larger establishment, and have a full programme of activities every day, usually in smaller groups of 6/7 with 1/2 educators. The Educators act as positive role models and constantly interact with the children to solve problems, support them to achieve and to avert disputes. The atmosphere is remarkably relaxed: neither staff nor children wear uniforms and there is a great deal of physical affection and laughter. This is not at the expense of boundaries, however. Children are not allowed to swear, are expected to participate in activities whether they want to or not and must behave respectfully towards each other. There are sanctions if they break these rules and the regime is based on a system of progression through levels known as Induction, Adaptation, Association and Autonomy. The children physically move through these levels depending on their progress, gaining more freedom and better resources as they go. The units take both boys and girls, and are fully integrated apart from some separate living space. The belief is that the biggest safeguard for the children is good relationships with adults, who are a constant presence throughout their day.

This model bears a striking similarity to the expectation within the Missouri model that staff will closely supervise the children at all times 'eyes-on, ears-on' to make sure they are safe, not just from physical aggression but from being 'judged, berated, or abused'. This requires relatively small living units where staff and children can get to know each other and form trusting relationships. The model emphasises the importance of the group in the change process and has instituted the practice of 'check-in':

At least five times per day the youth check in with one another, telling their peers and the staff how they feel physically and emotionally. And at any time, youth are free to call a circle—in which all team members sit or stand facing one another—to raise concerns or voice complaints about the behavior of other group members (or to share good news)²⁵ (p.29).

There are some sceptics about the Missouri approach, suggesting that it simply mirrors what we know about a welfare approach within a good children's home. Certainly the Finnish welfare based koulukoti recognise the importance of high quality relationships, of sticking with children, as do many children's homes in England. Koulukoti, however, do not reject children as being 'too difficult' and have not even been thrown off course by a recent incident where a staff member was killed by two residents. There is always a risk that any model can become too formulaic, with others adopting its terminology and processes without really 'getting it'. Perhaps rather than the model itself, we need to focus on the people who are delivering it?

Staff culture

When **ABSOP** was being set up within Mt. Meigs, it quickly became obvious to its founder that 'Culture eats policy for breakfast' and that children could not benefit from psychological interventions unless they were living in a supportive context. Mt. Meigs management allowed him to house the children in dedicated units on the campus, and to train staff using the Children and Residential Experiences (CARE) programme devised by Cornell University for staff in children's homes. There was some initial resistance but eventually enough members of staff accepted this new approach (and those who didn't moved on) that it began to make a difference. This communicated itself to staff in other parts of the facility, including reports that it made the children easier to look after, and they began to request the training. For the last three years, all staff in Mt. Meigs are trained in the CARE approach before they can work with children, covering topics such as adolescent development, trauma, stress and Therapeutic Crisis Intervention (TCI). Regular refresher training is then provided on a unit basis, including managers, to foster a team approach. There is an acknowledgement that the culture change is incomplete: although technically now called 'Youth Service Aides', staff are still commonly referred to as 'dorm' staff, there are still some who want to return to the 'correctional' approach and an 'Intensive Treatment Unit' is a euphemism for a punishment block. A Focus Team works to reinforce the changing approach. They are behavioural experts, modelling the CARE principles, and get involved when children are in crisis to mediate with other staff.

²⁵ The Annie E. Casey Foundation (2010) *The Missouri Model: Reinventing the Practice of Rehabilitating Youthful Offenders*. Baltimore: AECF

The culture of an establishment is crucial to its success. The role of school staff in maintaining a child-centred culture was evident in both New Beginnings in Washington DC and Rikers Island in New York. Anecdotally, several people felt that there had been a drift back towards a more correctional approach in New Beginnings but that the school was playing an instrumental role in preventing this. Rikers Island has never moved away from a correctional approach, and shows no inclination of doing so, but the school staff were inspirational in their determination to promote the children's interests as best they could. They provided a range of additional activities on top of the curriculum - many involving food to supplement the boys' poor diet. The same education service works across the Close to Home residential units in New York City, and they are working to engage the officers in a more productive way such as involving them in classroom activities, offering registration as substitute teachers.

Mental health staff can also have an impact on staff culture. Since mental health services have been strengthened at Crossroads Detention Centre in New York, and psychologists are based on the living units, residential staff are said to have changed views on why the children are there and recognise the impact of their past experiences as triggers for their current behaviour. Any incidents are reviewed daily, and used as learning experiences. This is said to have had a positive impact on the children's behaviour - and reduced the medication budget.

Leadership is an important element in determining culture. The girls in New York State's Columbia Center were not part of the Close to Home initiative because they were considered to need a closed environment but the manager I spoke to was determined to find new ways of promoting their interests and communicated this to staff. There was a cosy sitting room off the unit where any girl who was struggling could ask for some private time. In turn, the girls were bright and confident and keen to interrogate me about the English system and share their perceptions.

Activities

Boredom is recognised as the enemy in most secure settings, allowing tensions to build. Positive activities are also opportunities for the children to learn skills, gain confidence and test out different ways of being. These activities require there to be enough staff, but also energy and commitment. There is increasing concern about the amount of time that boys spend in their cells in our YOIs, and the limited range of activities. The use of TVs in bedrooms to keep children occupied is seen as counter-productive in a number of other countries. In Finland, they are very clear that they want the children *out* of their rooms and interacting with others. If there is TV, it's a group activity.

ABSOP in Mt. Meigs has developed an impressive range of things for children to do. Apart from the allotment, they have a clubhouse which the children have designed and fixed up for themselves: the 'Snack Shack'. Groups of children use it in turn, and they administer their own shop for sweets and drinks spending reward points earned for good behaviour. Sometimes they have a movie night and the children want to develop a theatre next. Students from the local university come in to support the activities programme, including basketball and football, and provide both energy and role models. An external agency comes in to deliver a creative writing workshop and the children have just published a collection of poems.

Both Spanish Diagrama and the Missouri model believe in the importance of activities, and the children have a full and structured day. In Spain, this includes five meal breaks, with the last taken at 8pm. The situation where children in YOIs can be locked in their cells after an early dinner with a breakfast pack for the morning is anathema to them. Every Diagrama unit also has pets, which the children help to care for.

Family engagement

Children who offend are the products of their upbringing and will be returning to those influences on release. Even the growing numbers of children who enter the secure estate from the care system in England will have foster carers, residential workers or others in a parental role. Yet surprisingly little work is done with them whilst children are incarcerated, and even then it is largely undertaken by community agencies. Carers may be seen as the cause of the child's problems instead of an essential part of the work. This is a missed opportunity. Establishment staff need to understand the children's backgrounds in order to help them, and families need strategies to support the children's return to the community. This lack of input is not the case everywhere. The Diagrama Units in Spain contact the family on day one, and work with them throughout both in groups and individually. When the children spend time at home during their sentence, there is constant communication about how it is going. The Missouri model also sees work with parents as essential to their programme and in the facilities visited in Washington DC there were leaflets inviting parents to information sessions, parents' evenings and award ceremonies. ABSOP offers family therapy for those who can attend but individual therapists, in partnership with the children, also maintain regular telephone contact with parents.

This level of involvement is clearly easier to achieve if children are placed near to their communities. One of the purposes of the Close to Home initiative in New York City was to enable rehabilitative work to be done with families, yet the situation in England is the reverse. The YJB target of placing children within 50 miles of their home is long gone, and the shrinking secure estate means that many placements are at the other end of the country. Yet similar challenges are faced in Finland. With only a small number of koulukoti, children may also be miles from home but solutions have been found.

Lagmansgården and **Sippola koulukoti** have a number of flats for families to stay onsite. **Lagmansgården** also has a cabin where families can be near their child, whilst giving the whole family a holiday. Transport costs are paid for and they are made welcome.

Return to the community

The phased release within the Spanish system has already been described, and the flexibility within the child welfare system in Finland means that children can move to less restricted environments before finally living independently. The fact that their Special Care Units are sited within other establishments makes this easier to achieve. The continuum of provision within the Missouri model, with a mix of open, limited and high secure placements also gives this opportunity to 'step-down' instead of the abrupt release faced by children in England. They are also more open to children spending time in the community prior to release, and England seems to be uniquely risk-averse in the way our 'Release on Temporary Licence' system operates within YOIs. Our children can face

release to a place they've never seen, cared for by staff they've never met, and expected to enrol at a college they've never visited - in the middle of term - and we hold them responsible if they cannot manage it.

Services to smooth the child's transition back to the community in other countries include workers who act as a bridge between the outside world and the establishment.

Maya Angelou Academy works hard to enable children to move into education or employment after release. They hold jobs fairs, help with college applications, hold practice interviews and even provide chinos, shirts and ties to help children get a sense of what is expected. Advocates continue to support children for 120 days post-release, including payment of any financial rewards they earned for positive behaviour in the classroom whilst in the Academy - provided they remain engaged in education, training or employment.

This is one very practical way of incentivising children to 'stick with it' in that high risk period immediately after release. Other approaches include 'Operation Reconnect' in New York State. They get involved as soon as the child is admitted and act as a link with the child's family and external agencies, including work to secure employment. Two months before release, they take the child to a meeting in their local community office so that they are familiar with where their support and supervision will come from.

Whilst most systems include an element of formal after-care, this varies in terms of which agency provides it. Many establishments express some frustration at the limitations of their involvement after release. They are naturally interested in knowing how the child gets on, and would often like to have a formal role in supporting them. In Missouri, this has been recognised and the same agency that has cared for the child in custody provides after-care. This offers continuity to the child but the staff are also well-placed to recognise any warning signs that all is not well, and have discretion about how to respond to violations of parole. In other places, staff are not funded to provide continuing support but do so anyway. Los Pinos reports that parents often ring for advice about managing their child's behaviour, and all establishments where children have formed good relationships say they often maintain informal contact for months or even years. It helps if there is some stability amongst the staff group, which appears to be much more common in Spain and Finland than is the case in England.

Staff in **Sippola Special Care Unit** have maintained close contact with a boy who was recently imprisoned after spending time in the Unit, visiting him and planning his return as soon as his sentence allows. This will offer him a phased rather than abrupt release from confinement, and has provided him with continuity rather than the uncertain future experienced by many children in the English system.

Outcomes

It would be nice to have clear and comparable data to determine which of the many models of care 'works' best, but unfortunately this is not the case. Effectiveness should be measured both by children's well-being in custody, changes in the way they think and feel and what happens to them following release but this is not systematically collected.

Reoffending rates

This is the most commonly used measure of success, although definitions are too variable to allow direct comparison. In the US, States are not required to collect or report this in any standardised way. Only Finland of the countries visited produces national data on reoffending following imprisonment. Perhaps not surprisingly, given the fact that imprisonment is only used for very 'weighty reasons' and a handful of children, recidivism rates are high. Within five years of release, over 93% had been reconvicted²⁶, but our much shorter data collection period does not allow us to say how England compares. There is no systematic data collection on re-offending amongst those who have been in koulukotis.

Otherwise data is available either at local agency level or as the result of one-off research projects. For example, one study followed 209 children about 4/5 years after their release from three Diagrama units in Murcia Region and found that only 28.2% had received a subsequent conviction²⁷. Children who have been in the ABSOP unit in Alabama have only a 4% re-arrest rate for sexual offences, and a lower overall arrest rate than their peers with other types of offence within five years (39% v. 74%)²⁸. The AECF evaluation in Missouri²⁹ found that in 2005 only 17.1% of children were sentenced to prison or probation within a year of release, which compared favourably with other States - and with the position in England .

Other measures of well-being

Reoffending is not the only outcome that matters: both the experiences of the children and their subsequent well-being are important in assessing whether their removal from home can be justified. In the US, the OJJDP produce an annual report including national data on the numbers/rates and profile of children in placement, the use of restraint and isolation, violence and deaths. In the year 2009/10, 56% of children in custody in the US reported having been the victim of violence, theft or sexual assault and 5 had committed suicide. In terms of positive change, the detailed assessment that all children in Mt. Meigs receive is providing a rich source of data for a longitudinal study of both the ABSOP children and their peers in the main site³⁰. Thorough psychological screening on admission and before release shows significant improvement in psychological health in the boys who have received the treatment programme.

There is very little data about well-being following release other than the anecdotal. A recent study in Finland found that children who had been in a koulukoti were 7 times more likely to experience premature death than their peers, primarily caused by suicide or substance misuse³¹ but there is no data for comparison elsewhere and no way of knowing what would have happened if they had not experienced the placement. Given the expense and disruption caused by a custodial placement, the lack of evidence about its impact is worrying.

²⁶ RISE (2015) *Statistics of the Criminal Sanctions Agency 2014*.

<http://www.rikosseuraamus.fi/en/index/topical/publications/statisticalyearbook.html>

²⁷ Nicolás, A (unpublished) *Study of the effectiveness of the educational intervention with children and young people in custody in Murcia County Council*. University of Murcia

²⁸ <http://dys.alabama.gov/absop.html>.

²⁹ The Annie E. Casey Foundation (2010) *The Missouri Model: Reinventing the Practice of Rehabilitating Youthful Offenders*. Baltimore: AECF

³⁰ Burkhart, B. Peaton, A. and Sumrall, R. (2009). Creating new partnerships: Alabama youth services teams with Universities for sex offender treatment program. *Corrections Today* 71:3

³¹ Manninen, M. Pankakoski, M. Gissler, M. and Suvisaari, J (2015) Adolescents in a residential school for behavior disorders have an elevated mortality risk in young adulthood. *Child and Adolescent Psychiatry and Mental Health* 9:46

Conclusions

An ideal system?

Is it possible to distil the positive aspects of the approaches taken in other countries to propose an ideal system? There are dangers in this because of cultural differences. The reserved Finns were intrigued by my descriptions of hugging and kissing in Spanish units, and felt they could do with more 'love' in their system. However, context cannot be ignored. In England, we operate in a climate of blame by both politicians and the media which has resulted in a risk-averse approach to public service. There is also the problem of trying to impose from above: the success of the Diagrama, Missouri and ABSOP models may lie in the fact that they have been developed locally, by people who are passionately committed to change and have grown their own way of working.

Nevertheless, there are a striking number of similarities in the models that seem to be serving children well, and children themselves were very ready to tell me how they felt about the placements they found themselves in. As always, relationships with staff and whether they felt anyone cared about them were what mattered most. The following elements would seem to be those that provide the right conditions for these transformative relationships to flourish.

Small units

Many providers have learned from experience that the optimum size for a living unit is about 12 children. This enables positive relationships to be fostered, and the children can feel reassured that they are safe. The whole establishment may be larger, as long as it is sub-divided, but the general consensus is that 60 beds should be about the upper limit. (One commentator described our proposed 320 bedded secure college as 'barbaric').

Close to home

Only if children are placed within easy travelling distance of home can they be successfully reintegrated into their family and community. They need the opportunity to engage with the services that will support them on release, and to renegotiate relationships with family members. This has an impact on the size of establishment that is possible: larger establishments mean greater distance from home.

A continuum of placements, with levels of security based on risk and need

The population of children requiring placement is not homogenous: some children may be a risk to public safety but many will not and they will have a range of developmental needs and vulnerabilities. Neither are these risks and needs static, with children requiring lower levels of security as they make progress. The rigidity of our provision does not allow for this, and children - and staff - are given a message that they are all dangerous and need to be contained by locks and high fences throughout their stay.

Streamlined case management systems

There is always a danger that services are organised in a way that works for agencies, not children. In our system, all the tasks involved in assessing, placing, planning and working with children may be done by different people. Elaborate systems have evolved in an attempt to co-ordinate all this activity, but the experience for the child will still be one of fragmentation. In systems that work well, there is a streamlined system with the establishment playing a more central role before, during and after the child's stay.

A regime that promotes adolescent development

Containment is not enough, and will be at best ineffective and at worst harmful. The time children spend in placement should be purposeful and based on a shared understanding of how to change adolescent attitudes and behaviour - education in its broadest sense.

Active and continuous engagement by front line staff

Establishments that work well expect front line staff to be with the children at all times, engaging in activities and building positive relationships. They are supported in this task by on-site clinicians, high quality education and a range of positive activities, but their role as key agents of change is recognised.

A pathway to success

Many children will have been let down by adults in the past and have little hope for their own future. They may just want to 'do their time' and need to be given genuine incentives for living their lives differently. There needs to be a clear pathway through their time inside, with meaningful rewards linked to the progress they have made, and successes celebrated. If the proposed sentence is too short to allow for this, then they should not be there.

Family engagement

Families, or alternative carers, must be involved in the work being done while the child is placed, even if they are seen as the source of the problem. This might be to help them to regain control over the child's behaviour or to tackle their own difficulties. Establishment staff are often best placed to do this work because of the understanding they gain from caring for the child.

A phased return to the community.

In systems where there is a range of provision, the child can be cared for in the least restrictive environment necessary, and experience a phased rather than abrupt release. There are also other ways of ensuring a smooth transition, with increasing opportunities to engage with community based services as the sentence draws to a close.

A new way of working in England?

This report must not be taken as a blanket criticism of the way children are currently looked after in our secure estate. The focus within the report has been on YOIs but there are still many examples of good practice and individual staff who go the extra mile to support some of our most troubled and troublesome children. But is this because of the system they have been given to work with or in spite of it? In comparison with some of the innovative and flexible models of care elsewhere, our system looks rigid, process-driven and lacking in vision. It takes up over half of the youth justice budget, but reoffending rates show that it is not fulfilling its primary goal of preventing re-offending and an increasing proportion of children report feeling unsafe during their time in custody. It is encouraging that the current Minister of Justice is aware of its shortcomings, and committed to change.

How then could it be reformed? We know that other models cannot be adopted off the shelf. Culture and context are everything in a process of change. However, there are some pretty consistent ideas out there about what would be better - and not necessarily any more expensive - that we could use as a basis for developing our own vision. A debate about what we know about healthy adolescent development, and how to support it within a residential setting would be a good

starting point. If the Spanish idea about 'love and boundaries' is a step too far for the English psyche, how about 'warmth and boundaries'? When discussing my trip with experts on the secure estate within the YJB, someone noted that the positive interactions they witnessed in a YOI were just like good parenting. This chimes with the Finnish expectation that troubled children in residential care need 'upbringing' as well as care and education. This is particularly important given that many children in our youth justice system have missed out on the quality of care they deserved the first time around. We owe it to them to give them a second chance at 'learning how to live'. Both the most recent Ministers of Justice have seen education as a central plank in rehabilitation. This is valid, but only if we define education in its broader sense.

What could a reformed system look like? As the saying goes, ideally you wouldn't start from here, with the current complicated mix of establishments run by different agencies and departments, all facing problems of supply and demand.

The situation is further complicated by the current crisis in the provision of welfare beds in SCHs, with a number of home closures. DfE has acknowledged that the market is not working when there are such a small number of children needing this resource and is working with LGA and ADCS to look at a model for national commissioning. There is also a crisis in the provision of Tier 4 in-patient psychiatric beds for children with complex mental disorders, with uneven distribution across NHS regions and an overall shortage³². The numbers of children requiring these three types of provision are small. Although we treat the 'justice' and 'welfare' populations as distinct in England, that is not the case everywhere. It makes even less sense when we know that children from the 'care' system are over-represented within the secure estate. There is much to be gained from taking a more holistic approach to troubled and troublesome adolescents whatever the type of residential placement. The task is the same: to help them to overcome disadvantage and develop into healthy, happy adults who can take their place in society.

Recommendations

1. **Reconsider the separation of justice, welfare and psychiatric placement models for children with challenging or criminal behaviour.** This would enable better strategic planning, consistent standard-setting and a more flexible response to children with complex needs. Pathways through services could then be designed that fitted the children, rather than children having to fit into existing silos. (MoJ, DfE, DoH)
2. **Develop a shared understanding of the needs of children in custody and other forms of residential care for children, and the best models for meeting those needs.** The different reviews currently being undertaken of the service to children in the youth justice and children's residential care systems provide the opportunity for joint working, but there is a danger this opportunity will be missed if links are not made. (Youth Justice Review, Residential Care and SCH review teams)
3. **Develop a model of regional commissioning for all children needed a residential placement,** from children's homes at one end of the spectrum to children in need of secure care or specialist treatment at the other. This would have the advantage of providing a flexible continuum of placements based on local need. It would involve local authorities and

³² NHS England (2014) *Child and Adolescent Mental Health Services (CAMHS) Tier 4 Report*

health services, but with central oversight of standards by the YJB, DfE and DH. **(MoJ, YJB, DfE, DoH, ADCS and LGA)**

4. **Pilot a new model of residential care**, based on the elements of an 'ideal' system outlined above. This could be within one region or authority, and the learning used to inform the future shape of residential care. **(DfE and MoJ/ YJB - the National Offender Management Service would no longer have a role within children.)**
5. **Develop a shared data set** to measure the experiences and outcomes of children in different forms of residential care. This would enable a consistent sharing of evidence about effective practice, leading to continuous improvement. **(MoJ, DfE and DoH, with the relevant inspectorates).**
6. **Establish an expert panel to advise on the best available evidence about good practice in custodial/residential placements.** This panel would include academics, practitioners and children, and would offer advice to both policy makers, practitioners and sentencers. It would also make international links. **(MoJ, DfE, DoH)**
7. **Devise a system to maintain the involvement of sentencers** in tracking the progress of children they have sentenced. This will improve their ability to make good sentencing decisions and will act as an additional incentive for children to succeed. **(MoJ and Judicial College)**

It is difficult to make recommendations for sweeping reform in a time of austerity, but there are examples in the US where investment in high-quality, local services has led to longer-term savings. If the children do not return to custody, cause less the harm to society and themselves and are able to go on to work and take care of their own children, the savings are immeasurable.

Appendix: Places and people visited

Spain

David Romero McGuire, Chief Executive of Diagrama UK.

Castellon

Valencia Diagrama: Pablo Mezquita, Territorial Manager.

Pi i Gros Re-educational Centre: Alberto Lopez, Director, staff and children.

Castellon Probation Service: Jorge Monteso, Probation Manager.

Valencia

Campanar Children's home for special training: Sergio Gutierrez, Director, staff and children.

Pi i Margall Re-educational Centre: Consuelo Bruna, Director, staff and children.

Mariano Ribera Re-educational Centre, Rosa Carrion, Director, staff and children.

Valencia Court: Judge Florencio Izquierdo.

Alicante

Alicante Diagrama: Incarni Perea, Territorial Manager.

Lucentum Children's home and therapeutic unit: Yasmina Benchiheub, Director, staff and children.

Els Reiets Re-educational Centre: Antonio Garcia, Director, staff and children.

Llauradors children's home to prepare for leaving care: Esther López, Director, staff and children.

Murcia

Murcia Diagrama: Jesus Tervel, Territorial Manager.

Murcia Autonomous Region: Pedro Molina, CEO, Children with Justice measures.

Las Moneras Re-educational Centre: Ricardo Sanchez, Director, staff and children.

Arrui Alea Children's home and secure re-educational centre: Jose Fernandez, Director, staff and children.

Los Pinos Co-existence home: Paco Saorin, Director, staff and children.

La Zarza Re-educational Centre: Jose Marco, Director, staff and children.

Murcia Court: Judge Rafael Romero.

USA

Washington DC

The Annie E. Casey Foundation: Nate Balis, Director, Juvenile Justice Strategy Group.

Justice Policy Unit: Marc Schindler, Jason Ziedenberg and colleagues.

Center for Children's Law and Policy: Mark Soler, Executive Director, and team.

New Beginnings Youth Development Centre: Maggie Kennedy and Rennie Taylor, See Forever-Maya Angelou Academy, staff and children.

OJJDP: Sanzanna Dean, Senior Policy advisor and Brecht Donoghue, Research Co-ordinator.

Center for Juvenile Justice Reform: Shay Bilchik, Director, Georgetown University.

Youth Services Center: Eric Collins, Superintendent and Shawn Dowell, staff and children.

Louisiana

Louisiana Office of Juvenile Justice. Beth Touchet-Morgan, Deputy Assistant Secretary, and Dr Mary Livers, Deputy Secretary.

Bridge City Center for youth: all staff and children

Alabama

ABSOP unit: Professor Barry Burkhardt, Auburn University, and all staff and children within Mt. Meigs campus.

Alabama Department of Youth Services: Steven Lafreniere, Executive Director, Marcia Calender, Deputy Director and Melody Nelson, Training.

New York

Brookwood Secure Center: Farooq Mallick, Acting Facility Director, staff and children.

Columbia Secure Girls Center: Cory Jackson, Assistant Director, staff and children.

NYC Administration for Children's Services: Felipe Franco, Deputy Commissioner and Peggy Chan, Chief of Staff, Division of Youth & Family Justice.

Mayor's Office of Criminal Justice: Dana Kaplan, Program Director.

NYC Department of Education: Tim Lisante, Superintendent Alternative Schools and Programs.

Rikers Island Academy: staff and children.

Passages Academy: staff and children

Crossroads Secure Detention Center: Louis Watts, Executive Director. staff including Bellevue Hospital's mental health team, and children.

Center for Court Innovation, Brownsville: staff and young people.

Good Shepherd Close to Home Provider, Brooklyn: all staff and children.

John Jay College of Criminal Justice: Jeff Butts, Director, Research & Evaluation Center.

Finland

Criminal Sanctions Agency: Tiina Vogt-Airaksinen, Senior Specialist.

The National Institute for Health and Welfare: Päivi Känkänen and Matti Salminen, Managers responsible for koulukotis.

Sippola koulukoti and Special Care Unit: Tuija Lindberg, Manager, staff and children.

Dr Martti Korpela, Adolescent Psychiatrist, Ward of Special Treatment, Kellokoski Psychiatric Hospital.

Lagmansgården koulukoti: Carl-Johan Stromberg, Manager, staff and children.

Vantaa Remand Prison: Minna Saukko, Assistant manager, staff and young people.

Jokela Open Prison: Danila Gangnuss, Assistant manager and staff.

Kerava Prison: Juha Niemi, Prison pastor and staff.

Helsinki Department of Social Services and Health Care: Leo Heikkilä and Olli Salin,

Family Social Work Office, Helsinki: Anni Haapalinna, Social worker.

Reception Centre for looked after children, Helsinki: Jaana Kivistö, Director and staff.

Helsinki office of the Criminal Sanctions agency: Heidi Lind, Probation Service.

EVA psychiatric unit for seriously troubled minors in Tampere: Tiina Roning, psychologist, and Dr Riittakerttu Kaltiala-Heino, Forensic Adolescent Psychiatrist.

Helsinki District Court: Judge Satu Seppänen.