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Child First in everything we say, do and write.

We build on the strengths of children, families and communities to achieve their potential and in turn, protect the public and victims.

**Reducing Children’s Experience of Custody: Remand, Custody and Resettlement Policy January 2024**

**Purpose of the Document**

This Policy will sit alongside the YJB Custody and [Resettlement: Section 7 Case Management Guidance (published 2024)](https://www.gov.uk/government/publications/custody-and-resettlement/custody-and-resettlement-section-7-case-management-guidance) which provides very detailed specific guidance on expectations for practice. The case management guidance supports Youth Justice staff by providing a high standard of practice for children and young people in Derbyshire.

The Policy will assist in service delivery in line with National Standard 4 ‘In Secure Settings’ and National Standard 5 ‘On Transition and Resettlement’. This policy will detail the steps we will take to avoid the use of custody for children and young people, being committed to an aspiration for Derbyshire to be a custody free zone.

**Use of Custody**

The service, the Derbyshire Youth Justice partnership and our Early Help and Safeguarding colleagues are committed to the principle of custody as a last resort. We will continue to work with our Partnership Board and sentencing colleagues to support their knowledge of the negative impacts on children and the public of this.

We will undertake learning exercises whenever a child receives a custodial sentence, to inform future practice developments. Pre-Sentence Reports are undoubtedly a key tool and influencing document. Assessment training is available on our Learning pool, and we will also implement internal Pre-Sentence Report training as part of Remand, Resettlement and Custody training package in 2023/2024.

To support the commitment to reducing use of custody, we will:

* Avoid ‘up-tariffing’ children at every stage of the justice system.
* Double quality assures custody Pre-Sentence Reports (PSR’s).
* Have enhanced children in care accommodation provision.
* Meet regularly with Sentencers.
* Be committed to diversion at every stage of the system, which we want to further improve with partners.
* Use Intensive Supervision and Surveillance creatively.
* Challenge partners if there is not consistency in avoiding custody.
* Have a quick decision-making process under the Head of Service for sourcing accommodation to avoid remands into custody.
* Work with Early Help and other colleagues to deliver intervention in communities at risk.
* Develop our Youth Violence Strategy.
* Undertake thematic audit and learning activity every six months.
* If a child does receive a custodial sentence, undertake a partnership learning review within two weeks.

**Disproportionality**

To ensure that service delivery around use of custody and resettlement is dynamic and responsive to need, a number of monitoring processes will exist to ensure that any disproportionality, local offending trends and recidivism factors are tacked and factored in to service delivery. We are aware for instance that girls in custody have higher levels of needs and vulnerabilities than males, including higher levels of home violence, sex abuse, care history, education deficit, mental health problems, poor self-image and self-harm. Interventions will acknowledge and aim to mitigate the extensive levels of victimisation, violence and abuse. Staff recognition of this trauma (possibly aggravating transitions into and out of custody) is a prerequisite to helping girls who offend take control of their lives and change their behaviour.

Derbyshire’s Youth Justice Partnership Board has had sight and analysis of the experiences of black and mixed heritage boys in the youth justice system (a thematic inspection by HM Inspectorate of Probation October 2022). Operationally, we will monitor our assessments to ensure we take into account consideration of identity and societal structural equalities, recognising that nationally, Global Majority children (Black, dual heritage are more likely to be criminalised, and adultified)). Strategically, we have considered and adopted recommendations such as increasing our accommodation options to reduce the use of custody and remand. Whilst Derbyshire as a whole is not a particularly diverse area, this re-enforces the need to ensure that we are equipped to support global majority children. We will upskill our workforce in understanding individual identity needs and structural inequalities.

**Children Remanded to custody**

Under the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 as amended by the Police Crime, Sentencing and Courts Act 2022, all children who are charged with an offence and refused bail must be remanded into local authority accommodation, or (where certain criteria are met) Youth Detention Accommodation. In both situations, the cost of this accommodation will be met by Derbyshire Youth Justice Service (DYJS) and the child will be treated as a Looked After Child in line with statute. Equally, where it is safe, children should not become Looked After unnecessarily and the YJS has a role in supporting sentencers understanding of the negative impact of children become Looked After Children

The 2012 Act gave local authorities greater fiscal responsibility for remands to Youth Detention Accommodation. We will achieve this by assisting the court with information relating to:

* Available bail packages (e.g., Bail Support Programmes).
* Available local authority accommodation (e.g., Remand Foster Care, Supported accommodation); Head of Service has a lead role in accommodation sufficiency and placements which will expedite decisions for children affected.
* Relevant conditions available that may be attached to a remand to local authority accommodation or bail.
* Which local authority should be designated by the Court where a child has been remanded to local authority accommodation or Youth Detention Accommodation.

**Looked After Children**

For Derbyshire Looked After Children, the YJS has a legal corporate parenting duty to the child and partners also have a duty to consider a parenting response to our Looked After Children. Defence solicitors should have an awareness of our responsibilities to our Looked After Children. There is excellent guidance on this here.



When an existing Looked After Child appears in Court, YJS Court staff will engage the child's solicitor and the responsible Youth Justice Service and work tirelessly towards securing bail for the child. Court staff will do their utmost to ensure that custodial remand is always used as a last resort and will be proactive in reminding the Court to consider the best interests and welfare of the child when making their decision.

**Children and young people in Custody**

Derbyshire Youth Justice Service use the Youth Justice Board definition of Constructive Resettlement (2018) when dealing with young people in custody. Constructive Resettlement is:

*“Collaborative work with a child in custody and following release that builds upon his or her strengths and goals to help them shift their identity from pro-offending to pro-social. The overall role for all agencies (in policy and in practice) is to facilitate the child’s identity shift.”*

The YJS Partnership views Constructive Resettlement as the approach that applies the evidence base for effective resettlement into a common policy and practice framework so that all agencies work in harmony sharing the same guiding principles, language and aims. Importantly, it enables all staff to better support the child’s identify shift from pro-offending to pro-social. Staff will adopt an approach that accepts a child’s past, supports their present and encourages their future. Furthermore, this constructive, strengths-based, and future-focused approach is in line with the YJB’s “Child first” guiding principle that is:

*“A youth justice system that sees children as children, treats them fairly and helps them to build on their strengths so they can make a constructive contribution to society. This will prevent offending and create safer communities with fewer victims.” (YJB, 2021).*

Where children are in custody, The YJS will further adopt the YJB’s 7 pathways to resettlement to ensure that children and young people serving custodial sentences receive effective, end-to-end service provision based on a thorough assessment of need and risk, in order to reintegrate them into the community. All practitioners will be expected to adopt the resettlement pathways as part of all intervention planning and delivery.

(1) Case Management and Transitions – Practitioners to ensure that young people serving custodial sentences receive effective, end-to-end service provision based on a thorough assessment of need and risk, to reintegrate them into the community.

(2) Accommodation – to ensure that all young people leaving custody can access suitable accommodation and support where appropriate. This will be helped by the Head of Service having responsibility and delegated decision-making authority to agree post 16 accommodations searches and placements. There has also been service wide investment in a 12-bed supported accommodation provision with two additional emergency beds.

(3) Education, Training and Employment – Practitioners will provide all young people with suitable and sustainable Education, Training and Employment options throughout their sentence and beyond.

(4) Health – Practitioners will ensure that all young people in custody have access to suitable and sustainable general and specialist healthcare services, based on individual need, so that problems are assessed and treated at the earliest opportunity and in the most appropriate manner. This will be improved by effective use of the YJS Health Hub where health professionals triage the most complex young people. The Speech and Language Therapists will be central due to the high prevalence of communication issues in the custodial cohort.

(5) Substance Misuse – Practitioners will ensure that all young people entering custody are screened for substance misuse, with recognition of previous interventions. Those with identified needs should receive specialist assessment and access to appropriate interventions and treatment services, with their aftercare needs met on return to the community. The dedicated Substance Misuse Workers will carry out the assessment as part of the Pre-Sentence Report thereby ensuring that accurate and up to date information is available to staff within secure environments.

(6) Families – Practitioners will ensure that families of young people in custody receive timely, high-quality support and information, from the point of arrest and throughout the young person’s sentence. This practice will be closely monitored during individual supervision with practitioners and is now an integral part of the reflective case review process.

(7) Finance, Benefits and Debt – Practitioners to ensure young people leaving custody, and their families are provided with information and advice so that they can access appropriate financial support. ETE workers within each team will have responsibility to develop and deliver this provision.

**Five Principles of effective resettlement**

Constructive resettlement draws on the research from ‘Now all I care about is my future’: supporting the shift (Beyond Youth Custody, 2017)19 and ow to make resettlement constructive (Youth Justice Board, 2018),20 and seeks to operationalise the approach. Constructive resettlement has three core elements: constructive casework, the 5Cs and identity awareness. Constructive intervention recognises the importance of practitioners providing individualised and personal support to enable the child to develop a pro-social identity. It looks at personal and structural support. The personal support element focuses on four key questions:

* What is the child’s identity, and what elements of it allow offending?
* What are the child’s strengths, interests and goals that can inform a pro-social identity?
* What vision does a child have for their future self and what are the possibilities?
* What are the routes to that pro-social self?

Structural support is: Linked to the seven pathways to reducing reoffending, underpinned by personal support, and led by the answers to the four key questions (above). The 5Cs – five characteristics of effective support: constructive, cocreated, customised, consistent and coordinated:

Based on the 5 principles, Derbyshire YJS will deliver work that is:

**Constructive** – focused on the future, positive and useful, with an emphasis on strengths within the family and of the child. In addition, the resettlement of children and young people in Derbyshire will prioritise the need to work in a trauma informed way, taking into account the Adverse Childhood Experiences that a child may have experienced and the impact of these ACE’s upon their behaviour and needs.

**Co-created** – assessment and effective planning produced in collaboration with child, family, and social and professional network. The voice of the child and parents should be evidenced throughout the whole journey with the child – in each stage of assessment, planning, intervention delivery and reviewing.

**Customised** – individual plans and interventions that are tailored to meet the needs of the individual child, designed to be delivered in the way that suits their needs and at a level that best supports them to make a positive identify shift.

**Consistent** – planning for Resettlement will start at the first opportunity when a young person enters custody and continues throughout the journey. The resettlement work should be a fluid process which provides a seamless transition through custody, into the community and throughout the life transitions that the child will experience. The structure of the team will allow for consistency of worker from assessment throughout sentence.

**Co-ordinated** – working in partnership across agencies and with the child and their family to dovetail with any additional agency plans and interventions for the child. The YJS will collaborate with partners to ensure that resettlement work complements and is complemented by the work of other agencies. This will be particularly important when looking at the 7 Pathways in planning for resettlement.



In addition, the principle of Child First promotes the development of individual strengths and capacities to develop their pro-social identity for sustainable desistance. It requires a move away from a deficit model of practice. All our work will be future-focused and built upon empowering the child through supportive relationships allowing them to fulfil their potential and make positive contributions to society. Making children feel that they matter is the best form of desistance and public protection. To this end, we do not operate, Intensive Supervision and Surveillance on licence.

**Transitions**

All plans for children aged 17 should consider transition plans for children when they turn 18 to ensure the right services are still in place for children.

**Addressing concerns in the custodial setting**

We recognise that children can be unsafe in the secure estate and have noted the HMIP reports in the last 12 months. When a child or young person under 18 is remanded or sentenced to custody, the YJS work closely with the Youth Custody Service, the young person and carer(s) to decide where the young person should be placed. The YJS recognise that children and young people in custody are particularly vulnerable. When a child or young person is remanded, the social worker will request a copy of the complaint’s procedure for the establishment. Social workers will then familiarise themselves with the complaints process and check that the child has been provided with information about, and understands, the complaints process and about their entitlement to advocacy. In addition

* Ensure timescales for initial planning meetings are followed. As part of these meetings and if relevant, LAC reviews, specific questions should consider:
* Education Plans whilst in custody
* The amount of time the young person is in the cells.
* The arrangements for family contacts and phone calls.
* An explicit expectation that if one of our children is restrained, the YOS are immediately notified, are given the safeguarding report and are given the opportunity to observe video footage of the incident.
* For the custodial facility to give assurance and updates on any ongoing LADO investigations related to this.
* Social Work and YJS managers to ensure children are spoken verbally at least once a week, if possible via video call.
* The YJS and wider Children’s Services locality teams to be proactive in supporting family visits.
* For YJS staff to be aware of lead Safeguarding contacts in all facilities in the UK

Where there are concerns that the young person is not being safeguarded or their welfare promoted (for example, there are concerns relating to the quality of care the young person is receiving, the suitability of the type of placement or issues around bullying, self-harm, violence, or intimidation, in the first instance it should be possible to resolve the concerns by agreement with the establishment itself. Where issues cannot be resolved at establishment level, and if the responsible authority is of the view that the young person needs to be moved to another establishment, YJS Service will follow national guidance for Placement Reviews.

A challenge of having so few remands into custody is that the workforce can lose familiarity with key processes. To this end we will be implementing a rolling internal, remand, custody and resettlement package and continuing our relationship and support to Sentencers regarding the negative impact of custody.