



Call for Evidence: Children and Young Adults in the Secure Estate

Submission

March 2026

Introduction

1. JUSTICE is a cross-party law reform and human rights organisation working to create a fair justice system within everyone's reach. In this submission we set out our response to the call for evidence on Children and Young Adults in the Secure Estate. JUSTICE has long argued that vulnerable individuals in custody must be protected through robust safeguards and that children should be dealt with through a child-centred justice system.

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

1. The current custody population of children and young people (including 18-year-olds and older) in the children and young people secure estate ("CYPSE") is 444.¹ Children and young people in the CYPSE are held in one of four settings:
 - a. **Young Offender Institutes ('YOI')**: There are four YOIs in England & Wales, Feltham, Parc, Werrington and Wetherby. HMYOI Cookham Wood was re-rolled as an adult male prison after consistently failing to improve outcomes for children and to help meet the critical demand for additional accommodation in the adult estate.² Boys aged 15 and over are usually sent to YOIs and under 18s are held in separate units from 18–21-year-olds.³
 - b. **Secure Training Centres ('STC')**: STCs are a type of secure accommodation that children up to the age of 17 may be placed in if they are in custody. There were three STCs in England and Wales, Medway, Oakhill and Rainsbrook,⁴ however, Medway STC was closed in March 2020 and Rainsbrook STC was closed in December 2021.⁵ Medway STC was described as inadequate in respect to

¹ HM Prison & Probation Service, '[youth custody population report jan 2026](#)' (2026))¹

² HM Inspectorate of Prisons, '[Children in custody 2024-25: An analysis of 12-18 year olds' perceptions of their experiences in secure training centres and young offender institutions- September 2025](#)' (2025)

³ Youth Justice Legal Centre, '[Young Offender Institution \(YOI\)](#)' (2020)

⁴ Youth Justice Legal Centre, '[Secure Training Centre](#)' (2026)

⁵ National Audit Office, '[Children in custody: secure training centres and secure schools- Press release](#)' (2022)

children's health, resettlement and how well they were protected before its closure.⁶ Similarly, there were concerns over the safety of children residing in Rainsbrook STC, leading to its closure.⁷ Usually girls aged 12-17, boys aged 12-14 and older boys who are considered vulnerable are sent to an STC.⁸

c. Secure schools: In 2016, the Charlie Taylor's review of the youth justice system recommended the introduction of secure schools.⁹ Secure schools were created by the Police, Crime, Sentencing and Courts Act 2022¹⁰ and the first secure school, Oasis Restore, started accepting children from 2024. Oasis Restore was closed in 2025 due to safety concerns and it is planned to be reopened in March this year.¹¹

d. Secure Children's Homes (SCH): A Secure Children's Home accommodates children aged 10-17 that have been deprived of their liberty by a court order, remanded or sentenced by a criminal court or because a family court has decided that it is necessary for their welfare.¹² There are 14 Secure Children's Homes in England and they accommodate some of the most vulnerable children.¹³

2. In the year ending March 2025, 63% of children and young people were held in YOIs, 22% in Secure Children's Homes and the remaining 15% in Secure Training Centres.¹⁴ The four settings of CYPSE are governed and inspected under different frameworks. For instance, the joint inspection framework for STCs sets out that Ofsted are authorised to lead inspections of STCs to inspect them jointly with HM Inspectorate of Prisons ('HMIP') and the Care Quality Commission ('CQC').¹⁵ Whereas HMIP has no remit to inspect secure schools or secure children's homes.¹⁶ The increasingly fragmented nature of the CYPSE creates difficulties in assessing outcomes, measuring progress or comparing the different types of establishments which hold children.¹⁷

Unfit for purpose

3. The CYPSE has a statutory responsibility to safeguard children and should ensure that each site which accommodates children provides a safe, respectful and developmentally supportive environment which promotes positive outcomes and enables children to

⁶ BBC News, '[Medway Secure Training Centre: latest damning Ofsted report](#)' (BBC, 17 December 2019)

⁷ BBC News, '[Rainsbrook: MoJ and private firm agree to end contract](#)' (BBC, 3 December 2021)

⁸ Ibid.

⁹ C. Taylor '[Review of the Youth Justice System in England and Wales](#)' (Ministry of Justice, December 2016) p.16, par.52

¹⁰ Home Office, '[Policy paper: Secure schools: Police, Crime, Sentencing and Courts Act 2022 factsheet](#)' (2022)

¹¹ A. Bish '[Young offenders school could reopen in 2026](#)' (BBC, 28 October 2025)

¹² Blogs '[Visting children living in Secure Children's Homes](#)' (Children's Commissioner, 3 September 2025)

¹³ Secure Children's Homes '[About](#)' (2026)

¹⁴ Youth Justice Board, '[Accredited official statistics: Youth Justice Statistics: 2024-2025](#)' (2026)

¹⁵ GOV.UK, '[Guidance: Joint inspection framework: secure training centres](#)' (2025)

¹⁶ HM Inspectorate of Prisons, (n 2)

¹⁷ *ibid.*

thrive.¹⁸ The youth justice system should be 'child-first,' the system should focus on the best interests of children, assist them in building pro-social identities, encourage active participation and prioritise removing children from the system.¹⁹

4. However, in response to the most recent HMIP inspection into the CYPSE, the Children's Commissioner, raises serious concerns that the reality of the CYPSE is that the secure estates are not safe places, they are not therapeutic and they are not fit for children.²⁰ The Children's Commissioner also reiterated her call for YOIs to be closed as a matter of urgency.²¹
5. A decade ago, Charlie Taylor reviewed the Youth Justice System in England and Wales.²² In this report he highlighted several concerns with the CYPSE, including staff lacking the skills and experience to manage the most vulnerable and challenging young people in their care, children spending too much time in their cells and those in the CYPSE receiving inadequate access to health, education and rehabilitative services.²³ The review proposed that YOIs and STCs should be replaced in the longer term by smaller secure schools situated in the regions that they serve.²⁴ The then Government in response to the review stated that they agreed and envisaged secure schools replacing YOIs and STCs. Additionally, they pledged to create an environment where young people feel able to engage with care, health and education services.²⁵
6. Whilst the population of the CYPSE has fallen since 2016, the estate remains unsatisfactory and unable to meet the needs of the children and young people who continue to be held in YOIs.²⁶ The conditions in youth custody settings are described as deplorable.²⁷ Urgent Notifications are used when serious systemic failures in safety, care, or operational security are discovered in secure facilities for children. Between 2019 and 2021 there were four Urgent Notifications from HMIP for the CYPSE.²⁸ Further, Cookham Wood YOI was closed in 2024 due to extreme safety concerns, levels of violence were high and solitary confinement had become normalised, for example two boys were held in solitary requirement for more than 100 days.²⁹ A particularly acute example of the concerns about current youth custodial conditions is the Urgent Notification issued to Oakhill STC in July

¹⁸ Ministry of Justice, *'Safeguarding Review Panel – Youth Custodial Estate Terms of Reference'* (2026)

¹⁹ Alliance for Youth Justice, *'Adultifying youth custody: Learning lessons on transition to adulthood from the use of youth custody for young adults'* (2025)

²⁰ News and Blogs, *'Children's Commissioner responds to HMIP review of conditions for children in custody'* (Children's Commissioner, 23 September 2025)

²¹ Ibid.

²² C. Taylor, (n 9)

²³ Ibid.

²⁴ Ibid.

²⁵ Ministry of Justice, *'The government response to Charlie Taylor's Review of the Youth Justice System'* (2016)

²⁶ HM Inspectorate of Prisons, *'Children's custody: a decade of missed opportunities and decline'* (2024)

²⁷ House of Commons Justice Committee *'Ending the cycle of reoffending- part one: rehabilitation in prisons'* HC 469 (2025)

²⁸ See: Alliance for Youth Justice (n 19)

²⁹ HM Inspectorate of Prisons, *'HM Chief Inspector of Prisons for England and Wales: Annual Report 2023-24'* HC 218 (2024)

2025, in which serious and systemic failures were uncovered and there were significant concerns about safeguarding.³⁰

7. We have previously highlighted concerns about the disparities in the CYPSE in our 2021 *"Tackling Racial Injustice: Children and the Youth Justice System"* report,³¹ we are therefore significantly concerned that Muslim children and children from an ethnic minority background have become increasingly overrepresented in the CYPSE.³² For example, as of January 2026, children and young people from an ethnic background other than white make up 55% of the population³³ and 24% identify as Muslim.³⁴
8. Given that many children and young people arriving at secure settings have significant vulnerabilities, we are concerned that these may be further compounded by their experience in custody. For instance, the Children's Commissioner found that many children and young people face educational challenges long before entering custody, with most having experienced child poverty.³⁵ Additionally, finding that children in secure settings were more than twice as likely to have received SEN support or to have had an Education, Health and Care Plan before entering the secure estate than pupils in the broader education system.³⁶ Further, of children in YOIs and STCs surveyed by HMIP in 2024-25, 65% had previously been in local authority care, 46% had health problems, 33% reported being disabled and one in 10 reported being parents themselves.³⁷

Access to purposeful activity

9. In our 2024 report, *'Time Better Spent'*³⁸ we highlighted that in the youth estate, the worst cases considered by HMIP in 2020 saw children leaving their cells for only 15 minutes per day.³⁹ In YOIs and Oakhill STC children and young people continue to spend long periods locked up behind cell doors.⁴⁰ In 2024-2025 the number of those that reported spending more than two hours out of their cell on weekdays dropped to 61% (from 72% in 2023-24).⁴¹

³⁰ Ofsted, HM Inspectorate of Prison and Care Quality Commission, *'Press release: Urgent notification issued for Oakhill STC after inspectors find profound and systemic failures'* (GOV.UK, 31 July 2025)

³¹ JUSTICE, *'JUSTICE launches timely report on racial disparities of children in the youth justice system'* (2021)

³² HM Inspectorate of Prisons, (n 2)

³³ HM Prison & Probation Service, (n 1): January 2026 figures records 38 children and young people as Asian, 89 as Black, 82 as Mixed Ethnicity, and 34 as Other Ethnicity)

³⁴ Ibid. January 2026 figures records 105 children and young people as Muslim.

³⁵ Children's Commissioner, *'The educational journeys of children in secure settings'* (2025): nearly 90% found to be from the poorest neighbourhoods

³⁶ Ibid.

³⁷ HM Inspectorate of Prisons, (n 2)

³⁸ JUSTICE, *'Time Better Spent: Improving Decision-making in Prisons- A Report by JUSTICE'* (2024)

³⁹ HM Inspectorate of Prisons, *'HM Chief Inspector of Prisons for England and Wales: Annual Report 2022-23'* HC 1451 (2023), p.31.

⁴⁰ HM Inspectorate of Prisons, (n 2)

⁴¹ Ibid.

10. Children and young people experiencing prolonged periods of cell confinement limits their access to programmes, interventions and visits.⁴² Many residing in the CYPSE are unable to take part in any productive activity during their time in custody,⁴³ for example, only 18% of those in YOIs and the STC who were surveyed in 2024-25 reported engaging in offending behaviour programmes.⁴⁴ In HMPYOI Feltham (2024-25), 39% of children and young adults reported that they were not engaged in any education, work or training at all.⁴⁵
11. Despite staff-to child ratios improving with the lowered population within the CYPSE,⁴⁶ youth custody staff shortages remain a significant issue. Staff shortages affect the ability of children and young people to access education or other activities, in part, due to the regime being restricted.⁴⁷ This is because if there are not enough staff to supervise movement or facilitate sessions, establishments will limit time out of cell or reduce or cancel activities.⁴⁸ Additionally, shortages in staff and high turnovers makes it difficult for staff to form relationships with children in their care. A lack of stable staffing or poor relationships with staff in post can create harmful cycles, where children and young people feel isolated, disheartened and frustrated. This can lead to poor behaviour, which in turn results in further restrictions as staff attempt to manage the consequences.⁴⁹
12. Another persistent issue which is likely to affect the ability of those in the CYPSE to access purposeful activity is the ineffective nature of the rewards or incentive schemes for good behaviour. The Incentives Policy Framework provides a system of privileges, a tool used to incentivise individuals residing in the custodial estate to abide by the rules and engage in the prison regime and rehabilitation, including education, work and substance misuse interventions – whilst allowing privileges to be taken away from those who behave poorly or refuse to engage.⁵⁰ The framework means that each YOI must have at least three incentive levels, equivalent to Basic, Standard and Enhanced.⁵¹ However, there are concerns that the incentive schemes are not affective, for example, in 2024-25 only 34% of children reported that these schemes encouraged them to behave well.⁵² The incentive scheme is also not fit for purpose, for instance, HMIP found that as children had so little time out of their cells that “there was not much that staff could offer them to reward good behaviour.”⁵³

⁴²House of Commons Justice Committee (n 27)

⁴³ HM Inspectorate of Prisons, *'Outcomes remain worryingly poor for children in custody'* (2025)

⁴⁴ HM Inspectorate of Prisons (n 2)

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid; For example, overly restrictive mixing arrangements between children, and even when “children make it to education or other activities, the quality on offer is rarely good enough and sessions are often restricted or curtailed because of staff shortages.”

⁴⁸ V. Cardwell, *'Young adults' time out of cell must be a priority'* (*Spark Inside: Coaching in Prisons*, 27 September 2024)

⁴⁹ Ibid.

⁵⁰ Ministry of Justice and HM Prison and Probation Service, *'Guidance: Incentives Policy Framework'* (GOV.UK, 31 March 2025)

⁵¹ JUSTICE (n 38)

⁵² HM Inspectorate of Prisons (n 2)

⁵³ Ibid.

13. The weakness of the incentive schemes will impact children and young people accessing purposeful activity, firstly because if the rewards attached to higher incentive levels are not perceived as meaningful, the scheme fails to motivate individuals to engage in education, work or rehabilitative outcomes. Secondly, placement on the lowest incentive level (Basic) results in fewer privileges, including, reduced contact with other prisoners and visits from families⁵⁴ and can further reduce time out of cell. The restricted regime limits individuals to attend education or structured programmes and can also reinforce disengagement, making it difficult to enter or maintain participation in purposeful activity.

Education

14. In the CYPSE in England and Wales, children have a statutory right to 15 hours of education each week.⁵⁵ In Charlie Taylor's 2016 review, education was recognised as essential and must be "central to our response to youth offending." Further, he highlighted that education should serve as a tool for children to undertake meaningful activity, be kept occupied, reduce the risk of recidivism and fulfil their potential.⁵⁶

15. The Government in response to the 2016 Taylor review committed to putting "education and health at the heart of youth custody."⁵⁷ However, the recent thematic review of education provision in YOIs highlights the deterioration of education provided to children in custody. YOIs are failing to deliver even the most basic elements, such as sufficient teaching hours and escorting children to lessons on time.⁵⁸ For example, between August-October 2025 the average education hours delivered across HMPYOI Feltham, Wetherby and Werrington were extremely poor.⁵⁹ For example, in Feltham an average of 6.34 education hours were delivered weekly in August 2025, 6.71 in September and only 4.87 in October.⁶⁰

16. As well as there being a failure to provide adequate education hours across most YOIs, there is inconsistency in delivery more widely across the CYPSE. The education provision is dependent in part on where the child is detained. For example, STCs are required to provide education that closely matches the National Curriculum.⁶¹ Conversely, currently as secure schools are secure academies they do not have the same requirement.⁶² This

⁵⁴ Prison Reform Trust, *'Punishment without purpose: The Incentives and Earned Privileges (IEP) scheme and its impact on fairness, decency and rehabilitation behind bars'* (2014)

⁵⁵ House of Commons Justice Committee (n 27)

⁵⁶ C. Taylor (n 9) pars.8 and 29 – 34

⁵⁷ Ministry of Justice (n 25) p.22

⁵⁸ See; Ofsted and HM Inspectorate of Prisons, *'Research and analysis: 'A decade of declining quality of education in young offender institutions: the systemic shortcomings that fail children'* (GOV.UK, 2 October 2024)

⁵⁹ UK Parliament, *'Shaw Trust: Young Offender Institutions: Question for Ministry of Justice'* UIN HL12375 (2025); In HMPYOI Parc the average education hours delivered in August 2025 were 19.20, in September 14.50 and in October 20.

⁶⁰ Ibid.

⁶¹ *The Secure Training Centre Rules 1998* s.28 (4) "In the case of a trainee who is of compulsory school age, the curriculum shall be appropriate to his age, ability and aptitude and to any special educational needs he may have, and shall as far as possible reflect the requirements of the National Curriculum within the meaning of the Education Act 1996."

⁶² Section 1B(4) Academies Act 2010 as inserted by section 164 Police, Crime, Sentencing and Courts Act 2022; HM Government, *'Secure Schools: How to Apply Guide'* (2018) p.15.

inconsistency is particularly concerning as resulting in unequal access to the same content of education and possibly learning opportunities for children and young people across the CYPSE.

17. HMIP found poor relationships between education providers and governors and poor-quality resources and infrastructure.⁶³ For instance, dirty classrooms with offensive graffiti on the walls, a lack of whiteboards and in some cases a lack of chairs.⁶⁴ Further, severe staff shortages in education departments and low qualifications and inadequate training amongst those staff in post means that children receive poor quality education and their needs are not being met.⁶⁵ Staff also lack the skills to support children with special educational requirements or disabilities⁶⁶ and there is concern about the quality of the education that is provided.⁶⁷
18. The lack of effective behavioural management schemes in YOIs means that staff often rely on keeping children apart from each other or separating children completely from their peers. High levels of violence and disorder contributes to this issue, either leading to staff separating children or children electing to stay in their cells often due to concern about being involved in violence or out of fear to be out of their cell.⁶⁸ In 2023-24, 479 children had been separated from their peers for these reasons.⁶⁹ Children were reported to be continuously subject to solitary confinement, and leaders were unable to provide most separated children with adequate access to education and other interventions, in some cases this was limited to just a few minutes per day and in the worst cases, children did not leave their cell for any reason at all.⁷⁰
19. Whilst children were found to be most likely to report that they took part in education compared to any other form of purposeful activity,⁷¹ too much time spent in cells, issues with behaviour management, staff shortages and 'keep apart' policies prevent children from accessing even basic educational provision.⁷²
20. Over the past decade, work-experience opportunities and connections with employers have become increasingly limited, leaving children without the skills and training necessary to help them secure employment on release.⁷³ Education and work play a crucial role in the rehabilitation of children and young people, for example, providing

⁶³ HM Inspectorate of Prisons (n 2)

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ofsted & HM Inspectorate of Prisons (n 58)

⁶⁸ HM Inspectorate of Prisons (n 2)

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² House of Commons Justice Committee (n 27)

⁷³ HM Inspectorate of Prisons (n 2)

children with the tools needed to reintegrate successfully into society and to develop meaningful work and study goals.⁷⁴ This raises long-term concerns about the persistent problems children and young people in the CYPSE face in both accessing education and receiving education of an adequate standard.

Healthcare

21. Evidence indicates that the CYPSE is not suitable to meet the mental health and wellbeing needs of children and young adults. Children and young people in contact with the criminal justice system are a vulnerable population, experiencing health and social inequalities and high rates of mental illness.⁷⁵ Young people entering custodial settings have markedly elevated rates of mental disorders, including conduct disorder, depressive disorder, ADHD, PTSD, anxiety disorder and psychosis.⁷⁶
22. Yet the Children's Commissioner reports that those in secure settings are "very clear that they do not always get the mental health support that they need."⁷⁷ Additionally, the Children's Commissioner's 2018 report highlighted that pressures on NHS mental health services can result in children spending extended periods in segregation while waiting for a mental health bed to become available.⁷⁸ Concerningly, the Nuffield Trust found that young people were missing around 40% of their outpatient appointments, and children in YOIs had a higher proportion of appointments cancelled on their behalf (18%) compared to young adults (14%) and adults (13%) in prison.⁷⁹
23. Issues appear to be particularly severe in Oakhill STC. For instance, an inspection from Ofsted, HMIP and the CQC found that children were receiving inconsistent and "at times unsafe" primary and mental healthcare.⁸⁰ Inspection of healthcare delivery saw incomplete care records, missed interventions, poor medicines management and lack of timely health assessments.⁸¹
24. Reports of children and young people not being able to receive timely health assessments or care, missing outpatient appointments, experiencing long waits in segregation due to an unavailability of mental health beds is particularly concerning given the significant vulnerability of this cohort upon entry to the custodial setting. Without adequate safeguarding and appropriate therapeutic care, the pre-existing challenges faced by vulnerable children are likely to worsen, with consequences that not only undermine rehabilitation but also heighten their risk of negative long-term outcomes, including continued involvement in the criminal justice system.

⁷⁴ Ofsted and HM Inspectorate of Prisons (n 58)

⁷⁵ Springer Nature *'The Mental Health of Young People Entering Custody: A Systematic Review and Meta-Analysis'* (2025)

⁷⁶ Ibid.

⁷⁷ Blogs, *'Children's mental health in secure settings'* (Children's Commissioner, 12 October 2023)

⁷⁸ Children's Commissioner *'A report on the use of segregation in youth custody in England'* (2018)

⁷⁹ M. Davies, R. Hutchings & E. Keeble, *'Growing up inside: Understanding the key health care issues for young people in young offender institutions and prisons'* (October 2023)

⁸⁰ Howard League for Penal Reform *'Concerns raised about treatment of children in Oakhill secure training centre'* (2024)

⁸¹ Care Quality Commission *'DrPA Secure - Oakhill Secure Training Centre'* (2026)

Violence, safety and disorder

25. Violence and disorder remain a key concern across the CYPSE. Despite policy commitments to a child-first approach, there continues to be a reliance on coercive measures that harm children and young people and are ineffective at tackling violence. These measures are experienced disproportionately across different groups, and there appears to be significant variation in practice across different secure settings. The following sets out JUSTICE's concerns regarding the use of force and restrictive physical interventions, the continued and harmful use of segregation, and the implications of these practices for the wellbeing, rights and safety of children in the CYPSE.

Use of Force

26. JUSTICE remains deeply concerned about the safety of children and young people in the secure estate, particularly in relation to the continued high levels of use of force and restrictive physical interventions.⁸²

27. A new policy framework on the use of restraint and physical interventions was introduced in 2023. It provides that restraint and physical interventions in all CYPSE settings should only be used as a last resort to prevent violence or serious harm and emphasises that staff must take a "child-focused" approach.⁸³ It replaced the Minimising and Managing Physical Restraint policy introduced in 2014,⁸⁴ and was developed in part in response to a long-term rise in use of force incidents up to 2022.⁸⁵ However, despite its stated aim, there has been little evidence of improvement in practice across the CYPSE.

28. One significant challenge is the absence of independent oversight. Compliance with the framework does not appear to feature in joint inspectorate inspections, nor has there been any thematic evaluation of its implementation. Monitoring instead occurs internally through the Youth Custody Service's assurance, performance, and contract management processes.⁸⁶ Without overarching, external scrutiny, it is difficult to assess how effectively the framework has been rolled out, or whether it is achieving its stated purpose.

29. There is some evidence of inconsistency in application of the new framework. The inspection of Oakhill STC in July 2025 indicates that at the time of inspection, training on the new framework had not yet been delivered.⁸⁷ Moreover, unlike the 2014 Minimising and Managing Physical Restraint framework, the new framework provides little detail

⁸² For distinction see new framework document. HMPPS, Youth Custody Service '[Use of Force, Restraint and Restrictive Practices in the Children and Young People Secure Estate \(CYPSE\)](#)' (Implemented 5 February 2024)

⁸³ [Ibid.](#)

⁸⁴ National Offender Management Service, Young People's Estate, Ministry of Justice, Youth Justice Board, '[Minimising and Managing Physical Restraint: Safeguarding Processes, Governance Arrangements, and Roles and Responsibilities.](#)' (updated 2015).

⁸⁵ See [Youth Justice Statistics](#), Supplementary tables, Ch 8: Behaviour Management in the youth secure estate.

⁸⁶ HMPPS, Youth Custody Service (n 82)

⁸⁷ HM Inspectorate of Prisons, Care Quality Commission, Ofsted, [Oakhill Secure Training Centre: Full inspection](#) (July 2025).

regarding what training should be provided to staff on restraint and physical intervention.⁸⁸ Whilst it sets out principles which ought to guide the provision on training across the CYPSE, it is not perspective in terms of the contents of the training, and it is not clear whether the Minimising and Managing Physical Restraint Manual continues to form the basis of training in YOIs and STCs.

30. We are concerned that inconsistent implementation, combined with differing rules on the use of force across CYPSE establishments and a lack of accountability for applying these frameworks, creates significant scope for uneven and potentially inappropriate practice. The use of force continues to disproportionately affect specific groups of children. Youth Justice statistics up to 2023 show consistently higher rates of use of force against girls and children aged 10–14.⁸⁹ More recent data, while lacking sex-disaggregated rates for girls, shows higher rates for Black boys and children from Muslim backgrounds. This disproportionality has been consistently evident since at least 2021 and raises serious concerns about equality and the adequacy of oversight.⁹⁰

31. Additionally, we remain concerned that there is a significant gap between the stated “child-focused” approach and other policy decisions regarding use of force in youth custody, notably the decision to approve PAVA spray in YOIs. This policy was introduced despite clear warnings from the Children’s Commissioner that introducing PAVA - or any so-called “less lethal weapons”- would place children’s physical and psychological safety at risk and breach their right to protection from violence.⁹¹

32. The Youth Custody Service’s own Child Rights Impact Assessment acknowledged likely disproportionate effects on Black boys, Muslim children, and neurodiverse children-groups already over-represented in use-of-force statistics.⁹² Plans to mitigate this include enhanced training for staff, monitoring and analysis of data, and advocacy services and discrimination reporting mechanisms.⁹³ However, no data on the use of PAVA in YOIs has yet been made publicly available, and it is unclear whether any analysis undertaken will be published in the future. It is also unclear how effective the proposed advocacy services and discrimination-reporting mechanisms are in identifying and addressing the concerns of the acutely vulnerable cohorts most likely to be disproportionately affected by this measure.

⁸⁸ HMPPS, Youth Custody Service (n 82), pp. 24- 26.

⁸⁹ See (n 85)

⁹⁰ *ibid*; Ministry of Justice, HM Prison and Probation Service, and Youth Justice [‘Safety in the Children and Young People Secure Estate: Update to September 2025’](#) Separation and Use of Force (various years).

⁹¹ Children’s Commissioner, [Why safety and care must come before force in youth justice](#) (2024)

⁹² [Child Rights Impact Assessment Summary: Partial Deployment of PAVA in Public Sector YOIs](#) (2025), *Gov.uk*.

⁹³ *Ibid*.

33. The introduction of PAVA spray in YOIs was justified on the basis of rising levels of violence and disorder.⁹⁴ However, there is little evidence that measures of this kind improve safety in custodial environments. Evaluations from the adult estate indicate that PAVA does not reduce violence and may, in fact, undermine trust between staff and those in custody.⁹⁵ Children themselves raised concerns about the impact on staff–child relationships during consultations on the proposal to introduce PAVA.⁹⁶ We share the concerns raised by others that the introduction of PAVA risks entrenching discrimination and deepening harm, without delivering any reduction in violence.⁹⁷

34. Available safety data appears to support this. There has been limited evidence of any reduction in assaults or serious assaults in YOIs since PAVA has been introduced. In the two quarters following its deployment in April 2025, there were 393.9 and 367.9 assaults per 100 children per year, compared with 365.8 and 364.5 in the two quarters immediately preceding it. Serious assault incidents per 100 children per year were at 34.7 and 30.3 in the two quarters preceding introduction, compared with 34.4 and 26.7 in two the quarters after.⁹⁸ These figures indicate no meaningful improvement in safety, including in the severity of violent incidents, following the deployment of PAVA spray.

Segregation

35. In addition to concerns about use of force, JUSTICE is deeply troubled by the ongoing use of segregation across the CYPSE. Separation from peers is most often used to prevent harm to others but is also deployed to prevent self-harm or to avoid significant property damage.⁹⁹ Separation is governed by different rules depending on the type of establishment, and the conditions under which children are separated vary significantly across different settings.¹⁰⁰ In STC and SCHs separations tend to be for a relatively short period of time (hours), whereas in YOIs recorded separations tend to refer to when a child has been formally removed to the segregation unit. Separation in these units can last for days, and in some cases, children are only allowed out of their cells to shower or to exercise for 30-60 minutes.¹⁰¹

36. Segregation has been shown to have serious negative effects on children and young people. It restricts access to education and purposeful activity, limits essential social

⁹⁴ Ibid.

⁹⁵ [Youth justice experts condemn government decision to introduce PAVA spray in children's prisons](#), *Alliance for Youth Justice*.

⁹⁶ [Child Rights Impact Assessment Summary: Partial Deployment of PAVA in Public Sector YOIs \(2025\)](#), *Gov.uk*.

⁹⁷ [Youth justice experts condemn government decision to introduce PAVA spray in children's prisons](#), *Alliance for Youth Justice*.

⁹⁸ This data includes YOI Parc, where PAVA is not in use. However, because PAVA has been rolled out across all other YOIs, any impact on overall levels of violence would still be expected to appear in these statistics. [Safety in the Children and Young People Secure Estate](#), Assault and Self Harm Tables: Update to September 2025, tab 1.1.

⁹⁹ [Safety in the Children and Young People Secure Estate Separation and Use of Force Tables: Update to March 2025](#).

¹⁰⁰ Children's Commissioner, [A report on the use of segregation in youth custody in England \(2018\)](#).

¹⁰¹ Ibid.

interaction, and poses significant risks to mental health, including long-term developmental and psychiatric harm.¹⁰² The Children's Commissioner has highlighted the particularly acute impact on children with pre-existing mental health needs and those who are neurodiverse.¹⁰³

37. The duration of separations remains a concern, particularly in YOIs. In 2018 the children's commissioner raised significant concerns that the average duration separation for children in YOIs was 16.5 days. This duration does appear to have reduced since then, to an average of 13.6 in year ending March 2025. However, the average duration for girls is significantly higher at 18.6.¹⁰⁴ This is unacceptable. Girls and young women in the secure estate are among the most vulnerable, often have the most complex needs, and face particularly high risks of self-harm- risks that are exacerbated by prolonged isolation. It is also notable that the average daily duration of separations in STCs has increased sharply, more than tripling over the past year from 41 minutes to 2 hours and 22 minutes.¹⁰⁵ The reasons for this increase are not clear.

38. We are also concerned about the continued use of solitary confinement- defined as confinement for 22 hours or more a day without meaningful human contact- for children and young people in YOIs. In 2025, HMIP reported that many children continue to be subject to this practice and denied access to "the basis elements of daily life."¹⁰⁶ This reflects findings from numerous reviews and reports from HMIP, the Children's Commissioner and others on the use of solitary confinement for children. There is also evidence that this practice may disproportionately impact girls and young women. Whilst, not specific to solitary confinement, HMPI analysis showed that lack of flexibility meant that very vulnerable girls spent long periods locked up alone in their cells, where risk of self-harm was most acute.¹⁰⁷ Medical bodies, including the British Medical Association, the Royal College of Psychiatrists and the Royal College of Paediatrics and Child Health, have repeatedly called for the UK Government to prohibit solitary confinement for children, citing the high risk of suicide and self-harm and the lack of evidence of its positive effect on behaviour.¹⁰⁸ The UN Committee on the Rights of the Child made similar calls in 2019.¹⁰⁹ We echo these calls and urge the Government to end the use of solitary confinement for children.

¹⁰² *ibid*; Children's Commissioner, [Unlocking potential: A study of the isolation of children in custody in England](#) (2015).

¹⁰³ *ibid*.

¹⁰⁴ [Safety in the Children and Young People Secure Estate Separation and Use of Force Tables: Update to March 2025](#) tab 4_4; 5_4.

¹⁰⁵ [Safety in the Children and Young People Secure Estate Separation and Use of Force Tables: Update to March 2025](#) tab 4_2_2.

¹⁰⁶ HM Inspectorate of Prisons, '[Children in custody 2024-25: An analysis of 12-18 year olds' perceptions of their experiences in secure training centres and young offender institutions- September 2025'](#) (2025)

¹⁰⁷ HM Inspectorate of Prisons, '[Children in custody 2023-24: An analysis of 12-18 year olds' perceptions of their experiences in secure training centres and young offender institutions- September 2025'](#) (2024)

¹⁰⁸ BMA, [Solitary confinement and children and young people](#) (updated 2024); [Written evidence from the Equality and Human Rights Commission](#) (2019).

¹⁰⁹ UN Committee on the Rights of the Child (2019), [General comment no. 24](#)

39. Available data suggests that separation continues to disproportionately affect certain cohorts' children in the secure estate.¹¹⁰ Mixed ethnicity children and children of Muslim faith face higher rates of separation than children from other ethnic or religious backgrounds. Younger children also appear to be disproportionately subject to segregation. For the year ending March 2025 the youngest cohort in each type of establishment, was subject to the highest rate of separation.¹¹¹ Rates of separation decline as children and young people get older.¹¹² Whilst the data available on girls is patchy, the duration of separation for girls in YOIs and in SCHs for the year ending March 2025 was significantly longer than for boys.¹¹³ There is no data published on rates of separation and disability. However, available research suggests that this cohort is also disproportionately likely to experience separation.¹¹⁴

40. Previous reports have identified several factors contributing to the use of segregation, including staffing levels and concerns about "gang involvement", which can lead to the view that certain children cannot safely associate with others.¹¹⁵ It is worth noting that recent improvements in staff ratios¹¹⁶ have not had a significant impact on the rate of separations. This suggests that whilst staffing remains an issue,¹¹⁷ improving ratios alone may not be sufficient to address the use of separation.

41. Additionally, whilst it is vital to protect children and young people in custody from harm from other children, it is also important to be mindful how perceptions of gang involvement, or risk of violence can be shaped by stereotypical assumptions about young racialised men and boys. There is substantial evidence that this cohort is disproportionately viewed within the criminal justice system as gang-involved or as particularly violent or aggressive.¹¹⁸ This is especially concerning given the overrepresentation of ethnic minority children in both use-of-force and separation statistics. It is critical that purported "gang involvement" is not used to justify coercive and

¹¹⁰ See also Children's Commissioner, [A report on the use of segregation in youth custody in England](#) (2018); Children's Commissioner, [Unlocking potential: A study of the isolation of children in custody in England](#) (2015).

¹¹¹ [Safety in the Children and Young People Secure Estate Separation and Use of Force Tables: Update to March 2025](#) tab 4_4; 5_4.

¹¹² [Safety in the Children and Young People Secure Estate Separation and Use of Force Tables: Update to March 2025](#) tab 4_4; 5_4.

¹¹³ Ibid.

¹¹⁴ Children's Commissioner, [Unlocking potential: A study of the isolation of children in custody in England](#) (2015).

¹¹⁵ Children's Commissioner, [A report on the use of segregation in youth custody in England](#) (2018).

¹¹⁶ HM Inspectorate of Prisons, ['Children in custody 2024-25: An analysis of 12-18 year olds' perceptions of their experiences in secure training centres and young offender institutions- September 2025'](#) (2025), p.5.

¹¹⁷ Ibid.

¹¹⁸ See for instance, HM Chief Inspector of Prisons. (2022). Thematic review: The experiences of adult black male prisoners and black prison staff; Angiolini, E. (2017). Report of the Independent Review of Deaths and Serious Incidents in Police Custody; Lammy, D. (2017). The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System.

harmful interventions where such assumptions are informed by racial stereotypes rather than evidence.

42. The evidence across both use of force and segregation demonstrates that coercive, reactive measures are not effective in reducing violence or improving safety for children in custody. Instead, these interventions exacerbate vulnerability, entrench harmful disparities, and undermine children's wellbeing. A safer secure estate requires a fundamental shift away from punitive responses and towards safeguarding, therapeutic support, strong and trusting staff-child relationships, and meaningful access to education and purposeful activity.

The placement of 10–12-year-olds in custody

43. The age of criminal responsibility in England and Wales is 10 years old.¹¹⁹ This means that children between the ages of 10 and 17 can be charged, tried, and convicted with a criminal offence. This is one of the lowest ages of criminal responsibility in European jurisdictions.¹²⁰ The placement of children as young as 10 years old in the CYPSE is substantially misaligned with international standards¹²¹ and is inconsistent with the protections afforded to children under civil law in England and Wales.¹²²

44. The United Nations Committee on the Rights of the Child ("UNCRC") encourages states to introduce a higher minimum age of criminal responsibility to at least 14 years old and states that a minimum age of criminal responsibility below the age of 12 years old is internationally unacceptable.¹²³ This is because the UNCRC emphasises that states should bear in mind "the emotional, mental and intellectual maturity of children."¹²⁴

45. Advances in brain imaging and large longitudinal cohort studies offer substantial contemporary evidence that 'early adolescence,' between 10 and 14 years old, is a critical and transformative period of brain and mind development.¹²⁵ In this period, the brain is seen to mature substantially¹²⁶ and the maturation of the brain's frontal lobes improves the speed and efficiency of the specific facets of cognition produced by these areas.¹²⁷

¹¹⁹ [Children and Young Persons Act 1933](#), section 50

¹²⁰ Child Rights International Network, [Minimum Ages of Criminal Responsibility in Europe](#), 2025

¹²¹ England & Wales are a signee of the UN Convention on Rights of a Child. Whilst the Convention does not specify what the minimum age of criminal responsibility should be, the Committee on the Rights of the Child completed a report on the United Kingdom in June 2023 where they recommended raising the minimum age to 14; see United Nations, '[Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland](#)', 2023, p.20

¹²² See for example, [The Children Act 1989](#), s.105, which defines a child as a person under the age of 18, and thus affords certain protections to the person

¹²³ Penal Reform International, '[Justice for Children Briefing: The minimum age of criminal responsibility](#),'

¹²⁴ *Ibid.*

¹²⁵ Bethlehem, R.A.I., Seidlitz, J., White, S.R. et al. [Brain charts for the human lifespan](#). *Nature* 604, 525–533 (2022)

¹²⁶ Blakemore, S. J., Burnett, S., & Dahl, R. E. (2010). [The role of puberty in the developing adolescent brain](#). *Human brain mapping*, 31(6), 926–933

¹²⁷ Kolk, S.M., Rakic, P. [Development of prefrontal cortex](#). *Neuropsychopharmacol.* 47, 41–57 (2022)

Planning, inhibition, weighing-up evidence and judgement are all higher cognitive functions which are fundamental to decision making, criminal or otherwise.¹²⁸

46. Alongside biological changes, this period sees the bulk of psychological and moral development. This includes a sense of self, which is required for autonomous, intent-based choices which the criminal law depends on¹²⁹ and for the understanding of motivations and mental states, which is integral to making decisions involving others. Brain development is non-uniform which can lead to a 'maturity gap'¹³⁰ which may account for risk taking behaviour, in addition to apparent maturity in motor skills or numeracy, in an adolescent not yet capable of mature decision making.

47. Further, exposure to the criminal justice system has been found to cause harm to children and limit their chances of becoming responsible adults.¹³¹ An approach to children which prioritises care, protection and diversion from the criminal justice system can address emotional and mental health issues without criminalising the child or putting an already vulnerable child through the justice system.¹³²

48. The Children's Commissioner for Wales highlights that adopting an approach that better identifies complex behaviours early on, with strengthened preventative and early intervention services, would be "a far more effective way of supporting a child or young person rather than their entering the criminal justice system."¹³³ Taking a preventative approach to children between 10 and 12 years old is particularly important given the issues highlighted in this submission.

49. In 2021, Scotland raised the age of criminal responsibility from 8 to 12 years old by the Age of Criminal Responsibility (Scotland) Act 2019 (the "ACR(S) Act 2019").¹³⁴ The Edinburgh Study of Youth Transitions and Crime - which tracked 4,300 twelve-year-olds over 20 years - provided key evidence which informed the ACR(S) Act 2019 about how the criminalisation of young people increases the risk of repeat offending and leads to entrenchment within the criminal justice system through to adulthood.¹³⁵

¹²⁸ Friedman, N.P., Robbins, T.W. The role of prefrontal cortex in cognitive control and executive function. *Neuropsychopharmacol.* 47, 72–89 (2022)

¹²⁹ Pfeifer, J. H., & Berkman, E. T. (2018). The Development of Self and Identity in Adolescence: Neural Evidence and Implications for a Value-Based Choice Perspective on Motivated Behavior. *Child development perspectives*, 12(3), 158–164.

¹³⁰ Icenogle, G., Steinberg, L., Duell, N., Chein, J., Chang, L., Chaudhary, N., Di Giunta, L., Dodge, K. A., Fanti, K. A., Lansford, J. E., Oburu, P., Pastorelli,

C., Skinner, A. T., Sorbring, E., Tapanya, S., Uribe Tirado, L. M., Alampay, L. P., Al-Hassan, S. M., Takash, H. M. S., & Bacchini, D. (2019). Adolescents'

cognitive capacity reaches adult levels prior to their psychosocial maturity: Evidence for a "maturity gap" in a multinational, cross-sectional sample. *Law and human behavior*, 43(1), 69–85.

¹³¹ United Nations, Convention on the Rights of the Child, "General comment No. 24 (2019) on children's rights in the child justice system" (2019)

¹³² Children's Law Centre, "10 Reasons Why 10 Is Too Young" (2022)

¹³³ The Commission on Justice in Wales, Justice In Wales For The People Of Wales (2019), p. 203.

¹³⁴ QPOL 'Raising the Minimum Age of Criminal Responsibility - Queen's Policy Engagement,' 2025

¹⁵ Age of Criminal Responsibility (Scotland) Act 2019, s.1 – implemented 17 Dec 2021

¹³⁵ UK Research and Innovation, 'Research led to Scotland raising criminal responsibility to age 12', 201

50. A report on the review of the ACR(S) Act 2019 noted low figures for crimes committed by children under the age of 12, indicating that raising the age of criminal responsibility from 8 to 12 is impactful in decriminalising children.¹³⁶ Concerns about harmful behaviour by children under the age of 12 in Scotland are addressed through referral to the Children's Hearing System which focuses on providing support rather than punishment.¹³⁷
51. The developmental evidence, welfare outcomes and international standards make clear that placing children aged 10-12 years old is neither appropriate nor compatible with their rights and needs. The heightened vulnerabilities of those entering the CYPSE and the evidence that access to purposeful activity, education and healthcare are not fit for purpose for those residing in secure estates mean that such environment cannot provide the care, stability or developmental support required by children.

Transition to adult custody

52. Children's secure estates face many significant challenges as described within this submission, however, the transition to the adult estate can be shocking for children and young people.¹³⁸ The UK adult prison system faces a significant capacity crisis, there is widespread overcrowding, high levels of violence and very limited ability to engage in rehabilitation or purposeful activity.¹³⁹ The transition to adult custody is often referred to as the 'cliff-edge.'
53. Prison transfers often occur at very short notice, are not based on any assessment of need and frequently result in the loss of important data, belongings and documentation relating to the individual. This can be extremely distressing and affect the continuity of any care which is being provided to the individual. Prison transfers can be distressing for many individuals, but this is likely to be especially unsettling for young people, many of whom entered custody as children and were likely to be already vulnerable, with those vulnerabilities exacerbated by poor conditions and inadequate education and rehabilitation outcomes outlined in this submission.
54. Children and young people have different needs and vulnerabilities to adults. The transition to the adult estate results in a change in supervision, healthcare provision, family contacts and visits and the establishments are bigger, staffing ratios are lower and there are fewer resources.¹⁴⁰ There is inconsistency and a lack of coherence both when young people are transitioned to the adult estate and the institutions which they are moved to, there are concerns that decisions are based on availability and geography rather than a case-by-case consideration of need.¹⁴¹

¹³⁶ Social work Scotland, ['The-Report-from-the-Age-of-Criminal-Responsibility-Advisory-Group-on-the-review-of-the-Age-of-Criminal-Responsibility-Scotland'](#), 2024

¹³⁷ Rutherford Sheridan, ['Children's Hearing System In Scotland'](#), 2026

¹³⁸ [Growing up inside](#)

¹³⁹ [Prisons crisis: As justice system faces total gridlock in 2026, PAC calls for rapid action - Committees - UK Parliament](#)

¹⁴⁰ Alliance for Youth Justice, ['Adultifying-Youth-Custody'](#) (2025)

¹⁴¹ Ibid.

55. Given the particular vulnerabilities of those who have spent time in the CYPSE, it is essential that young people receive adequate support when transitioning to the adult estate. This period of disturbance requires stability, guidance and consistent care to ensure that existing needs, such as neurodiversity or mental health concerns, are properly understood and responded to. JUSTICE's Probation Report considered effective supervision in the adult custodial estate. Echoing the findings in this report, staff must be able to build strong, constructive working relationships with the individuals they support. The development and maintenance of these relationships, alongside coherent case management, is integral to achieving rehabilitative progress.¹⁴² This is especially important in this context to mitigate the otherwise detrimental impact of this significant and often destabilising transition.

Recommendations

1. **Building a child-first culture in the criminal justice system**, so that all agencies take responsibility, in line with core principles we have identified, for understanding every child's background and experiences. This should include a review of **child-focused training across the CYPSE**. Whilst we appreciate that there may be specific considerations in relation to different types of establishments, and the delivery of different services, it is critical that child-first culture is implemented consistently in relation to all children and young people.
2. **Keeping children and young adults out of custody:**
 - It is critical that children and young adults are diverted away from custody wherever possible. This would be assisted by the **creation of a national framework for diversion**, to ensure children everywhere can receive specialist support not prosecution would.¹⁴³
 - **The Review of Youth Sentencing must ensure that sentencing better reflects children and young adults' maturity and needs**, with a principle of keeping them out of custody, and must also address the disproportionate representation of racialised children and those with mental health conditions within the CYPSE. Sentencing legislation must be reformed to ensure that custody is only available to children who have committed the most serious crimes.
 - The previous government committed to closing YOIs and STCs. However, there remains no credible plan to do so. Given the unsuitability of prisons for addressing the complex needs of highly vulnerable children, and the growing consensus that custody is a corrosive environment for this cohort, **the government must set out a clear, time bound strategy for achieving this.**

¹⁴² JUSTICE, ['The Probation Service – A Fresh Start'](#) (2025)

¹⁴³ See JUSTICE, Racial disparity report pg. 63-66 for more detail on what a national framework for diversion should include.

- **The age of criminal responsibility in England and Wales should be raised to 14.**
3. **We support the recommendation of Alliance for Youth Justice** that the Department for Education to become the Department for Children, led by a Secretary of State for Children, with an expanded role including the transfer of youth justice policy responsibilities from the Ministry of Justice, and the Youth Custody Service from HMPPS.
 4. **Reforms to education:** The Government must review education and youth work provision in both youth and adult custody to identify opportunities to improve consistency and continuity in relationships, courses, and qualifications. The minimum statutory education hours must be delivered across the CYPSE and there must be continuity in education started in the youth estate when children and young people are transitioned into adult custody.
 5. **The Department of Education should conduct a review of advocacy services for children in the CYPSE to ensure these services are operating effectively and are accessible to children and young people across all CYPSE establishments.** This should include a review of the impact of neurodiversity and mental health needs on the ability to access to these services.
 6. **The Ministry of Justice must publish detailed information on the frequency, reasons for, and outcomes of use of force, including PAVA spray.** In addition, we call on the Ministry of Justice to undertake a detailed review of the decision to introduce PAVA spray at the earliest opportunity; this review should be made public. This review must consider the significant harmful impact of PAVA on children and young people, and evidence of disproportionately.
 7. **We echo calls made by the British Medical Association and the UN Committee on the Rights of the Child to end the use of solitary confinement for children and young people.**