



Thematic report by HM Inspectorate of Prisons

The care of looked after children in custody

A short thematic review

May 2011

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# Acknowledgements

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# Glossary

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This glossary explains some of the commonly used terms within the following report.

## **Assessment, care in custody and casework (ACCT)**

ACCT refers to a care-planning system used in prisons to help identify and care for people at risk of self-harm.

## **Advocates**

Advocates at young offender institutions assist young people in accessing available services and support them in resolving any issues affecting their care through the use of existing procedures.

## **ASSET**

This is the standard assessment tool used by youth offending teams to collate information on a young person who has come into contact with the criminal justice system. It is intended to identify a range of factors that may have contributed to the offending behaviour of the young person.

## **Case supervisor**

The case supervisor within an establishment is usually responsible for the delivery and implementation of a young person's training plan by working closely with the young person, youth offending team case manager and other relevant people.

## **Catch 22**

Catch 22 is a charity that works with young people and their families. It provides accommodation, education and employment opportunities to young people.

## **Early release**

Young people on detention training orders (DTOs) lasting between eight and 24 months can be released one or two months early on an electronic tag. For those serving determinate sentences of three months and less than four years, home detention curfew (HDC) may be available.<sup>1</sup> Young people convicted of certain offences are excluded but otherwise presumption is in favour of early release unless there are good reasons not to.

## **Independent reviewing officer (IRO)**

The appointment of an IRO is a legal requirement under section 118 of the Adoption and Children Act 2002. IROs are responsible for monitoring a looked after child's case on an ongoing basis and to independently monitor the performance of a local authority in relation to a child's case. They must chair the reviews of a looked after child and ensure that his/her wishes are given full consideration.<sup>2</sup>

## **Looked after child**

Looked after children are those in the care of the local authority who will have an allocated social worker. For the purpose of this report, this includes young people subject to a care order, accommodated by voluntary agreement or those entitled to leaving care support ('eligible' or 'relevant' children). See Section 2 for a detailed definition.

**National Association for the Care and Resettlement of Offenders (NACRO)**

NACRO is a charity that works with offenders with the aim of reducing offending.

**Personal officers**

Each young person should have a personal officer, who is based on their residential unit and should assist the young person with any day to day problems or concerns. The personal officer should work closely with the young person's caseworker.

**P-Nomis**

This is the prison service IT system holding personal details of all prisoners.

**Recall**

Young people released into the community with licence conditions can be recalled to custody if they breach their conditions.

**Release on temporary licence (ROTL)**

ROTL is the system of allowing a young person to leave the prison temporarily, either for compassionate reasons or to help improve their chances of resettlement.

**Safeguarding team**

Each young offender institution has a safeguarding team dedicated to ensuring the establishment provides a safe environment which promotes the welfare of all children and young people and protects them from harm or neglect from adults, peers or self. The team will provide services that seek to ensure safe and effective care.

**Training plan**

All young people in custody should have a training plan outlining the activities they will engage in as they serve their sentence and the plans for their release. The activities should be based on targets and objectives drawn from each young person's needs and aspirations. The targets should be discussed, and progress reviewed, at regular meetings.

**Young offender institution (YOI)**

YOIs hold young people aged 15 to 21 years. This report solely refers to YOI places commissioned by the Youth Justice Board which hold young people under the age of 18. In some instances young people aged 18 who are close to their release are kept within the young people's estate until release.

**Youth Justice Board (YJB)**

The YJB oversees the youth justice system, which includes commissioning places within the prison estate for those aged under 18 years. The YJB sets out minimum requirements that youth justice services, including custodial establishments, must meet within its national standards.<sup>3</sup>

**Youth offending team (YOT)**

Every young person in contact with the criminal justice system is supported by a YOT, which helps them to address their needs with the intention of preventing further offending.

**YOT case manager**

The YOT case manager has overall responsibility and accountability for delivering a young person's sentence and ensuring that it achieves its objectives. He/she should assess a young

person's risks and needs, agree targets for the young person's training plan and chair and review all training planning meetings.





# Introduction

Children in the care of the local authority, or 'looked after children', are overrepresented within the custodial population. This thematic review, commissioned by the Youth Justice Board, reports on the care of looked after children aged 15 to 18 in young offender institutions. It examines the experience of these children, using survey data and in-depth interviews. Case supervisors, advocates and representatives from safeguarding teams provide an establishment perspective on how the needs of looked after children are met in custody and in preparation for their release.

Of the representative sample of young people we surveyed across young offender institutions over a quarter said that they had spent some time in care. With no central record held by the Prison Service or Youth Justice Board, our survey data is one of the best estimates of the overall proportion of looked after children in custody. Although most YOIs held an up to date list of looked after children, establishments seemed largely to rely on information arriving with the child to identify whether he/she was looked after. Several did not feel confident that they were all correctly identified, the first step to ensuring their needs were met. On the basis of our survey, we estimate that there are around 400 children in custody at any one time who have spent time in care.

The most common reasons for children going into care are abuse, neglect or family dysfunction. It is perhaps unsurprising that in our survey those who said they had spent time in care reported more vulnerability and greater need than those who had not. To meet the complex needs of looked after children – not only to ensure their wellbeing in custody but also to support their successful reintegration on release – there must be collaboration between everyone involved in supporting them, which must include the involvement of social workers from the looked after children service of the local authorities responsible for their care. The looked after child's social worker should support them during their time in custody and be involved in their preparation for release. However, custody safeguarding teams said that the involvement of local authorities was often dependent on the commitment of individual social workers and, worryingly, a third felt that some social workers tried to end their involvement while the young person was in custody. Attendance by social workers at training planning meetings was said to be poor, despite their key role. However, many establishments also needed to improve how they involved local authorities. In contrast, links with youth offending team workers were much better developed and their attendance at training planning meetings was good.

Adequate and early planning for release was a key concern of establishment staff and young people. Several establishments viewed it as the local authority's responsibility to make arrangements for looked after children and were not clear about their own role. Accommodation was often not confirmed until close to the young person's release or, occasionally, even the day of release. This affected young people's opportunity for early release and meant that some ended up in unsuitable accommodation. Only two young people of the 12 we interviewed had employment and/or education plans confirmed for release. They all knew what they wanted to do but needed support to arrange it. Despite these issues, young people, particularly those who did have plans in place, were optimistic about their release. Yet they rightly realised the importance of support from their social worker, youth offending team worker and other agencies.

However, the follow-up information provided was concerning: one of the 12 looked after children was released without an address and one to unsuitable bed and breakfast accommodation. Two had an education or employment placement to start on release. A month later, only one child was attending education and three were back in custody.

Local authorities have statutory responsibilities towards looked after children and have their own review and care planning processes. Although establishments said that staff would try to ensure that reviews were conducted on time, there was no formal monitoring and only seven of the 12 looked after children interviewed said they had had a review during their time in custody. Links between local authority care planning and young offender institution planning were poor. Only half of the young people said they had had a visit from their social worker or that they had received financial support or clothing.

Although establishments are not accountable for the responsibilities of local authorities towards looked after children, they need to facilitate this process and should ensure that the entitlements of looked after children are being met. At several establishments, staff were unclear about the entitlements of looked after children. They pointed to the loss of internal social workers and a lack of national guidance for establishment staff setting out the roles and responsibilities of the young offender institution, local authority and youth offending team. Only four establishments had a dedicated or specialist lead for looked after children. Establishments without a lead felt this adversely affected the support looked after children received.

In my view, the state has few responsibilities greater than its statutory responsibility towards looked after children. Even allowing for the damage they have sustained before coming into the state's care and the challenging behaviour they may present when they do, that so many end up in custody is a cause for real concern.

Our very limited follow-up information suggests that many looked after young people leave custody with inadequate support. This report sets out some of the reasons that might be so. Others have reached similar conclusions.

In 2006 the National Children's Bureau, funded by the government, published a report on looked after children in custody. With the title, *Tell them not to forget about us*, it reported substantive gaps in the planning and care of looked after children in custody. Unfortunately, instead of being able to report progress, this report repeats many of the same findings and concerns. Improved communication between young offender institutions and local authorities, as well as clarification and understanding of each other's roles, responsibilities and processes is a vital first step to improving the situation. Establishments have successfully developed their relationships with external youth offending team workers; we hope the same can be done with social workers to ensure the needs of looked after children are not forgotten.

**Nick Hardwick**  
**Chief Inspector of Prisons**

**May 2011**

# 1. Summary and recommendations

- 1.1 This report looks at how well young offender institutions (YOIs) work jointly with local authorities and youth offending services to ensure the needs of looked after children are met during their time in custody and in preparation for release. For the purposes of this report, looked after children are defined as children who are the subjects of a care order (section 31 of the Children Act 1989<sup>4</sup>), or those who are accommodated by the local authority as a result of a voluntary agreement (section 20 of the 1989 Act) immediately prior to entering custody, or those who meet the criteria for support as care leavers ('eligible' or 'relevant' children).
- 1.2 The findings in this report come from four main sources: interviews or questionnaires completed by a representative of the safeguarding team at all 12 young offender institutions (YOIs); interviews with 12 looked after children; interviews with 16 case supervisors of 18 looked after children who were within one month of being released (collected between July and October 2010) with follow-up information received for 12 of these looked after children on their day of release and for nine a month after release; and survey responses from 623 children and young people across seven YOIs between May and October 2010.

## The management of looked after children in custody

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- 1.3 Five establishments had a formal written procedure relating to the identification, assessment and care planning of looked after children, or made reference to looked after children within their safeguarding policy. The policies tended to outline the duties and responsibilities of local authorities towards looked after children but offered no guidance for establishment staff in how they could work with local authorities to ensure that these entitlements were met.
- 1.4 One third of safeguarding teams said that the specific resettlement needs of looked after children were included in the establishment's resettlement policy.
- 1.5 There was a lack of clarity in most establishments about where the responsibility for looked after children should lie. Eight of the 12 safeguarding teams said that they did not have an internal lead with specific responsibility for looked after children. The absence of a dedicated lead resulted in a lack of understanding of the entitlements for looked after children and hindered the establishment's ability to communicate with local authorities. The four establishments with a dedicated lead felt that their specialist knowledge improved relationships with local authorities.

## Number and identification of looked after children in custody

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- 1.6 In our survey analysis, 27% of young people reported that they had spent some time in care. This equated to 27% of young men and 45% of young women. The number was higher in specialist units within establishments. Based on a total population of 1,500 children and young people in custody we estimate that there are around 400 children in custody at any one time who have spent time in care.
- 1.7 The majority of establishments (11) said they held a record of the current number of looked after children in custody.

- 1.8 To identify looked after children, the majority of safeguarding teams (10) said they would use more than one method. ASSET (Youth Justice Board assessment documentation) was highlighted as the key source for establishing care status, although a third of safeguarding teams said this information was often inaccurate, incomplete or lacking in sufficient detail. Over half of safeguarding teams said the induction process was also used to identify looked after children, which generally relied on self-reporting.
- 1.9 Following identification of a looked after child, most safeguarding teams (10) said they would initiate contact with the local authority, although the information they sought varied.
- 1.10 The means by which a young person's care status was shared within establishments varied. They included e-ASSET, daily staff briefings and the P-Nomis database system.

## Meeting the needs of looked after children in custody

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- 1.11 In our survey analysis young people who reported that they had been in care were more likely to report problems on arrival (82% compared with 73%). They were also more likely to report problems with drugs (40%) and alcohol (18%) and were more likely to report having mental health issues (29%).
- 1.12 Over half of safeguarding teams (seven) felt that the YOI took the lead role in managing the care of looked after children. Three-quarters said that there were barriers which prevented effective communication between the YOI and the local authority. A third felt that local authorities discharged their duties when a looked after child in their care entered custody.
- 1.13 Less than half of safeguarding teams (five) said they would routinely keep a looked after child's social worker informed of their wellbeing and progress in custody. A third said the local authority was more likely to be informed when there was a problem.
- 1.14 The vast majority of safeguarding teams (11) said that they thought looked after children reviews took place as required, although formal monitoring only took place in two establishments. A third of safeguarding teams (four) said looked after child (LAC) reviews only took place as required because of the tenacity of establishment staff. Seven young people said they had received a LAC review while in custody. Only two safeguarding teams said a member of YOI staff would be involved in preparing the young person for the review and advocating for him/her.
- 1.15 Only half of the young people interviewed said they had received a visit from their social worker during their time in custody. The frequency of these visits ranged from weekly to once in three months. Five of these six young people said they found their visits useful. The young people who had not received visits from their social worker were concerned that they were not being kept informed of what was happening outside custody.
- 1.16 Half of the young people interviewed said they were receiving financial support from the local authority during their time in custody. Young people who were not receiving financial support said that they could not always afford to make phone calls.

## Resettlement of looked after children

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- 1.17 Young people who said they had been in care reported a more complex range of resettlement needs than those who said they had not spent time in care. Specifically, they were more likely to think they would have a problem with finding accommodation and getting a job on release.
- 1.18 Safeguarding teams and case supervisors said there was lack of clarity about who had the lead responsibility for the resettlement planning of looked after children.
- 1.19 Eight of the 12 young people we interviewed said they thought the role of their social worker during their time in custody was to make plans for their release. Case supervisors said that social workers of only a third of looked after children were fully involved in their resettlement planning during their time in custody. The majority of safeguarding teams (11) said that a young person's social worker was invited to attend training planning meetings, although only a third said social workers regularly attended.
- 1.20 Case supervisors said that youth offending teams (YOTs) were in regular contact with the majority of looked after children and were involved in their resettlement planning. Case supervisors said that YOT attendance at training planning meetings was generally good.
- 1.21 All safeguarding teams said young people were invited to attend and contribute to their training planning meetings. Three-quarters said they invited families or carers to attend when appropriate.
- 1.22 Half of the young people interviewed said not knowing what resettlement plans were in place was a significant concern. Specifically, young people were worried that making plans for accommodation would be left too late. Only one young person had confirmed living arrangements on release at the time of the interview. Seven young people said they had no idea where they would be living. The lateness of confirmed accommodation placements was likely to have a negative impact on a young person's chances for early release.
- 1.23 Finding suitable accommodation was highlighted as a problem by seven safeguarding teams. This could result in looked after children being released into unsuitable accommodation.
- 1.24 Only two young people said they had confirmed plans for education or employment immediately after release at the time of interview.
- 1.25 Half of the young people said they did not know who would be collecting them on the day of their release.
- 1.26 Three-quarters of young people said they felt quite optimistic about their release, although seven said their success was at least partly dependent on the support they received from their social worker and YOT on release. Only two young people said they were confident that their social worker would provide them with sufficient support. Three said they did not feel optimistic about their release because of negative past experiences.
- 1.27 Follow-up information from case supervisors found that one looked after child was released without an address, and one into unsuitable bed and breakfast accommodation. Seven were released into local authority accommodation. Within one month of release case supervisors said three young people had returned to custody. Two young people had an education, training

and employment placement (ETE) to start on release. Only one young person was in education one month after release.

## Recommendations

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### **To the Youth Justice Board**

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- 1.28 The Youth Justice Board should work with the Department for Education to agree a strategy for the coordination of services for looked after children in custody that ensures that all agencies with statutory responsibilities for looked after children fulfil their obligations in accordance with relevant legislation and related guidance.

### **To the National Offender Management Service (NOMS)**

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- 1.29 NOMS, in conjunction with the Association for the Directors of Children's Services and Chairs of Youth Offending Services Management Boards, should develop clear procedures, incorporating relevant legislation and guidance, relating to the care and management of looked after children in YOIs. There should be a comprehensive dissemination programme to assist staff in YOIs to properly implement the procedures.
- 1.30 There should be a national lead within NOMS with a role for ongoing review and development of the national procedures on the care and management of looked after children in YOIs, to ensure that they are kept up to date and that they are properly implemented.

### **To the Youth Justice Board and Ministry of Justice**

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- 1.31 There should be a designated social worker within each YOI with responsibility for implementing agreed procedures for looked after children. This should include offering advice and guidance to relevant staff in the YOI, and establishing and maintaining working links with local authorities to ensure that the needs of looked after children are met while they are in custody and in preparation for release.

## 2. Background to the report

### Definitions of a looked after child

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- 2.1 The term 'looked after child' was introduced by the Children Act 1989 and refers to children who are subject to care orders and those who are accommodated by the local authority by voluntary agreement. The main reason children become looked after is abuse or neglect, accounting for 61% of looked after children.<sup>5</sup> A person may abuse a child by inflicting physical, emotional or sexual harm or by failing to act to prevent harm. Neglect is the persistent failure to meet a child's basic physical and/or psychological needs. Family dysfunction represents the second largest category of looked after children, at 12%.<sup>6</sup>
- 2.2 There are two main routes by which a child can become looked after.
- The first is when children are subject to a care order in which a court places a child compulsorily into the care of a designated local authority under section 31 of the 1989 Act. The court may only make a care order if it is satisfied that the child is suffering, or likely to suffer, significant harm attributable to the care given or likely to be given. Under a care order, the local authority assumes parental responsibility for the child and will provide him/her with accommodation and care. The local authority is responsible for the child's welfare while the care order is in place.<sup>7</sup>
  - The second route refers to section 20 of the 1989 Act in which a child is provided with accommodation by the local authority on a voluntary basis as a result of parental or, if over 16, the young person's agreement. Although the local authority will undertake day to day care duties for the child, parental responsibility remains with the child's parents who can remove the child from care at any time.<sup>8</sup> The local authority must work with the child and their parents to make joint decisions about the child's care.<sup>9</sup>

### Numbers of looked after children

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- 2.3 On the 31 March 2010 there were 64,400 children looked after by local authorities in England, an increase of 6% from the previous year.<sup>10</sup> This represents approximately 0.5% of all children.<sup>11</sup> Of these, 59% were looked after under a care order and 33% were looked after under a voluntary agreement.<sup>12</sup> The vast majority of looked after children were living in a foster placement (73%).<sup>13</sup>
- 2.4 Social, educational and health outcomes for looked after children are poorer than for other young people. Research published in 2010 indicates that of all children looked after for at least 12 months continuously, only 12% achieved five or more GCSEs including English and mathematics at grades A\* to C, compared with 53% of all children.<sup>14</sup> At age 19, 38% of care leavers are not in education, employment or training.<sup>15</sup> There is a high level of mental health need among looked after children; 45% are assessed as having a mental health disorder, rising to 72% of those in residential care.<sup>16</sup>

- 2.5 Looked after children are highly over-represented in the youth justice system. By the age of 10 they are more than twice as likely to have been cautioned or convicted of an offence as non-looked after children of the same age.<sup>17</sup> Figures from the Prison Reform Trust found that 71% of children in custody have been involved with, or been in the care of, social services.<sup>18</sup>
- 2.6 In a recent analysis of children in custody by the Prison Reform Trust<sup>19</sup>, a review by the Youth Justice Board of 257 ASSET forms, used to assess young people's needs on arrival into custody, identified that almost a quarter of young people (24%) had been looked after via a voluntary agreement and 10% had been subject to a care order.<sup>20</sup> A further review by Barnado's of 214 ASSET forms reported that 22% of children arriving in custody were living in care at the time of their arrest.<sup>21</sup> These figures are often considered to be an underestimation because of significant missing data recorded in ASSET forms.<sup>22</sup> In a study by the Youth Justice Board (YJB) with 336 children in custody, 41% reported that they had been in care.<sup>23</sup> Among those children who were persistent offenders, 38% had been looked after by social services at some point.<sup>24</sup> This is consistently reflected in the adult prisoner population, with around a third having been taken into care as children.<sup>25</sup>

## Rights and entitlements of looked after children in custody

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- 2.7 In a landmark judgment in 2002, Mr Justice Munby ruled that children in custody should have the same rights and entitlements as any other 'child in need' in the community and continue to be eligible for support under the Children Act 1989.<sup>26</sup> A resulting circular by the Department for Education and Skills confirmed the responsibility of local authorities towards looked after children in YOIs.<sup>27</sup>
- 2.8 The responsibilities of the local authority for a looked after child in custody is dependent on their care status, which can change in the event of a custodial sentence. The delivery of entitlements relies on joint working between the YOI, the responsible local authority and the responsible YOT. This can be complex, with the different agencies representing varying priorities, responsibilities and working practices. Each agency involved in meeting the needs of looked after children should have clear roles and accountabilities to ensure that these needs are met when children are remanded into custody or receive a custodial sentence.

## Children subject to a care order (section 31)

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- 2.9 A child subject to a care order under section 31 of the 1989 Act remains a looked after child while in custody. There is no change to their legal status so the local authority continues to be responsible for their care as a 'corporate parent' and must fulfil statutory responsibilities to this end.<sup>28</sup> The guiding principle is that children in YOIs who retain looked after status continue to be subject to the same level and quality of service from the responsible local authority as any looked after child living in the community.<sup>29</sup>
- 2.10 In March 2010 the Department for Education published regulations and guidance to improve the care planning, placement and case review of looked after children and support for care leavers. Although this largely consolidates previous regulations and guidance, including for the care of looked after children in custody, some of these guidelines will become statutory obligations from April 2011.



- 2.11 For young people who retain their looked after status in custody, it is expected that their case will continue to be managed by the same social worker, with liaison between the child's YOT case manager and the designated case supervisor within the establishment.<sup>30</sup>
- 2.12 On the first day of sentence the YOT should inform the responsible authority where the child will be serving their sentence. Within five working days of the child's remand to custody or sentence the social worker should contact the YOT case manager and designated case supervisor within the establishment to inform them of the child's care status, including who has parental responsibility for the child, any information to ensure the child's safety while in custody and relevant information about the child's needs that will enhance the establishment's ability to care for the child. This contact should also be used to arrange the date of the social worker's first visit and any forthcoming reviews of the case.<sup>31</sup>

### **Care planning and reviews**

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- 2.13 The social worker must visit the looked after child no more than one week after he/she has entered custody.<sup>32</sup> The purpose of this visit is for the social worker to keep in touch with the child, assess their needs and maintain an up to date care plan. The care plan should contain details about the child's care needs, outline how the local authority will meet those needs and must take account of the child's wishes and feelings.<sup>33</sup>
- 2.14 A nominated person within the establishment should act as a link in the care planning process. Often this will be the designated case supervisor within the establishment but it is good practice for the child to have a choice: he/she may, for example, prefer their personal officer to be involved. The link worker should be informed of the key elements of the child's care plan and in turn, keep their social worker informed of key events and the progress of the child in the establishment. The designated YOT case manager should also be kept updated about what is in the care plan and any changes to it.<sup>34</sup>
- 2.15 Subsequent visits by the social worker must take place at not more than six week intervals for the first year and not more than every three months after that. Additional visits should take place if reasonably requested by the child, the YOI or the social worker. The child is still entitled to advice, support and assistance in between these visits from the local authority.<sup>35</sup> The YOI should facilitate these visits; allowing the child to see their social worker privately (unless the child requests otherwise) and affording the social worker the same status as a legal visitor.<sup>36</sup> The Prison Service Instruction (PSI) 28/2009 refers to the 1989 Act, outlining the principle responsibilities of the local authority towards looked after children in custody.<sup>37</sup> However it offers none of these specific guidelines on the role of the YOI in facilitating these responsibilities.
- 2.16 Local authorities have a duty to review the case of a looked after child within statutory timeframes. These prescribe that the first review should take place within 20 working days of when the child has become looked after, three months after the first review and every six months thereafter.<sup>38</sup> This specified frequency is a minimum standard and should take place as often as an individual case requires. As entering custody marks a significant change in a child's circumstances a review should be arranged during the child's time in custody.<sup>39</sup> The review should be chaired by an independent reviewing officer (IRO) who has the responsibility of monitoring a child's case on an ongoing basis and of independently monitoring the

performance of a local authority in relation to a child's case.<sup>40</sup> The link person within the establishment and the child's YOT case manager should be invited to attend these reviews.<sup>41</sup>

## **Training and release planning**

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- 2.17 According to the PSI 28/2009, the planning for release of all young people should start on their arrival into custody. Establishment staff, in partnership with the YOT, should regularly review the progress of the young person while in custody and in preparation for release.<sup>42</sup> All young people in custody should have a training plan based on their individual needs and aspirations, which should outline the activities in which they will engage as they serve their sentence.<sup>43</sup> The training plan targets will be discussed, and progress reviewed at regular meetings. The Children Act guidance and regulations published in 2010 state that for looked after children in custody, the social worker and YOT case manager should work together to coordinate arrangements for the child's release and subsequent support in the community.<sup>44</sup> The looked after child's social worker should always be invited to training planning meetings as their input is integral to effective resettlement planning. At a minimum he/she should attend the first meeting and the pre-release meeting where the release plan is discussed, but it is good practice for social workers to attend every meeting. If the social worker is unable to attend he/she must provide relevant information from the care plan to the YOT case manager prior to the meeting. The YOT case manager is then responsible for feeding the information back to the social worker.<sup>45</sup>
- 2.18 The looked after child will have two separate plans relating to their ongoing care and resettlement needs. These should be coordinated so the child is clear about what is happening and practitioners know their respective roles, as there is likely to be some overlap.<sup>46</sup> If the child is to continue being looked after on release the care plan will set out the local authority's responsibilities for the provision of accommodation, financial support and other aspects of the young person's care. A copy of the care plan should be made available to the child, the YOT case manager and any other person involved in supporting the child after release. The training plan will include the responsibilities of the YOT, including providing ongoing supervision and interventions with the aim of preventing further offending.<sup>47</sup> By the time of the final training planning meeting, which should be held at least 10 working days before release, the child should be told the content of both plans so he/she is aware of who will collect them on release, where they will be living, the times that they should report to the YOT, sources of support arrangements for education, employment, health and finance, when they will be seeing their social worker and who is responsible for each aspect of their release plans.<sup>48</sup>

## **Children subject to voluntary accommodation (section 20)**

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- 2.19 Children who are voluntarily accommodated under section 20 of the 1989 Act lose their looked after status when they are remanded into custody or are serving a custodial sentence<sup>49</sup> (unless they meet the criteria for 'relevant' children entitled to leaving care support; see section below). This means that the statutory care planning process for a looked after child does not apply while he/she is in custody.<sup>50</sup> Some of these children may have been looked after for a considerable time prior to custody. The support they need is likely to be the same as a child looked after on a care order. In recognition of this, from April 2011 where a child ceases to be looked after as a result of entering custody, the local authority previously responsible for their care must appoint a representative to visit them to assess their needs. This initial needs assessment should take place during a statutory visit to the child within 10 working days of

arrival into custody.<sup>51</sup> The assessment will include recommendations about the support the child requires during sentence and on release, including where the child will live on release and whether they will need to become looked after again. A written copy of this assessment should be produced within 20 working days of the child's admission into custody, with a copy to go to the child, the governor or director of the YOI, the relevant YOT case manager and any other person the local authority considers appropriate.<sup>52</sup> If the child's parents are unable to visit and otherwise support the child during their time in custody, the social worker's visits should continue to provide advice and practical support to the child.<sup>53</sup>

- 2.20 If the child is likely to be homeless on release from custody, the local authority's children's services have a statutory responsibility to respond. The judgment in the case of *R (on the application of G) v Southwark LBC* (the 'Southwark Judgment') concerned the responsibilities of local authority children's services to assess and accommodate 16- and 17-year-olds who present as homeless. This confirmed that local authorities should provide any lone, homeless child with accommodation under section 20, unless the child is not a 'child in need' as identified by the initial needs assessment of the local authority.<sup>54</sup>
- 2.21 If accommodation is required then the YOI, social worker and YOT case manager should remain in close contact, with the social worker attending training planning meetings as appropriate.<sup>55</sup> Specifically if the assessment deems the child should become looked after again on their release, the local authority must be involved in their release plans, and there should be clarity on who is responsible for each element of the plan. The child should know where he/she will be living and who will be collecting them no later than 14 days prior to release.<sup>56</sup>

## Eligible or relevant children

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- 2.22 Looked after children, either subject to a care order or under voluntary agreement and aged 16 or 17, may be entitled to additional support from local authorities to prepare them for leaving care. This entitlement applies to 'eligible children', defined as those who have spent 13 weeks looked after since the age of 14 and who remain looked after at the age of 16, and to 'relevant children' who are those aged 16 or 17 who were looked after for 13 weeks since the age of 14 and who have ceased to be looked after since their sixteenth birthday. Some children will achieve this entitlement to support while in custody on turning 16.<sup>57</sup>
- 2.23 The status of both eligible and relevant children remains unchanged while in custody and the local authority retains responsibility for providing the support entitled to care leavers.<sup>58</sup> This means that the local authority must allocate a personal advisor and work with the young person to prepare a pathway plan. The pathway plan, which must include the child's care plan, will primarily focus on the arrangements for ongoing support with which he/she will be provided on release, including accommodation, personal support and financial maintenance until the age of 18.<sup>59</sup> This support should continue until the young person is 21 or for as long as he/she remains in an approved programme of education or training.<sup>60</sup> A report by the National Children's Bureau highlights the particular importance of social workers maintaining contact in these cases, as adult prisons will be much less familiar with the entitlement to ongoing support for young people as care leavers.<sup>61</sup>

## What is happening in practice?

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- 2.24 Concerns have been raised that looked after children in custody are not receiving the statutory services to which they are legally entitled.<sup>62</sup> In 2005, two years after his landmark judgment, Mr. Justice Munby ruled that a local authority's plans for a looked after child in prison were '*little more than useless*'.<sup>63</sup> In 2010 the Howard League similarly expressed concerns that many local authorities tend to do the minimum they believe is legally required.<sup>64</sup>
- 2.25 With these concerns in mind the National Children's Bureau produced a report considering the key issues in effective planning for looked after children in custody. The report, entitled *Tell them not to forget about us*, was funded by the Department for Education and Skills (now the Department for Education). It focused on 12 case studies of looked after children in custody. The key messages from the report highlighted fragmented planning and poor outcomes for looked after children. Specific difficulties included YOIs identifying a looked after child and clarifying his/her legal status and entitlement to services. Local authority planning systems were effectively marginalised with few looked after children reviews taking place. Some social workers were unclear about their statutory obligations towards a child in their care in custody, and many struggled to adapt the care planning process to the custodial situation.<sup>65</sup>
- 2.26 The report found that inadequate plans for release from custody were a particular concern for looked after children. Local authority involvement in resettlement planning was limited. Within three months, seven of the 10 children who had been released were convicted of further offences, with four returning to prison. None of the children had received any education or training during this time.<sup>66</sup> As local authorities are responsible for arranging accommodation for looked after children, their lack of involvement could make other release plans difficult to finalise. The Howard League indicated that children have frequently been denied early release due to the local authority's inability to set out clear future plans for them.<sup>67</sup> It can also result in the young person being directed towards inappropriate accommodation such as homeless units or bed and breakfast lodgings.<sup>68</sup>
- 2.27 Research has indicated that there is considerable confusion about which agency takes the lead responsibility for the care of a looked after child in custody, with some local authorities inappropriately transferring their remit to the YOT.<sup>69</sup> These issues are further compounded by a lack of communication between the local authority, the YOI and the YOT.<sup>70</sup>
- 2.28 Confusion about the roles and responsibilities in meeting the needs of looked after children in custody are impeded by a lack of central guidance for YOI staff. New government regulations issued by the Department for Education consolidate regulations and guidance for local authority work with looked after children, including those in custody. Similarly the report by the National Children's Bureau outlines some useful guidance for practitioners working together to meet the needs of looked after children in custody.<sup>71</sup> However, there is limited utilisation of this guidance in the form of prison service national standards or instructions. NOMS has not issued any central guidance for YOI staff working with looked after children in custody.<sup>72</sup> The PSI 28/2009 outlines some principle statutory duties of the local authority towards looked after children, but offers no guidance for YOI staff on their specific role in working with local authorities to ensure that the needs of looked after children in custody are met. The PSI also refers to the role of the establishment social worker.<sup>73</sup> At the current time, very few establishments have a social worker post.

## 3. Scope of this report

- 3.1 This report looks at how well YOIs holding children and young people (aged 15 to 18) work jointly with local authorities and youth offending services to ensure that young people who are looked after, or were looked after immediately prior to entering custody, are identified on arrival and assessed so that their specific needs are met, both in custody and in preparation for release.
- 3.2 The findings in this report are based on a number of sources (see Appendix I for further details), including:
- Fieldwork conducted at six male YOIs between July and October 2010, which consisted of:
    - interviews with 12 children who were identified by the establishments as being currently on a care order (section 31), looked after on a voluntary basis (section 20) immediately prior to entering custody, or who met the criteria for support as care leavers (eligible or relevant children)
    - interviews with six advocates involved in the care of looked after children
    - interviews with 16 case supervisors, conducted as part of an HM Inspectorate of Prisons (HMIP) thematic on the accommodation and education, training and employment (ETE) resettlement provision for young people in custody, about the case management of 18 children identified by the establishments as being looked after (as above) and who were within one month of their release date. Additionally, the case supervisors were asked to complete follow-up questionnaires about the looked after child's accommodation and ETE arrangements on the day of the young person's release and about one month after release. Questionnaires were returned for 12 of the children on the day of their release and for nine of the children one month after release.
  - Interviews (for fieldwork sites) and questionnaires (for non-fieldwork sites) completed by a representative of the safeguarding team at all 12 YOIs, including those holding young women.
  - Survey responses collected from children and young people at seven YOIs between May 2010 and October 2010 (five holding young men and two holding young women). This included 11 separate survey samples, as specialist units within an establishment are sampled separately. In total, 623 responses have been analysed, with responses from 600 young men and 23 young women. These surveys form part of a service level agreement with the YJB: researchers from HMIP survey a representative sample of young people at each young person's establishment on an annual basis. In some instances these surveys also form part of the evidence base for individual establishment inspections.
- 3.3 The responses of young people who answered yes to the question 'Have you ever been in local authority care?' were compared against the responses of young people who answered no. This self-reported data revealed that 163 (27%) of young people said they had, at some point, spent some time in care and 430 (73%) that they had not. Only significant differences between these two sets of responses are cited throughout the report. Statistical difference is used to indicate whether there is a real difference between the figures, i.e. the difference is not

due to chance alone. In tables showing survey data, the following key is used, in line with how data are presented in HMIP inspection reports of establishments.

	Any percentage highlighted in green is significantly better.
	Any percentage highlighted in blue is significantly worse.
	Percentages that are not highlighted show there is no significant difference.

Missing data has been excluded. Figures have been rounded to the nearest whole number.

## Definition of a looked after child

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3.4 For the purpose of this report, the following definitions apply throughout:

Looked after child	<ul style="list-style-type: none"> <li>▪ Subject to a care order (section 31).</li> <li>▪ Accommodated under voluntary agreement (section 20) immediately prior to entering custody.</li> <li>▪ Children entitled to leaving care support ('eligible' or 'relevant' children)</li> </ul>	Unless specified within the report, the experiences of these children and young people have not been separated. Although there are some differences in entitlements between the groups, all are entitled to support from the responsible local authority.
Young people who said they had spent time in care (survey analysis only)	Children and young people who self-reported in our survey that they had ever spent time in local authority care.	This therefore includes all young people who said they had ever spent time in local authority care and not necessarily only those children who were currently looked after (section 31 care order) or were looked after immediately prior to custody (section 20 voluntary agreement).

## 4. The management of looked after children in custody

- 4.1 This chapter outlines how YOIs strategically manage the care of looked after children. Specifically, it reports on the inclusion of looked after children in establishment policies and procedures and who takes the lead within establishments for ensuring that the needs of these children are met.

### Policies and guidance for staff

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- 4.2 HMIP's *Expectations for Children and Young People in Prison Custody*<sup>74</sup> specifies that the needs of looked after children should be addressed in both the safeguarding policy and resettlement policy.<sup>75</sup> Clear guidance outlining procedures for the management of looked after children in custody, including the responsibilities of different agencies and how they should work together, is needed to support establishment staff to fulfil their role. Previous research has suggested that a lack of awareness of the needs of looked after children and confusion about the roles of different agencies has a negative effect on looked after children in custody.<sup>76</sup>
- 4.3 A quarter of safeguarding teams said that their establishment had a specific formal written procedure relating to the identification, assessment and care planning of looked after children. One establishment said it had written a policy and sent it to their local authority for consultation but had not received any feedback. In addition to this, two safeguarding teams said a paragraph on looked after children was included within their safeguarding policy. The policies outlined the duties and responsibilities of local authorities towards looked after children. Although this was useful to raise awareness of the specific entitlements of looked after children in custody, the policies did not provide any practical guidance on the specific needs of these children and how staff could liaise with the local authority and YOT to ensure that they were met.
- 4.4 At one establishment, the safeguarding team said that the paragraph on looked after children within the safeguarding policy had been drawn up in consultation with the local social services department. The policy outlined that the family support worker at the YOI was responsible for arranging the first meeting between the child and the social worker.

### Example of good practice from the safeguarding team questionnaire<sup>77</sup>

#### HMYOI Stoke Heath

A policy for identifying and working with looked after children had been developed. The policy outlined the duties and responsibilities of the YOI when working with looked after children. The policy included an annex of legislative background and stated: *'This information will be useful to staff should they need to challenge external agencies who may not be fulfilling their duties and responsibilities towards these children.'*

The policy outlined that the establishment's case administrator was responsible for verifying the care status of looked after children, which could involve contacting the external YOT. The administrator was

required to update the young person's status and social worker contact details on the establishment's shared computer drive and on P-Nomis. He/she would then alert the YOT case manager to the arrival of the looked after child and would have the responsibility of introducing him/herself to the local authority.

The policy stated that the internal YOT was responsible for informing the young person's personal officer of their care status and social worker details to '*enable wing staff to have more information about the young person's background and have another person to liaise with should any issues arise.*' The policy highlighted that continual liaison with the social worker was important as he/she could provide information about the young person's background. It also stated that establishment staff should contact the social worker with any information that was usually relayed to a parent.

- 4.5 One third of safeguarding teams said that the specific resettlement needs of looked after children were included in the establishment's resettlement strategy.
- 4.6 However, specific guidance for staff about their role and how they should be proactive in ensuring that the resettlement needs of looked after children were met was not always set out in resettlement strategies or supporting documents. Instead, guidance was restricted to a brief statement about local authority responsibilities for looked after children, which had little value. For example, one strategy simply said: '*Firm arrangements will be made for all looked after children for their transfer to local authorities.*'
- 4.7 Young people themselves often understood what was needed to make the system work effectively. One young person interviewed highlighted the need for more formal monitoring of the agencies responsible for the care of looked after children:

*'To make things better, plans for young people in the care system should be monitored more carefully. Staff should keep more accurate records and they should be checked.'*

## Dedicated lead

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- 4.8 There are many complexities surrounding the rights and entitlements of looked after children in custody. It is important that the YOI is aware of the legal obligations towards looked after children so it can develop systems to ensure the children receive the services to which they are entitled. As a result of the ruling by Mr Justice Munby in 2002<sup>78</sup>, the YJB funded the provision of social workers in all YOIs to engage with local authorities and remind them of their responsibilities.<sup>79</sup> However, subsequent debates about the funding for these posts and a lack of resources have meant a steady decline in the number of establishments with a social worker. At the time of the fieldwork only three establishments had an internal social worker post. Some safeguarding teams said this had resulted in a lack of clarity about where responsibility for looked after children should lie. As this report was being finalised, we were informed that the YJB was again seeking to resource the funding of social work posts in all establishments.
- 4.9 Eight of the 12 safeguarding teams said they did not have an internal specialist worker with specific responsibility for looked after children.



- 4.10 Safeguarding teams felt that the absence of a dedicated specialist worker contributed to both the lack of understanding of the entitlements of looked after children and the establishment's ability to communicate effectively with local authorities. One representative said:

*'We don't speak the same language as social workers; we're unable to ask the right questions.'*

- 4.11 Safeguarding teams at the three establishments with an internal social worker at the time of the fieldwork felt that this was critical in providing the specialist knowledge and expertise on looked after children. They said that communication and relationships with local authorities had improved and they had a central point of contact. One internal social worker specifically mentioned that the establishment received better information about looked after children as a result. Another said he attended all training planning and looked after children reviews and had established links with the leaving care team at the local authority.
- 4.12 One establishment used its family support worker as the designated lead for looked after children. Staff at another said that although they did not have an allocated specialist worker, they had two case supervisors who took the lead on looked after children cases.

#### **Example of self-reported good practice from the safeguarding team questionnaire<sup>80</sup>**

##### **HMYOI Hindley**

There was a small team dedicated to looked after children with a senior social worker, internal social worker and administrative officer. The internal social worker was responsible for managing the cases of all looked after young people. As part of this role they would maintain contact with the external social worker, facilitate looked after children and pathway reviews and support the young person at the review. They would attend all meetings relevant to looked after children and ensure appropriate accommodation was in place for the young person prior to their release. The senior social worker was responsible for ensuring the statutory responsibilities were being fulfilled, including visits by the external social worker, looked after children reviews within the prescribed timescales and financial support.

- 4.13 A quarter of safeguarding teams suggested that without a dedicated role within the establishment there would be less commitment and individual support for looked after children.

- 4.14 Two safeguarding teams felt that the lack of knowledge and expertise within the establishment about looked after children hindered their communication with the local authority. One head of safeguarding stated:

*'We need to be able to say things with conviction and authority which we don't have the professional knowledge or status to do.'*

- 4.15 At one establishment the safeguarding team said that they were developing a programme themselves to raise staff awareness about the specific needs of looked after children. This had been prompted by the limited specialist knowledge and general awareness within the establishment and the lack of central guidance. The interviewee said:

*'I am concerned that we shall be delivering training on an area that we have had to educate ourselves on.'*

## Summary

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- 4.16 Fewer than half of establishments had a formal written procedure for looked after children or included looked after children within their safeguarding or resettlement policies. The policies outlined the duties of local authorities to looked after children but most offered no practical guidance for YOI staff in working with looked after children or ensuring that their needs were met.
- 4.17 The absence of a dedicated lead with responsibility for looked after children in most establishments resulted in a lack of understanding of entitlements, limited communication with local authorities and less individual support to looked after children. Establishments with a dedicated lead felt their specialist knowledge improved relationships with local authorities.

## 5. The identification of looked after children in custody

- 5.1 This chapter reports on the methods used by YOIs to identify looked after children on arrival, and describes how they make contact with local authorities to verify care status and how this information is shared within establishments.

### Number of looked after children in custody

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- 5.2 In our survey of children and young people 163 (27%) said they had, at some point, been in local authority care. For young men, this equated to 27% of respondents, but the proportion was higher for young women with 45% (10) saying that they had spent time in care.<sup>81</sup> Based on a total population of 1,500 children and young people in custody we can make a reasonable estimate that there are around 400 children in custody at any one time who have spent time in care.
- 5.3 Table 1 shows the figures for each young offender institution surveyed. There was variation across establishments but the specialist units tended to have a greater proportion of young people who had spent some time in care, ranging from 26% at the Anson unit (young people serving long sentences at Wetherby) to 42% at the Keppel unit. The latter is most notable as the Keppel unit at Wetherby holds vulnerable young people who find it difficult to engage in the regime in larger establishments. Further information about the roles and functions of these establishments is detailed in Appendix II.

**Table 1: The number of young people who reported they had spent time in local authority care by establishments surveyed**

		Have you ever been in local authority care?		
Establishment name	Establishment type	Yes	No	Total
Wetherby	Male	24 (21%)	91 (79%)	115
Keppel unit, Wetherby	Male	10 (42%)	14 (58%)	24
Anson unit, Wetherby	Male	5 (26%)	14 (74%)	19
Parc	Male	14 (25%)	42 (75%)	56
Warren Hill	Male	29 (31%)	65 (69%)	94
Carlford unit, Warren Hill	Male	9 (36%)	16 (64%)	25
Cookham Wood	Male	31 (30%)	72 (70%)	103
Feltham	Male	23 (21%)	87 (79%)	110
Heron unit, Feltham	Male	8 (32%)	17 (68%)	25
Rivendell unit, New Hall	Female	6 (55%)	5 (45%)	11
Josephine Butler unit, Downview	Female	4 (36%)	7 (64%)	11
<b>Total</b>		163 (27%)	430 (73%)	593

- 5.4 The majority of safeguarding teams (92%) said that they held a current record of the number of looked after children in their establishment. However, the reliability of sources used to identify

the number of looked after children was limited (see next section). Neither the YJB or prison service held a central record of the number of looked after children in YOIs.

## Initial identification of looked after children

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- 5.5 The accurate identification of looked after children is the first step to ensuring that their needs in custody are met and that they receive the services and support to which they are entitled on release. This process can be better facilitated if the establishment has information about the looked after child prior to their arrival in custody.
- 5.6 The vast majority of safeguarding teams (11) said that the only information received about a looked after child prior to their arrival in custody was through ASSET, which is standard for all young people. Of these 11 establishments, four said that information could also be contained in accompanying documentation such as post-court and pre-sentence reports. Only one safeguarding team said they would occasionally receive information via a telephone call from an external YOT or local authority prior to a looked after child arriving in custody. One safeguarding team said they would sometimes receive better information if the looked after child was being transferred from another YOI.
- 5.7 On the arrival of a young person to custody the majority (10) of safeguarding teams said they relied on more than one information source to identify his/her care status. The ASSET and other accompanying documentation were identified as the key method of establishing care status, mentioned in nine interviews. However, one establishment said this information sometimes failed to arrive with the young person. A third of safeguarding teams (four) said the information contained in ASSET forms was often incomplete, not up to date, inaccurate or lacking sufficient detail. One said the option of 'don't know' in questions relating to a young person's care status was unhelpful since it did not put responsibility on YOTs to seek out the answer and often meant essential information was missing. As a result, establishments reported that they could not be confident of the care status of new arrivals.
- 5.8 Over half of safeguarding teams said the establishment also used the induction process to identify care status and this generally relied on self-reported information. In two establishments the safeguarding team said all new arrivals were asked to complete a form during induction. These forms asked the young person whether they had a social worker, whether they were on a care order and where they were living prior to entering custody. One interviewee acknowledged that by not asking the broader question of whether the young person had ever been in care they were potentially missing young people entitled to leaving care services.
- 5.9 A quarter of safeguarding teams said looked after children were identified through first night interviews during the induction process. One establishment said they asked the young person if they had ever been in contact with social services, rather than just currently. This therefore reduced the potential of missing some young people entitled to leaving care services.
- 5.10 Although seven safeguarding teams said self-reporting methods were used, the majority said they would not just rely on this. Only one establishment said a young person's self-identification of care status would be relied upon 'quite heavily.' The other six safeguarding teams said they would seek to clarify the young person's status through relevant documentation, or contact with the local authority or external YOT.

- 5.11 Two safeguarding teams said they had a designated administrator for identifying looked after children as soon as they entered custody and to verify their care status by contacting the local authority or external YOT. At one of these establishments the social work team administrator was responsible for identifying looked after children as soon as they entered custody and contacting the local authority to clarify their legal status.

### Initial contact with the local authority

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- 5.12 The local authority should make initial contact with a designated case supervisor at the establishment when a young person in their care arrives in custody.<sup>82</sup> However, it was rare for social workers to make initial contact or proactively become involved when a looked after child entered custody. YOIs usually took the lead with this responsibility. Most safeguarding teams (10) said they would attempt to initiate contact with a local authority following the identification of a looked after child in order to verify their care status. Half of the establishments had a standard letter that they sent to local authorities, but they were not consistent in the information they sought. One letter was used by the safeguarding team to introduce them as a single point of contact for the local authority, although it did not ask for verification of the legal status or the details of the young person's social worker. It did not request any action from the local authority and relied on the authority to make the next move.
- 5.13 Four letters contained helpful information outlining the social worker's statutory responsibilities towards a looked after child during their time in custody. The local authority was asked to complete an attached pro forma outlining what support they would be providing to the young person while he/she was in custody, including plans for release. The letter requested copies of relevant documentation, including care and pathway plans, and asked for details of the social worker who would be supporting the looked after child. In addition, three of the letters described training planning arrangements and said that the social worker should attend all of these meetings. Two of the letters specifically reminded the local authority of their statutory duty to visit the young person within seven days, and requested dates of the next LAC review.

### **Example of good practice from the safeguarding team fieldwork interview**

#### **HMYOI Cookham Wood**

The initial letter sent to local authorities outlined the authority's responsibilities towards the young person while he/she was in custody. Specifically, it described the statutory responsibility to visit the young person within seven days and, prior to the young person's release, to undertake an assessment of their needs. It described the training plan arrangements, said they would be invited to attend and suggested that LAC reviews should be scheduled for the same day as these meetings to make full use of attendance. The letter requested that the local authority complete an attached form detailing how they were intending to support the young person while he/she was in custody, including how the young person would be assessed and how LAC reviews would be planned.

- 5.14 One safeguarding team said that if the young person had the contact details for his/her social worker they would call them during his/her induction. This generally allowed them an opportunity to speak with the social worker.

- 5.15 The lack of information received in advance and accompanying looked after children on their arrival into custody created a significant barrier to establishing early communication with the responsible local authority. A quarter of safeguarding teams said that insufficient information, including accurate contact details of the young person's social worker, made it very difficult for the establishment to know who to contact. They expressed frustration that members of staff wasted time trying to find the right person with whom to communicate. One representative said:

*'The barriers are trying to find the right person. If you can find the social worker you're usually home and dry.'*

## Information sharing within establishments

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- 5.16 It is important that staff who are involved in the day to day care of a looked after child know their care status so that they are aware of a young person's specific needs and entitlements.
- 5.17 The means by which information about looked after children was shared between establishment staff varied across establishments. A quarter of safeguarding teams said information about looked after children could be found on e-ASSET (the electronic version of ASSET). Another three said they would share this information in daily staff briefings which all unit staff attended, and a further two said this information would be shared during weekly multi-disciplinary meetings. Other methods of disseminating a looked after child's care status included P-Nomis alerts, which are accessible to all establishment staff. Two establishments said this information would be kept on their shared computer drive; one of these said that social worker contact details would also be held there.
- 5.18 At one establishment, a clerk within the safeguarding team maintained a database of information about looked after children. However, the internal social worker expressed concern that the clerk did not have the expertise to identify the information that was relevant to other staff and which needed to be shared.

### Example of self-reported good practice from the safeguarding team questionnaire

#### **HMYOI Hindley**

The administrator within the internal social work team entered a young person's looked after status on e-ASSET and P-Nomis and sent out a weekly spreadsheet of all looked after children to functional heads of department and managers.

## Summary

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- 5.19 In our survey, 27% of young people reported that they had spent some time in care. ASSET was highlighted as the primary method for identifying looked after children on arrival in custody, although the reliability of this source was questioned. As such, establishments could not be confident of the care status of new arrivals. However, most establishments reported using more than one method to identify looked after children, including self-reporting during

induction. The lack of robustness of identification methods suggest that establishments could not be sure that all looked after children were identified.

- 5.20 Most establishments said they took the lead in initiating contact with local authorities when a looked after child arrived in custody to verify care status and obtain further information. The methods used to share a young person's care status within establishments were variable.





## 6. Meeting the needs of looked after children in custody

- 6.1 This chapter highlights the needs of looked after children as identified by our survey analysis. It describes how YOIs and local authorities fulfil their roles and communicate with each other to ensure those needs are met while in custody. It also examines whether looked after children receive the services to which they are entitled, including looked after children reviews, visits from their social worker and financial support.

### The needs of looked after children

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- 6.2 Looked after children are likely to have a range of complex needs which may be attributable to their care history. A majority have come into contact with social services because of abuse or neglect (61%), or family dysfunction (12%).<sup>83</sup> In our surveys young people who said they had been in care were more likely to report problems on arrival to custody: 82% compared with 73% of those who said they had never been in care. Table 2 shows the proportion of young people reporting different problems on arrival. Of note, those who said they had been in care were more likely to report problems with letting family know where they were, feeling low or upset and with their health. Almost a fifth (17%) of young people who said they had been in care said that they had a disability and 18% said they had children of their own.

**Table 2: Problems on arrival for young people who said they had been in local authority care, compared with those who said they had not**

When you first arrived, did you have problems with any of the following:	Have been in care	Have not been in care
Needing protection from other young people?	10%	7%
Letting family know where you were?	28%	19%
Money worries?	23%	20%
Feeling low/upset/needing someone to talk to?	24%	16%
Health problems?	16%	10%
Getting phone numbers?	36%	30%

- 6.3 In addition to these needs, young people who said they had been in care were more likely to report drug and alcohol problems and almost a third (29%) said that they had an emotional wellbeing or mental health issue, as shown in Table 3.
- 6.4 The young people who said they had been in care, and who reported having a drug problem on arrival or emotional or mental health issues, were more likely than those who had not been in care to report that they had received help for these problems during their time in custody, as shown in Table 3.

**Table 3: Drug and alcohol problems and mental health issues for young people who had been in local authority care, compared with those who had not**

	Have been in care	Have not been in care
Did you have any problems with alcohol when you first arrived?	18%	11%
Did you have any problems with drugs when you first arrived?	40%	28%
For those with a drug problem, have you received any help with drug problems here?	82%	69%
Do you feel you have any emotional or mental health problems?	29%	17%
If you feel you have emotional or mental health problems, are you being helped by anyone here?	60%	39%

## The role of establishment staff

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- 6.5 As the findings above indicate, young people who say they have been in care report a number of issues with which they need help and support during their time in custody. Within an establishment there are a range of processes through which these needs may be met, which can involve a number of different departments. It is important, therefore, that all establishment staff are aware of and understand a young person's care status and this is taken into consideration during assessments. By informing the YOI of any relevant information about the child's needs the local authority plays a key role in enhancing the establishment's ability to care for the looked after child. Open and timely communication between the young person, YOI staff, the YOT case manager and the social worker is essential.
- 6.6 Eleven of the 12 young people interviewed said they knew the respective responsibilities of the different support workers they had been allocated. There was a general understanding of the distinction between their YOT case manager and their social worker.
- 6.7 Local authorities should be involved in the management of the care of looked after children during their time in custody. When safeguarding teams were asked who took the lead in managing this care, seven (58%) said that they felt that the establishment did. Specifically, the internal YOT, case supervisors or internal social worker team were highlighted as taking responsibility for the young people's care.
- 6.8 Although these departments may be seen as responsible for ensuring the needs of looked after children in custody are met, other establishment staff should also play a role in supporting them. Despite information about a young person's care status being available to prison staff in several establishments, some safeguarding teams felt the extent to which this would be taken into account by other establishment staff when making assessments was limited and inconsistent. A quarter of safeguarding teams described this process as 'hit and miss'.
- 6.9 One safeguarding team said the establishment held a multi-disciplinary weekly referral meeting at which all looked after children were discussed. A support plan was drawn up as a result of this meeting. However, there was a lack of clarity about which department was responsible for the implementation of the support plan. Furthermore, it was unclear how this model was coordinated with the local authority-led specific care planning process for looked after children which might run in parallel.

- 6.10 Two advocates, whose role is to help young people access services to resolve any issues with their care, said they supported looked after children by contacting their social workers about missing entitlements, particularly in relation to financial and accommodation issues. However, one advocate said that their role in relation to looked after children had recently changed as a result of a new provider of advocacy services to the establishment. They said that they used to talk directly to social workers to chase up missing entitlements and attend training planning meetings, but were now only able to signpost looked after children to other services.

## Involvement of local authorities

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- 6.11 The day to day care of looked after children in custody is the responsibility of the YOI. However, the responsible local authority still has a significant role to play. The care of the looked after child should be coordinated between the establishment and the social worker. However, three-quarters of safeguarding teams (nine) said that there were barriers which prevented effective and ongoing communication between the YOI and the local authority. These included a perception that social workers discharged their duties towards looked after children when they entered custody, and that there was inconsistent practice across local authorities, which often seemed to be dependent on the commitment of individual social workers.
- 6.12 A third of safeguarding teams felt that social workers tended to discharge their duties when a looked after child in their care entered custody. One representative said:
- 'Social services departments consider that when a (looked after) young person is in custody their responsibility is on hold.'*
- 6.13 This perception was reflected by one advocate at a YOI who said social workers were poor at communicating with the establishment:
- 'My view is that when a looked after child comes into custody their care plan goes out of the window.'*
- 6.14 One safeguarding team felt that a local authority discharging its duties was often linked to the distance between the YOI and the young person's home borough:
- 'Sometimes local authorities say they are no longer responsible for the young person when they come into custody since they no longer "live" in their borough.'*
- 6.15 Only two safeguarding teams said that they tried to encourage the local authority to continue to take the lead responsibility for the care of looked after children. One interviewee expressed this succinctly:
- 'We try to encourage the LA to accept that they are still the parent. We explain that we are just a foster carer.'*
- 6.16 Two safeguarding teams said there were discrepancies between local authorities in their approach towards looked after children in custody:

*'The problem is that all boroughs have different policies and practices.'*

- 6.17 It was felt that communication was sometimes dependent on the commitment of individual social workers:

*'Some social workers are very involved and have a positive relationship with staff and trainees, others less so.'*

- 6.18 To support the local authority to care for a looked after child in custody, establishments should ensure that the child's social worker is kept informed of their wellbeing and progress. However, less than half of safeguarding teams (five) said they would maintain contact with the young person's social worker in order to update them about specific developments or issues that arose during their time in custody. One said that the practice of maintaining an open and ongoing dialogue between the establishment and local authority was dependent on individual personalities. Another two safeguarding teams said case supervisors maintained contact with the young person's external YOT and they expected them to act as the conduit for sharing information as necessary within the local authority.

- 6.19 One safeguarding team said the case supervisor within the establishment occasionally corresponded with social workers via email. However, this was only if the young person asked for something specific, rather than to routinely keep them up to date with the young person's progress.

- 6.20 A common view from safeguarding teams was that, when there was a member of staff with responsibility for looked after children within the establishment, contact with local authorities was enhanced. One said the internal social worker maintained regular contact with a young person's social worker via telephone and email to update them on his/her development and progress in custody. One interviewee admitted that staff would be less inclined to contact social workers than parents, although local authorities have parental responsibility for children on a care order (Section 31), and it would be good practice for staff to notify a young person's social worker regardless of their legal status. One representative said:

*'In all honesty we couldn't be sure that staff notify social workers as diligently as they notify parents. It is particularly difficult at the weekend when social workers are not available. But it would also be because staff do not "think LAC" they would not equate local authority care with parental responsibility.'*

- 6.21 In our survey, a higher number of young people who had been in care said that they had been physically restrained (40% compared with 30%) and had spent some time in segregation while in custody (29% compared with 20%). Young people who said they had spent time in care were more likely to report having felt unsafe in their establishment and they also reported more victimisation, particularly by other young people (see Table 4).

**Table 4: Perceptions of safety for young people who had been in local authority care compared with those who had not**

	Have been in care	Have not been in care
Have you ever felt unsafe in this prison?	35%	25%
Has another young person or group of young people victimised (insulted or assaulted) you here?	31%	21%
Has a member of staff or group of staff victimised (insulted or assaulted) you here?	30%	23%

6.22 The survey findings that indicate looked after children are more likely to be segregated and feel unsafe suggest that looked after children are among the most vulnerable in custody. A third of safeguarding teams said that the local authority was more likely to be informed when there was a problem with the young person rather than about positive developments. One representative said:

*'Social workers for looked after children are always told when something goes wrong... admittedly this only happens when things go wrong.'*

6.23 Two safeguarding teams said that a young person's looked after status would be factored into assessment, care in custody and casework (ACCT) assessments. One reason given was that the ACCT process was managed by the safeguarding department, which would be aware that this was relevant. A quarter of safeguarding teams said social workers would be invited to ACCT reviews. One establishment said the young person's social worker would be notified when a looked after child in their care was placed on an ACCT.

## Care planning and reviews

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6.24 Parallel to establishment processes that apply to all young people in custody, looked after children are entitled to a statutory review of their care or pathway plans by the local authority (section 31 care order and young people entitled to leaving care services). All looked after children should also receive regular visits from their social worker and financial support. Although staff in the YOI cannot be held accountable for the delivery of services from the local authority, they should do all that is reasonably possible to facilitate the local authority in meeting these entitlements.<sup>84</sup>

## Looked after children statutory reviews

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6.25 The purpose of LAC reviews is to monitor the progress of the child's care plan and to amend it if necessary, depending on the child's circumstances. As a custodial sentence marks a significant change in circumstances, a LAC review should be arranged during a young person's time in custody.<sup>85</sup>

6.26 The vast majority of safeguarding teams (11) said that they thought that LAC reviews generally took place as required. However, only two explicitly said that they formally monitored the number of reviews against the number of looked after children. As such, most establishments

could not be sure of the number of reviews and whether they were taking place at the statutory intervals. The head of safeguarding at one establishment felt it was rare to have a LAC review as a result of the young person coming into custody:

*'They tend to just stick to the date that it has been planned for and take no account of the significant change in the young person's circumstances.'*

- 6.27 One safeguarding team representative said she was sometimes contacted shortly after a looked after child arrived to say that a LAC review was due to take place, but it was the local authority's intention to cancel it as the young person was now in custody. The interviewee said they would reassure the local authority that they did not need to cancel the LAC review as it could be facilitated at the establishment.
- 6.28 A third of safeguarding teams said that LAC reviews only took place as required because of the tenacity of the establishment staff. Again, this was largely dependent on whether the establishment had a staff member with a dedicated lead for looked after children. At one establishment the internal social worker took responsibility for ensuring reviews took place. A letter would be sent to the social worker and independent reviewing officer (IRO) reminding them of their statutory obligations to looked after children in custody.
- 6.29 A third of safeguarding teams said that, although they would facilitate LAC reviews, it was the local authority's responsibility to manage the review process. One explicitly said they would wait for the local authority to contact the establishment to arrange this, leaving the potential for some LAC reviews to be missed. Another highlighted that the establishment case supervisor did not have any knowledge of when LAC reviews were due, and would therefore not know if reviews were conducted on time.
- 6.30 Case supervisors said that 10 of the 18 looked after children had not, to their knowledge, had a LAC review. Two case supervisors described a lack of understanding about whose responsibility it was to arrange LAC reviews and not all knew about them.
- 6.31 Of the 12 young people interviewed, eight were subject to a section 31 care order and four told us that they had been allocated a leaving care worker. As such, all should have been subject to regular reviews. Seven young people (58%) interviewed said they had had a LAC review while in custody. Of these, two said they had had two reviews and another said he had had a review within one month of coming into custody and was due another four months after that.
- 6.32 Of the seven young people who had had a LAC review, two said the discussions centred on how they were dealing with life in custody. One of them said he would have preferred to talk about what would happen on his release because it would have given him something to look forward to while in custody. Another two young people said the review focused on release plans, and specifically the planned accommodation placement.
- 6.33 Of the five young people who said they had not had a LAC review, three were subject to section 31 care orders and had been in custody for between two weeks and one month. Two young people who had leaving care workers said they had not had a review; one had been in custody for three months, the other six. Three of these young people said that they did not know when their review was due to take place. Two said they did not go to their previous reviews in the community. Two thought they knew when their next review was but were not certain.

- 6.34 The looked after child's social worker should involve the child in preparation for the review.<sup>86</sup> All safeguarding teams said that all looked after children were invited to their reviews where they would have the opportunity to contribute. None were certain that the child's social worker had met the young person specifically to help them to prepare for their review.

### Case study 1

One safeguarding team said there had been some cases when reviews had taken place in the community without the young person. The team said the establishment had done all that it could to encourage IROs to undertake the reviews in the prison so that the young person could attend, but without success.

- 6.35 The advocate at one establishment said that they would work to ensure the young person was aware of their rights and was involved in decisions about their care. At another establishment, the safeguarding team said that they would be able to help young people prepare for their review if the local authority sent them a consultation book. Sometimes the IRO would spend around half an hour with the young person before the LAC review. However records were not maintained of external social workers spending time with young people to plan and prepare for their review.
- 6.36 Two safeguarding teams said there would be a member of staff involved in preparing the young person for their review and advocating for them. At one establishment the internal social worker said they attended all LAC reviews to help the young person represent their own views and that they would seek a young person's views on matters that were likely to be discussed prior to the review taking place.
- 6.37 Where appropriate and in the best interests of the looked after child, parents or carers should be invited to attend the LAC reviews.<sup>87</sup> A third of safeguarding teams said that families or carers were invited to attend LAC reviews, when appropriate, to enable them to get involved in a young person's care planning. Two safeguarding teams said they would leave the decision to involve families or carers in reviews to the external social worker or YOT. One safeguarding team said the dedicated family support worker would make early and ongoing contact with the families and use this information to inform any reviews that they were unable to attend. Similarly, one safeguarding team said if families could not attend the care planning meetings they would keep them updated through telephone contact. However, another said parents and carers were not allowed to meet with the young person before their review to discuss matters they might want to raise.
- 6.38 A quarter of safeguarding teams said the young person's parents or carers could get involved in aspects of care planning via the training planning meetings. However, the links between these two processes were weak (see Section 7).

### Social worker visits

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- 6.39 In addition to statutory LAC reviews, social workers are required to regularly visit looked after children during their time in custody. The YOI should facilitate these visits: it has a key role as

social workers will not necessarily be aware of the procedures for visiting a child in custody.<sup>88</sup> Only one safeguarding team specifically mentioned its role in this process.

- 6.40 At one establishment the policy on looked after children outlined that the internal YOT case manager should provide the young person's social worker with information on how he/she could book a legal visit and visiting dates and times, and should tell the social worker that staff at the gate of the establishment would be told of their visit.
- 6.41 It was not possible to monitor the number of social worker visits for looked after children as this was not routinely recorded by establishments.
- 6.42 Five young people (42%) said that they thought that part of the role of their social worker was to maintain contact with them while they were in custody. Of these, three young people mentioned the need for emotional support. One said:

*'[My social worker's role is] to make sure I am coping in here.'*

Another expressed the wish for his social worker to make contact:

*'Just to keep in touch with me would be nice.'*

- 6.43 The importance of social worker visits was highlighted by interviews with young people. Those who received visits found that they were supportive and helpful whereas those who did not expressed frustration and concern about their future. Only half of the young people interviewed (six) said that they had received a visit from their social worker during their time in custody. One young person said his social worker visited him every week or fortnight. Three young people said they received visits about once a month from their social worker, and one said visits would be more frequent when there was something that needed discussing. Another young person said they had been visited three times in five months and one young person said they had only been visited once in three months.
- 6.44 Of the six young people who said they had received visits from their social worker, five said they found the visits useful. One young person said he was just pleased he had someone to visit him in custody:

*'I'm just so happy to see someone! I can't stop smiling when my social worker is here because I don't get any other visits and it's just nice to keep in touch with the outside world.'*

- 6.45 One young person said he had good contact with his social worker who visited him at least once a month and to whom he regularly spoke on the telephone. The young person said:

*'It's always nice to see her. I was put on a care order as a baby and she has been my social worker since then. But [the visits] aren't always social; we have quite a lot to talk about most of the time, usually about future placements.'*

- 6.46 Six young people said they had never had a visit from their social worker while in custody. One had been in custody for six months and said he had had no contact at all from his social worker. Another had been in custody for two weeks and said he had recently received a letter from his social worker who would be visiting him within a few days.



- 6.47 One young person said he had wanted to arrange a visit with his social worker by phone but had not had any phone credit to do so and had not been able to make a phone call in the establishment office. The staff at the establishment had helped and made a phone call on his behalf but the young person said he would have liked to have spoken to his social worker himself. It was confirmed by the establishment that young people were unable to call their social workers from the office for unspecified security reasons. Neither were they able to speak to their social worker if they had called the establishment. To this extent looked after children are disadvantaged compared with other young people, who are usually permitted to call their families in times of need. However, at another establishment a young person said he was able to make phone calls to his social worker in the staff office when he was unable to purchase phone credit.
- 6.48 The young people who said they had not been visited by their social worker expressed concerns that they were not being kept informed of life outside prison. For example, one young person said:

*'I haven't had any [visits]. I would like to see [my social worker] because I would like to be kept up to date with what's going on outside. I don't know what is happening.'*

## Financial support

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- 6.49 Financial support should be agreed as part of a looked after child's care plan or needs assessment to reflect their individual needs. Young people in custody are expected to pay for telephone calls to their family, social worker and friends, as well as rent for a television and any goods they wish to buy from the prison canteen.
- 6.50 A third of young people (four) said that they thought it was part of their social worker's responsibility to ensure they had enough financial support to meet their needs in custody.
- 6.51 Half of the young people interviewed (six) said they were receiving financial support from their local authority during their time in custody. This ranged from £15 a month to £15 a week. One young person believed money had been sent in on a few occasions but it was not done regularly. Of the five young people who said they received a regular income, two felt it was not enough to cover everything that was needed to get by in custody and specifically noted the negative impact this had on making phone calls:
- 'I never have enough to phone my Mum and Nan as often as I'd like to.'*
- 6.52 One young person said his social worker made sure he got £10 spending money each week and so *'as far as she's concerned, I'm alright'*. However he said he also wanted his social worker to visit him so he could discuss his release plans.
- 6.53 Six young people said they had not received any financial support while in custody. One young person said he was earning £2.50 a week from attending education and was using this to buy extra food. He said this meant he did not have enough money left to make phone calls.
- 6.54 Several safeguarding teams said that without a dedicated worker with specialist knowledge and time allocated to looked after children they felt poorly equipped to ensure that the children

were receiving the financial support they needed and to which they were entitled. Additionally, some safeguarding teams said young people often complained that their social worker was not sending in necessary clothing for them.

- 6.55 The advocate at one establishment said that young people often turned to their service with concerns about clothing and pocket money. The advocate felt they had credibility with local authorities and this enabled them to negotiate with them on the young person's behalf. The advocate said they would contact a solicitor on the young person's behalf if the local authority was not cooperating.

## Summary

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- 6.56 Young people who said that they had spent some time in care were more likely to report a range of complex needs. Most safeguarding teams felt that the YOI took the lead role in managing the care of looked after children in custody. However, limited staff awareness of the specific needs of looked after children meant that consideration of care status in assessments was inconsistent.
- 6.57 Although the care of looked after children should be coordinated between YOIs and local authorities, there were significant barriers to communication between the two agencies. Some safeguarding teams felt that local authorities discharged their duties when a child arrived into custody. The practice of updating social workers with a young person's progress in custody was limited.
- 6.58 Safeguarding teams believed that LAC reviews were taking place as necessary, although formal monitoring was poor. Not all young people who were entitled to a LAC review said they had received one during their time in custody. Only half of young people said they had received a visit from their social worker and these visits were generally infrequent, although the young people receiving visits found them helpful. Only half of young people said they were receiving financial support from the local authority.

## 7. Resettlement of looked after children

- 7.1 This chapter reports on the specific resettlement needs of looked after children and explores the involvement of YOIs, local authorities and YOTs in resettlement planning. It uses information gathered from the interviews with 16 case supervisors to outline the plans in place for 18 looked after children identified by their establishments. Follow-up information describes what happened to the looked after children on their release from custody.

### Resettlement needs

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- 7.2 Looked after children have a range of resettlement needs that should be addressed in preparation for their release from custody. In our survey analysis, the majority of young people who reported that they had spent time in care were sentenced (78%), with the largest percentage of sentenced young people serving between six and 12 months (28%). Two-thirds (68%) of the young people who had spent time in care reported that this was not their first time in a YOI or secure training centre, compared with 38% of young people who reported that they had not spent time in care.
- 7.3 Young people who said that they had been in care were more likely to report that they felt that they would have problems on release than those who said they had not spent time in care (see Table 5). Of particular note, they were more likely to say they thought they would have a problem finding accommodation, getting a job, continuing health services and avoiding bad relationships.

**Table 5: Problems on release for young people who said they had been in local authority care compared with those who said they had not**

Do you think you will have a problem with the following, when you are released:	Have been in care	Have not been in care
Finding accommodation?	34%	26%
Getting into school or college?	28%	31%
Getting a job?	58%	48%
Help with money/finances?	41%	35%
Help with claiming benefits?	30%	23%
Continuing health services?	18%	10%
Opening a bank account?	21%	15%
Avoiding bad relationships?	27%	17%

- 7.4 Young people who said they had been in care were more likely to say they knew who to contact for help with various resettlement issues in preparation for their release, although there was no significant difference for knowing who to contact for help with getting into school or college or getting a job (see Table 6). However, the proportions of young people who said they knew who to contact for help were still relatively low.

**Table 6: Knowing who to contact in preparation for release for young people who said they had been in local authority care compared with those who said they had not**

Do you know who to contact for help with the following in preparation for your release:	Have been in care	Have not been in care
Finding accommodation?	52%	33%
Getting into school or college?	45%	44%
Getting a job?	44%	36%
Help with money or finances?	39%	26%
Help with claiming benefits?	32%	23%
Continuing health services?	28%	19%
Opening a bank account?	40%	25%
Avoiding bad relationships?	35%	21%

## Resettlement planning

7.5 Training plans outline the activities in which a young person will engage while in custody and in preparation for their release. In our survey, a higher number of young people who had been in care were aware that they had a training plan (53%) compared with those young people who said they had never been in care (43%). The training planning process should begin as soon as the young person arrives in custody. The initial meeting should outline who is responsible for each aspect of the training plan.<sup>89</sup>

7.6 Interviews with safeguarding teams and case supervisors indicated that there was a lack of clarity on who had the lead responsibility for the resettlement planning for looked after children. Two of the 16 case supervisors interviewed suggested that the establishment transferred its responsibility to the local authority as it assumed resettlement planning was the authority's sole responsibility. One case supervisor said they were unable to help with accommodation plans and this had therefore not formed part of the young person's training plan. Another said the young person's social worker had been tasked with finding accommodation during the initial resettlement meeting and they were not clear on the progress of these plans:

*'I presume [the social worker] has done this as it's close to his release.'*

7.7 Similarly, one safeguarding team said that they felt it was the local authority's responsibility to make contact with the YOI about resettlement needs. It was therefore unclear what some of these establishments believed to be the extent of their role in the resettlement planning for looked after children. This highlights the need for improved communication between different agencies.

7.8 For the looked after children interviewed, not knowing the plans for their release was their most significant worry. Half of the young people said this was a concern and that it had affected how optimistic they felt about their resettlement. Examples of comments included:

*'I feel very uncertain because when it comes down to it I don't actually know anything. I know what I've got to do but I don't know what others have got to do to help me.'*

*'I have lots of time in here to worry about what will happen when I leave.'*

*'My main worry is that I still have so many questions like "will I get a job now that I've been in prison? What's it going to be like out there?"'*

*'Not a lot of people believe in me now and I want to prove them wrong and make it work. It's down to me really but thinking in here about the future is like being caught up in a whirlwind – so much goes around in my head and there is so much that I don't have any control over.'*

- 7.9 Four young people said they had seen a written copy of their release plan. Of these, three said they were not interested in reading the content because the plans were not specific to their current needs:

*'I sometimes read them but they're all the same.'*

- 7.10 Half of the young people interviewed said they had not seen a written copy of their release plan and two said they could not remember or did not know if they had received one.

## Involvement of local authorities in resettlement plans

- 7.11 The involvement of local authorities in training planning for looked after children is integral to their effective resettlement. The social worker should be invited to attend all training planning meetings and, as a minimum, should attend the initial and pre-release meeting.<sup>90</sup> The social worker is responsible for finalising the release plans and, importantly, for making arrangements for the young person's accommodation on release.<sup>91</sup>
- 7.12 Two-thirds of young people interviewed (eight) thought the role of their social worker during their time in custody was to make plans for their release. However, case supervisors said that social workers for only a third of looked after children had maintained regular contact with the young person and were involved in their resettlement planning. They were primarily involved in arranging suitable accommodation and, to a lesser extent, ETE placements. Case supervisors said five young people's social workers took a proactive role in resettlement, which was facilitated by positive and ongoing communication between the case supervisor and the social worker about how resettlement objectives were being met.
- 7.13 One case supervisor said that they were not aware that a young person on their caseload was a looked after child. As such, there was no understanding of his entitlements as a looked after child and there was no contact with the local authority to plan for his release.
- 7.14 Case supervisors said that only three of the 18 looked after children had, to their knowledge, a looked after child review, focusing on their resettlement needs. One case supervisor said a child on their caseload, entitled to leaving care services, had had a pathway plan review, which coincided with a one to one session with a personal advisor from the leaving care team of the local authority and a placement officer to discuss his accommodation needs.

- 7.15 In contrast, case supervisors said that the social workers of most of the looked after children had very limited involvement with the children for resettlement planning. One young person expressed frustration that this was negatively impacting on his resettlement plans:

*'My social worker needs to fight my corner then things should get a bit better.'*

- 7.16 The majority of safeguarding teams (11) said that a young person's social worker was invited to all training planning meetings to ensure they were involved in the child's resettlement plans. One said they were unsure if the young person's social worker was invited to the meetings. The attendance of social workers at the meetings was reported to be relatively poor: only a third of safeguarding teams said social workers regularly attended. Case supervisors corroborated this, highlighting that attendance was patchy. Only one safeguarding team said that they monitored attendance by social workers and had a procedure to contact and update social workers who did not attend the meetings.
- 7.17 Several safeguarding teams and case supervisors said that resettlement planning by local authorities was often left until too late in the young person's sentence and not enough thought was given to early planning. This highlighted the lack of clarity regarding who was responsible for the resettlement planning of looked after children.
- 7.18 At one establishment, the advocacy service said that looked after children often contacted them as their release date approached because they were concerned about housing and other arrangements for release.
- 7.19 One consequence of the irregular involvement of social workers in early resettlement planning was that the links between care and training planning were weak. Coordination of the care and training plans should ensure that the resettlement planning of a looked after young person is holistic. Some safeguarding teams said that the establishment made efforts to mediate the poor coordination. Three teams said that they attempted to hold LAC reviews on the same day as training planning reviews to ensure that all relevant people were present and that links could automatically be made. This was not always possible because of statutory timescales.

## Involvement of external youth offending teams in resettlement plans

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- 7.20 The YOT case manager should work together with the local authority to coordinate plans for the release of a looked after child and their subsequent support in the community.<sup>92</sup>
- 7.21 Case supervisors said external YOT case managers were in regular contact with the majority of looked after children and were involved in their resettlement planning. In particular, case supervisors said that the YOT case manager was involved in the accommodation arrangements of 10 young people and the ETE placements of four. Case supervisors said the YOT case manager was liaising with the family of two young people to arrange suitable resettlement plans.
- 7.22 It is an HMIP expectation that a representative of the YOT should attend all training planning meetings.<sup>93</sup> Case supervisors interviewed said that YOT attendance at training planning meetings was generally good and that they attended most reviews. YOT case managers were

sometimes seen as the key link to social workers, despite concerns about whether information was passed on effectively.

- 7.23 However, case supervisors said that the involvement of YOT case managers for four young people was limited. These case managers did not regularly attend reviews and were not involved in the young person's resettlement planning.

## Case study 2

One case supervisor described positive joint working and communication between the YOI, the local authority and the external YOT. The case supervisor said that they spoke to the young person's YOT and social worker around every three weeks, updating them on the young person's progress. They described how the social worker had maintained regular visits and provided the young person with financial support. The case supervisor said the social worker took the lead on resettlement planning and had also arranged a LAC review. The review was with the leaving care team with a focus on accommodation on release. The young person's care plan had some links to the training plan, stating who was responsible for each aspect. Their file contained a copy of their pathway plan review.

- 7.24 One safeguarding team said they had worked hard to develop relationships with external YOTs which had led to successful ongoing communication, and suggested that the same effort needed to be invested in relationships with local authorities:

*'Maybe we should do something similar with social workers. Don't know how receptive they'd be.'*

## Involvement of young people and their families in resettlement planning

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- 7.25 HMIP expects that young people should always attend training planning meetings and, where appropriate, that the establishment should take steps to encourage and facilitate the attendance of families and carers.<sup>94</sup>
- 7.26 All safeguarding teams said young people attended training planning meetings where they were invited to contribute to the assessments. In our survey, young people who said they had been in care were more likely to report that they had had a say in what would happen to them on release, although this was still only half of young people (compared with 39% of those who said they had not been in care).
- 7.27 Three-quarters of safeguarding teams (nine) said they invited families and carers to attend training planning meetings when appropriate. Of the three that did not invite families or carers, two felt that it was the YOT's responsibility to invite them, with one explaining that this was because they would not know the relationship between the young person and their parents and might make contact inappropriately.

## Accommodation

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7.28 Making arrangements for suitable accommodation is a fundamental aspect of a young person's resettlement planning. Without accommodation in place, other plans will be difficult to finalise.

7.29 Half of the young people interviewed said they believed it was their social worker's responsibility to arrange their accommodation for release. Concerns were expressed by some young people that accommodation plans would not be made until very close to, or even after, their release date:

*'I think [my social worker] should be concentrating on making sure I have some accommodation arranged and somewhere to go on the day that I am released.'*

7.30 At the time of interview only one young person said he had confirmed living arrangements on release. He was being released within one month of the interview and going into semi-independent living. A third of young people (four) said they had some idea of where they would be living on release but had nothing yet confirmed. These young people were due for release within one to three months of the interview. Of these, one young person said he thought he was going to live with foster carers, and was confident that his social worker would have definite arrangements in time for his release. Another said his social worker had arranged for him to join a leaving care project which would enable him to live semi-independently. He described how his social worker had been proactive in arranging release on temporary licence (ROTL) for him to meet the organisation's workers and see where he would be living. Despite this the young person said he did not feel ready for semi-independent living and wanted to live with a family.

7.31 One young person had heard about his likely next placement through his family, so believed that meetings were happening without his input:

*'... I suppose they have been having meetings without me. It would have been nice to have been told myself.'*

7.32 Seven young people interviewed said they did not know where they would be living on release. Of these, one was being released in four weeks and said he had been told by his social worker he would find out where he would be living on the day of his release. The other young people had between two and six months until their release date. One stressed the importance of suitable accommodation on his chances for effective resettlement:

*'What will be a problem is if I don't get somewhere decent to live... I suppose that could be a problem for everything if I don't get that sorted out.'*

7.33 Finding suitable accommodation for a looked after child was consistently highlighted as a problem, mentioned by over half of safeguarding teams (seven). Two teams said they had had to release young people into inappropriate accommodation, including bed and breakfast, as a result. One case supervisor said that during the final review the local authority or YOT sometimes requested that the young person go to their parent's house on the day of their release and they would then take them to the local authority housing department the next day. The case supervisor said she felt this was unacceptable for a looked after child.



### Case study 3

One young person thought he would have to stay in a bed and breakfast for a few days and then hoped to go into independent living. He believed he would have to go to a bed and breakfast immediately because more permanent living arrangements would not have been confirmed by then, despite the fact that he still had four months until his release date. In the young person's file it was noted:

*'In the past he has been placed in highly unsatisfactory hotel accommodation. This has exposed him to more criminally sophisticated offenders who are able to cope with the transient nature of hotel accommodation. [Name] did explain this was a very difficult time for him and it only shortly preceded the majority of his offending. It is unfortunate that young people are still being placed in this type of accommodation. It has often been seen to precede a spike in a vulnerable young person's offending due to the negative influences and locations of the hotels. It is acknowledged that there were problems when he moved into the above address on a semi supported basis. This is due to support being offered only a total of six hours a week which is not sufficient for a young person living on his own.'*

The case notes stated that the young person's social worker did not attend any of his training planning meetings. The notes on his early release review stated:

*'Accommodation to be arranged by social services as LAC. This will be sorted just before release so no issues at this time.'*

- 7.34 One interview with a case supervisor highlighted that a social worker could be heavily involved in a young person's resettlement planning but still fail to secure suitable local authority accommodation in time for their release. The case supervisor described how the social worker had taken the lead for arranging accommodation at the initial review and attended all training planning meetings to discuss accommodation. Despite this the young person still did not know his address two days before he was due to be released.
- 7.35 One advocate said that case supervisors were generally unaware of the Southwark Judgement (see paragraph 2.20). They said case supervisors often referred young people to them when a local authority was refusing to cooperate in providing accommodation. The advocate said they were able to represent the child and place pressure on the local authority to ensure that they received the accommodation services to which they were entitled.

### Early release

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- 7.36 Gaining early release can be beneficial for a young person, who can start to establish their resettlement plans, including beginning employment or education. A failure to start resettlement planning on a young person's arrival in custody, and the subsequent lateness of confirmed accommodation placements, impacts on their chances for early release. Looked after children who would otherwise be successful in their early release application could be declined because they have no confirmed address. There was no formal monitoring or statistics to ascertain how many looked after children had not been granted early release due to this lack of early planning.

## Case study 4

One case supervisor said that for the looked after children on his caseload, accommodation plans would often not be discussed until the final review meeting. This had consequences for their chances of early release. One young person on his caseload had been due early release and had had a review meeting arranged to confirm his accommodation plans. Neither his social worker or YOT case manager attended the meeting and, without accommodation, the young person did not get their early release.

### Education, training and employment

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- 7.37 Two young people specifically said they felt the effectiveness of their resettlement depended on whether they secured employment on release. One young person expressed his frustration about the lack of support he was receiving in finding a job:

*'I want to come out and go straight into a job but everyone always says "we don't want to rush anything." But it isn't about rushing things for me it's about keeping out of trouble.'*

- 7.38 Of the 12 young people interviewed, only two said they had confirmed plans for education or employment immediately after release. Both said they had a place arranged at college to study mechanics for 25 hours a week as part of a post-prison scheme. In contrast to most young people who said they did not know what release plans were in place, one of these young men was optimistic and excited:

*'I'm going to join a NACRO project to learn to be a mechanic... I'll be starting as soon as I leave here and I'm really looking forward to it.'*

- 7.39 Another young person said he had an accommodation placement combined with work arranged for three months after his release date but was unsure of what he would be doing prior to this. Discussions during reviews had not covered it:

*'As far as I know they have sorted the placement in three months time out for me and it's down to me to manage until then.'*

- 7.40 All other young people said they had an idea of what they would like to do on release but had nothing confirmed in terms of education or employment. Three said they wanted to go to college, with one saying he believed his YOT case manager would help to arrange this. Three said they wanted to get an apprenticeship. One of these young people already had an apprenticeship before coming into custody and was hopeful he could continue this on release with the support of a Catch 22 worker. Another young person said his case supervisor was sorting out an apprenticeship for him as his leaving care worker had not been in contact since he had arrived in custody. Two young people said they wanted to get a job but there had been no discussions or plans put in place to ensure this.

## Support on release

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### At the gate

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- 7.41 Looked after children should know who is collecting them on the day of their release.<sup>95</sup> Young people should be supported during this time as this is likely to be when they are most vulnerable. One resettlement strategy highlighted that the YOI should make arrangements for a looked after child to be collected by an appropriate adult on the day of their release from custody.
- 7.42 Half of the young people said they did not know who would be collecting them on the day of their release. Of these, two said they hoped their YOT case manager would collect them, one hoped it would be their social worker and two thought it would be their leaving care worker, but none had had these arrangements confirmed. Of those who said that they did know, four said that they were being collected by a member of their family. One said their social worker would be collecting them and another said it would be their YOT case manager.
- 7.43 One safeguarding team said they sometimes had difficulties in arranging for social workers to come and collect a looked after child in their care on the day they were released from custody.

### Case study 5

One young person said he was really worried about who would be collecting him on his day of release because of a previous experience of leaving custody. On the last occasion the young person said he had been told he would be collected on his day of release but nobody had arrived. After waiting all day he had eventually received a travel warrant from the YOI and made his own way to his independent placement by train. The young person said he had no contact or support from his YOT case manager or social worker all weekend or any money provided: *'I reoffended because I couldn't manage financially and because my social worker went sick for a week after I was released. I got no emotional support from anyone.'*

### Beyond the gate

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- 7.44 Young people are particularly vulnerable in the early days of release and need considerable support, both practically and emotionally. The social worker should maintain close contact with the child to ensure he/she is supported during this crucial time. While the YOT is responsible for overseeing the young person in relation to offending behaviour, the social worker has a more extensive role in promoting and safeguarding the child's welfare.<sup>96</sup>
- 7.45 Despite their concerns about plans for release, three-quarters of young people interviewed (nine) felt quite optimistic that their resettlement arrangements would work out for them. However, seven young people said that the success of their release plans was at least partly dependent on the amount of support they would receive from their social worker, YOT case manager and other agencies on their release. This was reflected by a comment from a YOT case manager in the file of a young person returning to semi-independent accommodation:

*'With more significant support and intervention than is currently present it is assessed that [name] would be able to manage himself independently. However this is conditional on the support being put in place to enable [name] to achieve a positive outcome for himself.'*

- 7.46 However, two young people felt the success of their release arrangements was dependent only on them:

*'I think that it will work out because it's something that is all down to me.'*

- 7.47 Only two young people said they were confident that their social worker would provide them with sufficient support on release. Both had had the same social worker for a considerable amount of time and their positive previous experiences were reflected in their comments:

*'I am confident that my social worker will sort it all out properly. She is my support for everything and I don't really need any other professional support.'*

*'My social worker has always been my mentor and will continue to be.'*

- 7.48 These experiences contrasted with three young people who said they were not optimistic about their release plans because they had been let down previously by local authorities. They said:

*'People say that they are going to do things but they don't happen.'*

*'When I am told I would like to know that something is actually going to happen and it isn't just words.'*

- 7.49 Five young people said they felt their YOT case manager would have more contact and provide more support than their social worker on release. One young person said:

*'They have the most important job and that is to stop me coming back to prison.'*

- 7.50 Of these five young people, two specifically mentioned plans set in place by their YOT case manager which had made them feel more confident about their release, and said that their case manager would be there to support them. One said he would be taking part in a YOT programme as part of his licence and this had been discussed at his training planning reviews. He felt that this would be good support on release:

*'[The YOT programme] will keep me busy and there are plenty of people to help me there.'*

- 7.51 Two young people said that they would have a mentor to support them on their release and another two said they believed financial benefits would be the only support they would receive. Of these, one said he would be receiving Jobseeker's Allowance but would rather have advice on finding a job:

*'Yes I know about financial support because I know that I shall be getting Jobseekers Allowance. But I don't really want that because I want to get a job and no one is talking to me about that.'*

This young person also spoke of his wish to have the same key worker he had had prior to entering custody as they had provided him with emotional support, but he was not assured this would happen.

- 7.52 A third of young people (four) said they did not know what support would be available to them when they were released. One young person was particularly concerned about this because he would be 18 when he left custody. He was worried that this would mean he was no longer entitled to support:

*'When I leave I will be 18 and then I think they'll just leave me on my own.'*

The concern about the availability of support on release, exacerbated by negative previous experiences, was succinctly expressed by one young person:

*'I just try not to get happy any more. I've learnt not to get my hopes up. I'll just wait and see.'*

## Follow-up findings

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### Accommodation

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- 7.53 Case supervisors were asked to complete follow-up questionnaires about the 18 looked after children's accommodation and ETE arrangements on the day of their release and approximately one month after release. Questionnaires were returned for 12 of the children on the day of their release and for nine of the children one month after release.
- 7.54 One case supervisor said that one looked after child did not have an address on release and had to report to the local authority as homeless. This young person had previously lived with his sister but the arrangement was no longer available. The information about where this young person was living one month after release was not returned.
- 7.55 Another case supervisor said one looked after child was released into bed and breakfast accommodation. The case supervisor explained that the child's social worker had found it extremely difficult to secure suitable accommodation due to the young person's previous challenging and disruptive behaviour. The case supervisor recognised that this accommodation was unsuitable. The information about where this young person was living one month after release was not returned.
- 7.56 Case supervisors said that three looked after children went to live with their family. One month after release, case supervisors said two of these young people were still living with their family, although one was in breach of his licence conditions. The other young person had been relocated several times due to gang involvement and subsequent fears for his safety. It was unclear from the follow-up questionnaire where he was living one month after release.
- 7.57 Case supervisors said that seven looked after children were released into accommodation provided by the local authority. For five, case supervisors reported that this was supported housing but for two no information was provided about the nature of the local authority accommodation.

- 7.58 One month after release, case supervisors said that three of the young people who had gone into supported accommodation were back in custody. One case supervisor said one looked after child never resided in the accommodation arranged for him because he was arrested at the gate on the day of his release. He was taken to a police station, refused bail and returned to custody. One young person did not stay at the accommodation arranged for him and was recalled to custody as a result of breaching his licence conditions.
- 7.59 As mentioned previously, this follow-up information was collected as part of the HMIP thematic on accommodation and ETE resettlement provision for young people in custody. The number of looked after children who returned to custody was disproportionately higher than other young people in the sample for this thematic. The three looked after children who returned to custody within one month of release represented half of the total number of young people who were returned to custody (six), despite making up less than a third of the total sample (30%).
- 7.60 One case supervisor said one looked after child who was released into supported accommodation was evicted due to poor behaviour. He went to live with his grandmother for a short time who could not cope with his conduct. One month after release, the young person was living in unsuitable bed and breakfast accommodation.
- 7.61 Case supervisors said two looked after children who were released into local authority accommodation (one supported, the other unknown) were living in a hostel one month after their release. In both cases, the case supervisors said the local authority accommodation was only intended as a temporary placement.

### **Education, training and employment**

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- 7.62 Case supervisors of two looked after children said they had an ETE placement arranged for immediately after release. Case supervisors of a further two looked after children said that a training programme had been arranged for them during their time in custody, yet they had not been given a start date for this placement by the day of their release or one month afterwards.
- 7.63 Case supervisors said that four looked after children had a pre-arranged meeting with an ETE advisor for after their release. However, it was unclear whether they attended these appointments. Two of the young people returned to custody within one month. The information for one young person was not returned and the other gained a place on a college course (see below).
- 7.64 Case supervisors indicated that only one looked after child was in an ETE placement a month after release. This young person enjoyed studying computer music during his time in custody. The case supervisor reported that his YOT case manager arranged for him to continue his studies on release. Of the two looked after children who had an ETE placement arranged for immediately after release, one young person did not take up the placement and the other young person's placement was disrupted because of safety concerns after gang involvement.
- 7.65 Three case supervisors cited a lack of stable accommodation as a key factor in a young person's ability to secure and maintain an ETE placement.

## Summary

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- 7.66 Our survey analysis highlighted that young people who had been in care anticipated that they would have more problems on release than young people who had not been in care.
- 7.67 Some case supervisors suggested that there was a lack of understanding about who should take responsibility for the resettlement planning for looked after children. Case supervisors said that local authorities were fully involved in the resettlement planning of only a third of looked after children, with attendance at training planning meetings described as patchy. Case supervisors said that resettlement planning was often left too late. YOT involvement in resettlement planning was good, with regular attendance at training planning meetings.
- 7.68 Young people were concerned about a lack of early resettlement planning, particularly with regards to accommodation. Most young people did not know where they would be living on release. Safeguarding teams said finding suitable accommodation for looked after children was a significant problem.
- 7.69 Only half of the young people interviewed said they knew who would be collecting them on the day of their release. Young people were generally optimistic about their release but were clear that their success was dependent on whether they received the support they needed. Previous experiences of being let down meant some young people were not hopeful about their prospects on release.
- 7.70 Follow-up information from case supervisors indicated that more than half of looked after children were released into local authority accommodation and three were living with family members on release. One young person was released homeless and one into unsuitable bed and breakfast accommodation. Three looked after children returned to custody within one month of release. Two looked after children had a pre-arranged ETE placement to start immediately after release and only one was in an ETE placement a month after release.

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- <sup>1</sup> [www.howardleague.org/early-release/](http://www.howardleague.org/early-release/)
- <sup>2</sup> Department for Children, Schools and Families (2010), *IRO Handbook*, Nottingham: DCSF Publications.
- <sup>3</sup> [www.yjb.gov.uk/en-gb/practitioners/Monitoringperformance/Nationalstandards/](http://www.yjb.gov.uk/en-gb/practitioners/Monitoringperformance/Nationalstandards/)
- <sup>4</sup> Hereafter referred to as the 1989 Act.
- <sup>5</sup> Department for Education (2010), *Children looked after in England (including adoptions and care leavers), year ending 31 March 2010*, SFR 27/2010, London: DfE.
- <sup>6</sup> Ibid.
- <sup>7</sup> House of Commons Children, Schools and Families Committee (2009), *Looked-after Children Third Report of Session 2008–09*. Volume 1, London: The Stationery Office.
- <sup>8</sup> Ibid.
- <sup>9</sup> *Children Act 1989*
- <sup>10</sup> Department for Education (2010), *Children looked after in England (including adoptions and care leavers), year ending 31 March 2010*, SFR 27/2010. London: DfE.
- <sup>11</sup> House of Commons Children, Schools and Families Committee (2009), *Looked-after Children Third Report of Session 2008–09*. Volume 1, London: The Stationery Office.
- <sup>12</sup> The remaining looked after children (8%) were under a placement order where a local authority is authorised to place a child for adoption. Department for Education (2010), *Children looked after in England (including adoptions and care leavers), year ending 31 March 2010*, SFR 27/2010. London: DfE.
- <sup>13</sup> Ibid.
- <sup>14</sup> Department for Education (2010), *Outcomes for children looked after by local authorities in England, as at 31 March 2010*, SFR 38/2010. London: DfE.
- <sup>15</sup> Department for Education (2010), *Children looked after in England (including adoptions and care leavers), year ending 31 March 2010*, SFR 27/2010. London: DfE.
- <sup>16</sup> Ford, T., Vostanis P., Meltzer H., and Goodman R. (2007), *Psychiatric disorder among British children looked after by local authorities: comparison with children living in private households*, *British Journal of Psychiatry* 190, 319–325.
- <sup>17</sup> Department for Children, Schools and Families (2009), *Children looked after in England (including adoption and care leavers) year ending 31 March 2009*, SFR 25/2009. London: DCSF.
- <sup>18</sup> Prison Reform Trust (2010), *Bromley Briefings Prison Factfile July 2010*. London: Prison Reform Trust
- <sup>19</sup> Jacobson, J., Bhardwa, B., Gyateng, T., Hunter, G. and Hough, M. (2009), *Punishing Disadvantage: A profile of children in custody*. London: Prison Reform Trust.
- <sup>20</sup> Arnull, E., Eagle, S., Gammampila, A., Patel, S.L., Sadler, J., Thomas, S., Bateman, T. (2007), *Housing needs and experiences*, London: Youth Justice Board
- <sup>21</sup> Glover, P. and Hibbert, P. (2009) *Locking up or Giving Up? Why custody thresholds for teenagers aged 12, 13 and 14 need to be raised. An analysis of the cases of 214 children sentenced to custody in England 2007–08*. Ilford: Barnardo's
- <sup>22</sup> Jacobson, J., Bhardwa, B., Gyateng, T., Hunter, G. and Hough, M. (2009), *Punishing Disadvantage: A profile of children in custody*. London: Prison Reform Trust.
- <sup>23</sup> Hazel, N., Hagell, A., Liddle, M., King, J., Grimshaw, R., Archer, D. (2002), *Detention and Training: Assessment of the detention and training order and its impact on the secure estate across England and Wales*. London: Youth Justice Board
- <sup>24</sup> Arnull, E., Eagle, S., Gammampila, A., Archer, D., Johnston V., Miller K., Pitcher, J. (2005), *Persistent Young Offenders: A Retrospective Study*. London: Youth Justice Board
- <sup>25</sup> Social Exclusion Unit (2002), *Reducing reoffending by ex-prisoners*. London: Office of the Deputy Prime Minister
- <sup>26</sup> R (on the application of the Howard League for Penal Reform) v Secretary of State for the Home Department (No. 2) [2002] EWHC 2497 (Admin).
- <sup>27</sup> Department for Education and Skills (2004a), *Safeguarding and Promoting the Welfare of Children and Young People in Custody, LAC (2004)26*. London: DfES.
- <sup>28</sup> Ibid.



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- <sup>29</sup> Joint Report by The Association of Directors of Social Services, The Local Government Association and The Youth Justice Board (2003), *The Application of the Children Act (1989) to Children in Young Offender Institutions*. London: Youth Justice Board.
- <sup>30</sup> HM Government (2010), *The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review*. Nottingham: DCSF Publications.
- <sup>31</sup> Ibid.
- <sup>32</sup> Ibid.
- <sup>33</sup> Ibid.
- <sup>34</sup> Ibid.
- <sup>35</sup> Ibid.
- <sup>36</sup> Ibid.
- <sup>37</sup> National Offender Management Service, *Care and Management of Young People*, PSI 28/2009.
- <sup>38</sup> HM Government (2010), *The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review*. Nottingham: DCSF Publications.
- <sup>39</sup> This is a statutory obligation from April 2011.
- <sup>40</sup> Department for Children, Schools and Families (2010), *IRO Handbook*, Nottingham: DCSF Publications.
- <sup>41</sup> HM Government (2010), *The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review*. Nottingham: DCSF Publications.
- <sup>42</sup> National Offender Management Service, *Care and Management of Young People*, PSI 28/2009.
- <sup>43</sup> HM Inspectorate of Prisons (2009), *Expectations for Children and Young People in Prison Custody*, London: HMI Prisons.
- <sup>44</sup> HM Government (2010), *The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review*. Nottingham: DCSF Publications.
- <sup>45</sup> Ibid.
- <sup>46</sup> Ibid.
- <sup>47</sup> Ibid.
- <sup>48</sup> Ibid.
- <sup>49</sup> Department for Education and Skills (2004) *Independent Reviewing Officers Guidance: Adoption and Children Act 2002*. London: DfES.
- <sup>50</sup> House of Commons Children, Schools and Families Committee (2009), *Looked-after Children Third Report of Session 2008–09*, Volume 1. London: The Stationery Office.
- <sup>51</sup> Secretary of State for Children, School and Families (2010), *Responsibilities of the Local Authority to children who cease to be looked after children in custody: Statutory Guidance to the Children Act 1989*. London: Stationery Office.
- <sup>52</sup> Ibid.
- <sup>53</sup> Ibid.
- <sup>54</sup> *R (on the application of G) v Southwark LBC [2009] UKHL 26*.
- <sup>55</sup> House of Commons Children, Schools and Families Committee (2009), *Looked-after Children Third Report of Session 2008–09*, Volume 1. London: The Stationery Office.
- <sup>56</sup> Secretary of State for Children, School and Families (2010), *Responsibilities of the Local Authority to children who cease to be looked after children in custody: Statutory Guidance to the Children Act 1989*. London: Stationery Office.
- <sup>57</sup> *The Care Leavers (England) Regulations 2010: 3(2)(c)*
- <sup>58</sup> HM Government (2010), *The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review*. Nottingham: DCSF Publications.
- <sup>59</sup> Ibid.
- <sup>60</sup> *Children (Leaving Care) Act 2000*
- <sup>61</sup> Hart, D. (2006), *Tell them not to forget about us*. London: National Children's Bureau.

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- <sup>62</sup> House of Commons Children, Schools and Families Committee (2009), *Looked-after Children Third Report of Session 2008–09*, Volume 1. London: The Stationery Office.
- <sup>63</sup> R (on the application of J) v Caerphilly County Borough Council [2005] EWHC 586 (Admin).
- <sup>64</sup> The Howard League for Penal Reform (2010), *Response to the visits to Former Looked after Children in Detention (England) Regulations 2010 Consultation*. [www.howardleague.org](http://www.howardleague.org)
- <sup>65</sup> Hart, D. (2006), *Tell them not to forget about us*. London: National Children's Bureau.
- <sup>66</sup> Ibid.
- <sup>67</sup> The Howard League for Penal Reform (2010), *Response to the visits to Former Looked after Children in Detention (England) Regulations 2010 Consultation*. [www.howardleague.org](http://www.howardleague.org)
- <sup>68</sup> Ibid.
- <sup>69</sup> House of Commons Children, Schools and Families Committee (2009), *Looked-after Children Third Report of Session 2008–09*. Volume 1. London: The Stationery Office.
- <sup>70</sup> Hart, D. (2006), *Tell them not to forget about us*. London: National Children's Bureau.
- <sup>71</sup> Ibid.
- <sup>72</sup> Personal correspondence with the Youth Justice Board.
- <sup>73</sup> National Offender Management Service, *Care and Management of Young People*, PSI 28/2009.
- <sup>74</sup> *Expectations for Children and Young People in Prison Custody* is the document which sets out the detailed criteria HM Inspectorate of Prisons uses to appraise and inspect YOIs.
- <sup>75</sup> Her Majesty's Inspectorate of Prisons (2009), *Expectations for Children and Young People in Prison Custody*, London: HMI Prisons.
- <sup>76</sup> Hart, D. (2006), *Tell them not to forget about us*. London: National Children's Bureau.
- <sup>77</sup> A copy of Stoke Heath's policy on looked after children was sent with the returned questionnaire.
- <sup>78</sup> R (on the application of the Howard League for Penal Reform) v Secretary of State for the Home Department (No. 2) [2002] EWHC 2497 (Admin).
- <sup>79</sup> Nacro Youth Crime Briefing (2008), *Children in custody: local authority duties, responsibilities and powers*. London: Nacro.
- <sup>80</sup> Examples of good practice labelled as 'self-reported' refer to findings that were reported by a safeguarding team representative in their questionnaire. This self-reported good practice is corroborated with the HM Inspectorate of Prisons report of an announced inspection of HMYOI Hindley October 2009.
- <sup>81</sup> These findings are consistent with year on year figures produced from HM Inspectorate of Prisons children and young people's surveys.
- <sup>82</sup> HM Government (2010), *The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review*. Nottingham: DCSF Publications.
- <sup>83</sup> Department for Children, Schools and Families (2010), *Children looked after in England (including adoptions and care leavers), year ending 31 March 2010*, SFR 27/2010, London: DCSF.
- <sup>84</sup> Joint Report by The Association of Directors of Social Services, The Local Government Association and The Youth Justice Board (2003), *The Application of the Children Act (1989) to Children in Young Offender Institutions*. London: Youth Justice Board.
- <sup>85</sup> HM Government (2010), *The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review*. Nottingham: DCSF Publications. Statutory obligation from April 2011.
- <sup>86</sup> Department for Education and Skills (2004), *Independent Reviewing Officers Guidance: Adoption and Children Act 2002*. London: DfES.
- <sup>87</sup> HM Government (2010), *The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review*. Nottingham: DCSF Publications.
- <sup>88</sup> Hart, D. (2006), *Tell them not to forget about us*. London: National Children's Bureau.
- <sup>89</sup> Her Majesty's Inspectorate of Prisons (2009), *Expectations for Children and Young People in Prison Custody*, London: HMI Prisons.
- <sup>90</sup> HM Government (March 2010), *The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review*. Nottingham: DCSF Publications.

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<sup>91</sup> National Offender Management Service, *Care and Management of Young People*, PSI 28/2009.

<sup>92</sup> HM Government (2010), *The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review*. Nottingham: DCSF Publications

<sup>93</sup> Her Majesty's Inspectorate of Prisons (2009), *Expectations for Children and Young People in Prison Custody*, London: HMI Prisons.

<sup>94</sup> Ibid.

<sup>95</sup> HM Government (2010), *The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review*. Nottingham: DCSF Publications.

<sup>96</sup> Ibid.



# Appendix I

## Methodology

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### Children and young people survey data

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As part of a service level agreement with the Youth Justice Board, researchers from HM Inspectorate of Prisons (HMIP) survey a representative sample of young people at each young people's establishment on an annual basis. These surveys will also form part of the evidence base for individual establishment inspections when this coincides with the inspection timetable. Findings from young people surveyed at seven establishments between May and October 2010 were used for this report. This included five establishments holding young men, with separate surveys conducted at four specialist units within them, and two establishments holding young women. A total of 11 separate survey samples are therefore included. The dates of the surveys are shown in the table below. Details about each establishment can be found in Appendix II.

<b>Male establishments</b>	<b>Date of survey</b>
Wetherby	28 June 2010
Keppel (specialist unit at Wetherby)	28 June 2010
Anson (specialist unit at Wetherby)	28 June 2010
Parc	6 July 2010
Warren Hill	14 July 2010
Carlford (specialist unit at Warren Hill)	14 July 2010
Cookham Wood	28 September 2010
Feltham	18 October 2010
Heron (specialist unit at Feltham)	18 October 2010
<b>Female establishments</b>	
Rivendell, New Hall	24 May 2010
Josephine Butler, Downview	24 September 2010

In total, 623 responses from young people have been analysed, with responses from 600 young men and 23 young women. A comparison was conducted between young people who reported that they had been in care and those who had not. This self-reported data revealed that 163 (27%) young people reported that they had, at some point, spent some time in local authority care and 430 (73%) that they had not. The full analysis is shown in Appendix III.

Missing data has been excluded and figures have been rounded to the nearest whole number.

### **Interviews and questionnaires with safeguarding teams**

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Fieldwork was carried out at six young men's establishments (Cookham Wood, Feltham, Parc, Warren Hill, Werrington and Wetherby) between July and October 2010.

At these fieldwork sites HMIP interviewed a member of the safeguarding team in order to gain information about how the needs of looked after children were met in their establishment. We also asked establishments to direct us to any member of staff who had specific responsibilities for looked after children and additional interviews were conducted. In the main, independent advocates were suggested as sometimes having involvement with looked after children who were experiencing problems with securing accommodation on release. Six advocates included in the care of looked after children were interviewed.

A questionnaire (see Appendix IV) with the same aim was sent to the head of safeguarding at the other six young people's establishments (Ashfield, Hindley, Stoke Heath, Josephine Butler unit, Mary Carpenter unit, and Rivendell unit). All questionnaires were returned so all 12 young people's establishments were included.

### **Interviews with young people**

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In total, 12 young people were interviewed by HMIP. Two looked after children were selected at each of the six fieldwork sites. The young people were identified by the establishment as being currently on a care order (section 31), looked after on a voluntary basis (section 20) immediately prior to entering custody, or as meeting the criteria for support as care leavers (eligible or relevant children). The interviews were designed to gauge the young person's experiences and feelings as a looked after child in custody. See Appendix V for the full interview schedule.

### **Interviews with case supervisors**

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At the six fieldwork sites HMIP interviewed case supervisors of looked after children (identified as above) who were within one month of their release date. In total, 16 case supervisors were interviewed about 18 looked after children on their caseload. These interviews were designed to gain information about the involvement of external YOTs and local authorities in the resettlement planning of looked after children.

The follow-up to these interviews required the case supervisors to complete and return a pro forma about the young person's accommodation and ETE arrangements shortly after their release. This was followed by details of these arrangements approximately one month after the young person's release.

The case supervisor interviews and follow-up information were collected as part of an HMIP thematic on the accommodation and ETE resettlement provision for young people in custody. The sample included 61 young people, of which 18 were identified as looked after. See Appendix VI for the interview schedule used with case supervisors and the two follow-up questionnaires.

## Appendix II

### The young people's estate

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#### Male establishments

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##### **Anson – specialist unit**

Located within HMYOI Wetherby (see below) the Anson unit holds a population of long-term determinate and life-sentenced young people. The specialist unit manages these young people towards release or transition to other establishments to serve their sentence.

##### **Ashfield – dedicated site**

Ashfield, in Bristol, opened in November 1999 and changed from a split site to a dedicated site in 2004. It is privately run by Serco Ltd. It holds both sentenced and unsentenced young men.

##### **Carlford – specialist unit**

The Carlford unit is a specialist unit attached to HMYOI Warren Hill (see below) and holds long-term sentenced young people.

##### **Cookham Wood – dedicated site**

Cookham Wood, in Rochester, Kent, was built in the 1970s and was re-roled from a women's establishment to accommodate young men in July 2007.

##### **Feltham – split site**

Feltham, in Middlesex, serves mainly the London area. It opened in 1983 and began holding young people from 1988. It holds sentenced, but mainly unsentenced, young people and young adults and has the largest population of unsentenced young men.

##### **Heron – specialist unit**

The Heron unit is a specialist unit within HMYOI Feltham. It is a 30-bed enhanced resettlement unit which opened in November 2009.

##### **Hindley – dedicated site**

Hindley, near Wigan, opened in 1961. Previously a split site, it became a dedicated site for unsentenced and sentenced children and young people in April 2009 and is now the largest establishment in the country holding 15–18-year-olds. Hindley has a complex needs unit for young people requiring more intensive interventions.

##### **Keppel – specialist unit**

The Keppel unit at HMYOI Wetherby opened in 2008 and is a national resource for vulnerable young people and those who find it difficult to engage in the regime in larger establishments.

##### **Parc – mixed site**

Parc is the only male establishment to hold young people, young adults and adults on the same site. The only private prison in Wales, it opened in 1997 and is run by Group 4 Securicor (G4S). The young people's unit holds sentenced and unsentenced young men.



**Stoke Heath – split site**

Stoke Heath, in Shropshire, opened in 1964 and became a young offender institution (YOI) in 1988. At the time of research it held sentenced and unsentenced young people and young adults. It has since been announced that it will no longer hold young people.

**Warren Hill – dedicated site**

Warren Hill, in Suffolk, opened in 1982. It became an establishment exclusively for young people in October 2000 and holds sentenced and unsentenced young men.

**Werrington – dedicated site**

Werrington, near Stoke-on-Trent, opened in 1895 and has held young people since 1988. It is one of the oldest establishments for young people and holds sentenced young men.

**Wetherby – dedicated site**

Wetherby, in North Yorkshire, opened in 1958, but only began holding young people in 1983. In April 2000 it became a dedicated establishment for sentenced and unsentenced young people.

**Female establishments**

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**Josephine Butler unit**

The Josephine Butler unit is in the grounds of HMP Downview, a closed women's prison in Surrey. The unit opened in December 2004 and holds sentenced young women and those on remand.

**Mary Carpenter unit**

The Mary Carpenter unit is in the grounds of HMP Eastwood Park, a closed women's prison near Bristol. The unit opened in October 2005 and holds 16 young women.

**Rivendell unit**

Located in Wakefield, West Yorkshire, the Rivendell unit is in the grounds of a closed women's local prison, HMP New Hall. The unit opened in December 2005. At the time of research it was the largest unit for young women, with an operational capacity of 26. Since then, it has been announced that the capacity will reduce to nine young women.

## Appendix III: Survey responses from children and young people, April 2010 to October 2010

**Survey responses** (missing data has been excluded for each question). Please note: where there are apparently large differences, which are not indicated as statistically significant, this is likely to be due to chance.

### Key to tables

	Any percentage highlighted in green is significantly better	Have been in local authority care	Have not been in local authority care
	Any percentage highlighted in blue is significantly worse		
	Any percentage highlighted in orange shows a significant difference in demographic details		
	Percentages which are not highlighted show there is no significant difference		
<b>Number of completed questionnaires returned</b>		<b>163</b>	<b>430</b>
<b>SECTION 1: ABOUT YOU</b>			
1.1	Are you 18 years of age?	12%	11%
1.2	Are you a foreign national?	1%	7%
1.3	Is English your first language?	95%	89%
1.4	Are you from a minority ethnic group (including all those who did not tick white British, white Irish or white other category)?	33%	47%
1.5	Are you Muslim?	12%	23%
1.6	Do you consider yourself to be Gypsy/Romany/Traveller?	9%	4%
1.7	Do you have any children?	18%	9%
1.8	Do you consider yourself to have a disability?	17%	7%
<b>SECTION 2: ABOUT YOUR SENTENCE</b>			
2.1	Are you sentenced?	78%	69%
2.2	Is your sentence 12 months or less?	40%	33%
2.3	Have you been in this establishment for one month or less?	18%	23%
2.4	Is this your first time in custody in a YOI, secure children's home or secure training centre?	32%	62%
<b>SECTION 3: COURTS, TRANSFERS AND ESCORTS</b>			
For your most recent journey, either to or from court or between prisons, we want to know:			
3.1	Was the van clean?	48%	44%
3.2	Did you feel safe?	83%	80%
3.3	Did you travel with any adults (over 18) or anyone of a different gender?	25%	23%
3.4	Did you spend more than four hours in the van?	10%	5%
For those who spent two or more hours in the escort van:			
3.5	Were you offered a toilet break if you needed it?	18%	14%
3.6	Were you offered anything to eat or drink?	42%	34%
3.7	Were you treated well/very well by the escort staff?	65%	52%
3.8	Before you arrived here (either from court or another establishment), were you told that you would be coming to this establishment?	81%	77%
3.9	Before you arrived here (either from court or another establishment), were you given written information about coming to this establishment?	1%	3%

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<b>Number of completed questionnaires returned</b>		<b>163</b>	<b>430</b>
<b>SECTION 4: YOUR FIRST FEW DAYS HERE</b>			
<b>4.1</b>	Were you in reception for less than two hours?	<b>84%</b>	<b>75%</b>
<b>4.2</b>	When you were searched was this carried out in an understanding way?	<b>85%</b>	<b>77%</b>
<b>4.3</b>	Were you treated well/very well in reception?	<b>73%</b>	<b>66%</b>
When you first arrived, did staff ask if you needed help or support with any of the following:			
<b>4.4a</b>	Not being able to smoke?	<b>58%</b>	<b>53%</b>
<b>4.4b</b>	Loss of property?	<b>30%</b>	<b>18%</b>
<b>4.4c</b>	Housing problems?	<b>25%</b>	<b>15%</b>
<b>4.4d</b>	Needing protection from other young people?	<b>26%</b>	<b>21%</b>
<b>4.4e</b>	Letting family know where you were?	<b>66%</b>	<b>60%</b>
<b>4.4f</b>	Money worries?	<b>17%</b>	<b>17%</b>
<b>4.4g</b>	Feeling low/upset/needing someone to talk to?	<b>45%</b>	<b>36%</b>
<b>4.4h</b>	Health problems?	<b>64%</b>	<b>56%</b>
<b>4.4i</b>	Getting phone numbers?	<b>46%</b>	<b>41%</b>
<b>4.5</b>	Did you have any problems when you first arrived?	<b>82%</b>	<b>73%</b>
When you first arrived, did you have problems with any of the following:			
<b>4.5a</b>	Not being able to smoke?	<b>48%</b>	<b>48%</b>
<b>4.5b</b>	Loss of property?	<b>20%</b>	<b>16%</b>
<b>4.5c</b>	Housing problems?	<b>25%</b>	<b>10%</b>
<b>4.5d</b>	Needing protection from other young people?	<b>10%</b>	<b>7%</b>
<b>4.5e</b>	Letting family know where you were?	<b>28%</b>	<b>19%</b>
<b>4.5f</b>	Money worries?	<b>23%</b>	<b>20%</b>
<b>4.5g</b>	Feeling low/upset/needing someone to talk to?	<b>24%</b>	<b>16%</b>
<b>4.5h</b>	Health problems?	<b>16%</b>	<b>10%</b>
<b>4.5i</b>	Getting phone numbers?	<b>36%</b>	<b>30%</b>
When you first arrived, were you given any of the following:			
<b>4.6a</b>	A reception pack?	<b>74%</b>	<b>73%</b>
<b>4.6b</b>	The opportunity to have a shower?	<b>36%</b>	<b>25%</b>
<b>4.6c</b>	Something to eat?	<b>85%</b>	<b>78%</b>
<b>4.6d</b>	A free phone call to friends/family?	<b>69%</b>	<b>74%</b>
<b>4.6e</b>	Information about the PIN telephone system?	<b>54%</b>	<b>49%</b>
<b>4.6f</b>	Information about feeling low/upset?	<b>31%</b>	<b>23%</b>

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Within your first 24 hours, did you have access to the following people or services:			
<b>4.7a</b>	The chaplain or religious leader?	<b>60%</b>	<b>49%</b>
<b>4.7b</b>	A peer mentor, Listener or the Samaritans?	<b>26%</b>	<b>17%</b>
<b>4.7c</b>	Did you have access to the prison shop/canteen?	<b>14%</b>	<b>12%</b>
<b>4.8</b>	Before you were locked up on your first night, were you seen by a member of health care staff?	<b>77%</b>	<b>66%</b>
<b>4.9</b>	Did you feel safe on your first night here?	<b>82%</b>	<b>77%</b>
<b>4.10</b>	For those who have been on an induction course: did it cover everything you needed to know about the establishment?	<b>67%</b>	<b>63%</b>
<b>SECTION 5: DAILY LIFE AND RESPECT</b>			
<b>5.1</b>	Can you normally have a shower every day if you want to?	<b>69%</b>	<b>64%</b>
<b>5.2</b>	Is your cell call bell normally answered within five minutes?	<b>30%</b>	<b>38%</b>
<b>5.3</b>	Do you find the food here good/very good?	<b>13%</b>	<b>12%</b>
<b>5.4</b>	Does the shop/canteen sell a wide enough variety of products?	<b>36%</b>	<b>37%</b>
<b>5.5</b>	Is it easy/very easy for you to attend religious services?	<b>57%</b>	<b>59%</b>
<b>5.6a</b>	Do you feel your religious beliefs are respected?	<b>53%</b>	<b>58%</b>
<b>5.6b</b>	Can you speak to a religious leader in private if you want to?	<b>63%</b>	<b>69%</b>
<b>5.7</b>	Is there a member of staff you can turn to with a problem?	<b>63%</b>	<b>58%</b>
<b>5.8</b>	Do you feel that most of the staff here treat you with respect?	<b>62%</b>	<b>62%</b>
<b>SECTION 6: HEALTH SERVICES</b>			
<b>6.1</b>	Did you have a full health assessment the day after your arrival?	<b>64%</b>	<b>58%</b>
<b>6.2</b>	For those who have been to health care: Do you think the overall quality is good/very good?	<b>57%</b>	<b>50%</b>
<b>6.3a</b>	Is it easy for you to see the doctor?	<b>54%</b>	<b>41%</b>
<b>6.3b</b>	Is it easy for you to see the nurse?	<b>73%</b>	<b>61%</b>
<b>6.3c</b>	Is it easy for you to see the dentist?	<b>27%</b>	<b>21%</b>
<b>6.3d</b>	Is it easy for you to see the optician?	<b>24%</b>	<b>17%</b>
<b>6.3e</b>	Is it easy for you to see the pharmacist?	<b>25%</b>	<b>20%</b>
<b>6.4</b>	If you are taking medication, are you allowed to keep it in your cell?	<b>37%</b>	<b>36%</b>
<b>6.5a</b>	Did you have any problems with alcohol when you first arrived?	<b>18%</b>	<b>11%</b>
<b>6.5b</b>	Have you received any help with any alcohol problems here?	<b>14%</b>	<b>8%</b>
<b>6.6a</b>	Did you have any problems with drugs when you first arrived?	<b>40%</b>	<b>28%</b>
<b>6.6b</b>	Do you have any problems with drugs now?	<b>12%</b>	<b>8%</b>
<b>6.6c</b>	Have you received any help with any drug problems here?	<b>33%</b>	<b>19%</b>
<b>6.7</b>	Is it easy/very easy to get illegal drugs here?	<b>19%</b>	<b>16%</b>
<b>6.8</b>	Do you feel you have any emotional or mental health problems?	<b>29%</b>	<b>17%</b>
<b>6.9</b>	If you feel you have emotional or mental health problems, are you being helped by anyone here?	<b>60%</b>	<b>39%</b>

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<b>SECTION 7: APPLICATIONS AND COMPLAINTS</b>			
<b>7.1</b>	Do you know how to make an application?	<b>87%</b>	<b>83%</b>
<b>7.2</b>	Is it easy to make an application?	<b>78%</b>	<b>69%</b>
For those who have made an application:			
<b>7.3a</b>	Do you feel applications are sorted out fairly?	<b>63%</b>	<b>61%</b>
<b>7.3b</b>	Do you feel applications are sorted out promptly (within seven days)?	<b>58%</b>	<b>52%</b>
<b>7.4</b>	Do you know how to make a complaint?	<b>91%</b>	<b>85%</b>
<b>7.5</b>	Is it easy to make a complaint?	<b>75%</b>	<b>66%</b>
For those who have made a complaint:			
<b>7.6a</b>	Do you feel complaints are sorted out fairly?	<b>35%</b>	<b>31%</b>
<b>7.6b</b>	Do you feel complaints are sorted out promptly (within seven days)?	<b>40%</b>	<b>34%</b>
<b>7.7</b>	Have you ever been prevented from making a complaint when you wanted to?	<b>17%</b>	<b>15%</b>
Can you speak to the following people when you need to:			
<b>7.8a</b>	A peer mentor or Listener?	<b>32%</b>	<b>26%</b>
<b>7.8b</b>	A member of the IMB (Independent Monitoring Board)?	<b>34%</b>	<b>25%</b>
<b>7.8c</b>	An advocate (an outside person to help you)?	<b>44%</b>	<b>30%</b>
<b>SECTION 8: REWARDS AND SANCTIONS, AND DISCIPLINE</b>			
<b>8.1</b>	Are you on the enhanced (top) level of the reward scheme?	<b>36%</b>	<b>30%</b>
<b>8.2</b>	Do you feel you have been treated fairly in your experience of the reward scheme?	<b>50%</b>	<b>47%</b>
<b>8.3</b>	Do the different levels make you change your behaviour?	<b>50%</b>	<b>48%</b>
<b>8.4</b>	Have you had a 'nicking' (adjudication) since you have been here?	<b>57%</b>	<b>51%</b>
<b>8.5</b>	Was the 'nicking' (adjudication) process explained clearly to you?	<b>81%</b>	<b>81%</b>
<b>8.6</b>	Have you been physically restrained (C and R) since you have been here?	<b>40%</b>	<b>30%</b>
<b>8.7</b>	For those who had spent a night in the segregation/care and separation unit: did the staff treat you well/very well?	<b>37%</b>	<b>55%</b>

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<b>SECTION 9: SAFETY</b>			
<b>9.1</b>	Have you ever felt unsafe in this prison?	<b>35%</b>	<b>25%</b>
<b>9.3</b>	Has another young person or group of young people victimised (insulted or assaulted) you here?	<b>31%</b>	<b>21%</b>
If you have felt victimised by another young person/group of young people, did the incident involve:			
<b>9.4a</b>	Insulting remarks?	<b>21%</b>	<b>11%</b>
<b>9.4b</b>	Physical abuse?	<b>13%</b>	<b>8%</b>
<b>9.4c</b>	Sexual abuse?	<b>4%</b>	<b>2%</b>
<b>9.4d</b>	Racial or ethnic abuse?	<b>2%</b>	<b>2%</b>
<b>9.4e</b>	Your religious beliefs?	<b>5%</b>	<b>2%</b>
<b>9.4f</b>	Your disability?	<b>3%</b>	<b>1%</b>
<b>9.4g</b>	Drugs?	<b>6%</b>	<b>1%</b>
<b>9.4h</b>	Having your canteen/property taken?	<b>8%</b>	<b>3%</b>
<b>9.4i</b>	Because you were new here?	<b>12%</b>	<b>6%</b>
<b>9.4j</b>	Being from a different part of the country than others?	<b>8%</b>	<b>3%</b>
<b>9.4k</b>	Gang related issues?	<b>10%</b>	<b>4%</b>
<b>9.4l</b>	Your offence/crime?	<b>7%</b>	<b>3%</b>
<b>9.6</b>	Has a member of staff or group of staff victimised (insulted or assaulted) you here?	<b>30%</b>	<b>23%</b>
If you have felt victimised by a member of staff/group of staff members, did the incident involve:			
<b>9.7a</b>	Insulting remarks?	<b>16%</b>	<b>13%</b>
<b>9.7b</b>	Physical abuse?	<b>10%</b>	<b>4%</b>
<b>9.7c</b>	Sexual abuse?	<b>1%</b>	<b>1%</b>
<b>9.7d</b>	Racial or ethnic abuse?	<b>5%</b>	<b>5%</b>
<b>9.7e</b>	Your religious beliefs?	<b>0%</b>	<b>4%</b>
<b>9.7f</b>	Your disability?	<b>3%</b>	<b>1%</b>
<b>9.7g</b>	Drugs?	<b>3%</b>	<b>1%</b>
<b>9.7h</b>	Having your canteen/property taken?	<b>3%</b>	<b>1%</b>
<b>9.7i</b>	Because you were new here?	<b>3%</b>	<b>4%</b>
<b>9.7j</b>	Being from a different part of the country than others?	<b>1%</b>	<b>4%</b>
<b>9.7k</b>	Gang related issues?	<b>3%</b>	<b>1%</b>
<b>9.7l</b>	Your offence/crime?	<b>4%</b>	<b>2%</b>
<b>9.9</b>	If you were being victimised by another young person or a member of staff would you be able to tell anyone about it?	<b>60%</b>	<b>56%</b>
<b>9.10</b>	If you did tell a member of staff that you were being victimised do you think it would be taken seriously?	<b>35%</b>	<b>30%</b>
<b>9.11</b>	Is shouting through the windows a problem here?	<b>39%</b>	<b>39%</b>
<b>9.12</b>	Have staff checked on you personally in the last week to see how you are getting on?	<b>40%</b>	<b>35%</b>

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	Any percentage highlighted in orange shows a significant difference in demographic details		
	Percentages which are not highlighted show there is no significant difference		
<b>Number of completed questionnaires returned</b>		<b>163</b>	<b>430</b>
<b>SECTION 10: ACTIVITIES</b>			
<b>10.1</b>	Were you 14 or younger when you were last at school?	59%	33%
<b>10.2a</b>	Have you ever been excluded from school?	89%	83%
<b>10.2b</b>	Have you ever truanted from school?	77%	63%
Do you currently take part in any of the following:			
<b>10.3a</b>	Education?	76%	70%
<b>10.3b</b>	A job in this establishment?	34%	32%
<b>10.3c</b>	Vocational or skills training?	18%	16%
<b>10.3d</b>	Offending behaviour programmes?	28%	17%
For those who have taken part in the following activities while in this prison: do you think that they will help you when you leave prison?			
<b>10.4a</b>	Education?	61%	57%
<b>10.4b</b>	A job in this establishment?	60%	50%
<b>10.4c</b>	Vocational or skills training?	59%	46%
<b>10.4d</b>	Offending behaviour programmes?	52%	47%
<b>10.5</b>	Do you usually have association every day?	66%	63%
<b>10.6</b>	Do you go to the gym more than five times each week?	10%	8%
<b>10.7</b>	Can you usually go outside for exercise every day?	54%	52%
<b>SECTION 11: KEEPING IN TOUCH WITH FAMILY AND FRIENDS</b>			
<b>11.1</b>	Are you able to use the telephone every day?	61%	61%
<b>11.2</b>	Have you had any problems with sending or receiving letters or parcels?	40%	40%
<b>11.3</b>	Is it easy/very easy for your family and friends to visit you here?	38%	43%
<b>11.4</b>	Do you usually have one or more visits per week from family and friends?	29%	38%
<b>11.5</b>	Do your visits start on time?	35%	38%
<b>11.6</b>	Are you and your visitors treated well/very well by visits staff?	38%	43%
<b>SECTION 12: PREPARATION FOR RELEASE</b>			
For those who have met their personal officer:			
<b>12.1</b>	Did you meet your personal officer within the first week?	55%	54%
<b>12.2</b>	Do you see your personal officer at least once a week?	68%	60%
<b>12.3</b>	Do you feel your personal officer has helped you?	64%	55%
<b>12.4</b>	Do you have a training plan, sentence plan or remand plan?	53%	43%
For those with a training plan, sentence plan or remand plan:			
<b>12.5a</b>	Were you involved in the development of your plan?	65%	56%
<b>12.5b</b>	Do you understand the targets set in your plan?	72%	67%
<b>12.6</b>	Has your YOT worker been in touch with you since your arrival here?	86%	82%
<b>12.7</b>	Do you know how to get in touch with your YOT worker?	61%	56%

### Key to tables

	Any percentage highlighted in green is significantly better	Have been in local authority care	Have not been in local authority care
	Any percentage highlighted in blue is significantly worse		
	Any percentage highlighted in orange shows a significant difference in demographic details		
	Percentages which are not highlighted show there is no significant difference		
<b>Number of completed questionnaires returned</b>		<b>163</b>	<b>430</b>
Please answer the following about your preparation for release:			
<b>12.8</b>	Have you had a say in what will happen to you when you are released?	<b>50%</b>	<b>39%</b>
<b>12.8</b>	Are you going to school or college on release?	<b>61%</b>	<b>65%</b>
<b>12.8</b>	Do you have a job to go to on release?	<b>16%</b>	<b>20%</b>
Do you know who to contact for help with the following in preparation for your release:			
<b>12.9</b>	Finding accommodation?	<b>52%</b>	<b>33%</b>
<b>12.9</b>	Getting into school or college?	<b>45%</b>	<b>44%</b>
<b>12.9</b>	Getting a job?	<b>44%</b>	<b>36%</b>
<b>12.9</b>	Help with money/finances?	<b>39%</b>	<b>26%</b>
<b>12.9</b>	Help with claiming benefits?	<b>32%</b>	<b>23%</b>
<b>12.9</b>	Continuing health services?	<b>28%</b>	<b>19%</b>
<b>12.9</b>	Opening a bank account?	<b>40%</b>	<b>25%</b>
<b>12.9</b>	Avoiding bad relationships?	<b>35%</b>	<b>21%</b>
Do you think you will have a problem with the following, when you are released:			
<b>12.10</b>	Finding accommodation?	<b>34%</b>	<b>26%</b>
<b>12.10</b>	Getting into school or college?	<b>28%</b>	<b>31%</b>
<b>12.10</b>	Getting a job?	<b>58%</b>	<b>48%</b>
<b>12.10</b>	Help with money/finances?	<b>41%</b>	<b>35%</b>
<b>12.10</b>	Help with claiming benefits?	<b>30%</b>	<b>23%</b>
<b>12.10</b>	Continuing health services?	<b>18%</b>	<b>10%</b>
<b>12.10</b>	Opening a bank account?	<b>21%</b>	<b>15%</b>
<b>12.10</b>	Avoiding bad relationships?	<b>27%</b>	<b>17%</b>
For those who were sentenced:			
<b>12.12</b>	Do you want to stop offending?	<b>91%</b>	<b>92%</b>
<b>12.13</b>	Have you done anything or has anything happened to you here that you think will make you less likely to offend in the future?	<b>52%</b>	<b>46%</b>



# Appendix IV

## Questionnaire for safeguarding team representative

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**YOI:**

**Names of staff completing this questionnaire:**

**Roles of staff completing this questionnaire:**

### General

1. Does the establishment have a formal written procedure relating to the identification, assessment and care planning of looked after children? *If yes, please enclose a copy.*

Yes  No

If yes, was it written with the assistance of a local authority or YOT?

Yes  No

2. Has the establishment got a specialist LAC worker or anyone with specific responsibility for LAC?

Yes  No

If yes, please describe their role.

3. If a young person's ASSET indicates that they have been on a child protection plan, are you generally able to get details from the local authority? Specifically, are you able to obtain a copy of the plan?

Yes  No

If yes, how would you go about finding this information?

4. Does the establishment maintain a record of the numbers of looked after children held?

Yes  No

5. Do advocates have a specific brief for looked after children?

Yes  No

If yes, please describe.

6. Are there any other individuals or agencies within the establishment who have a specific brief or involvement with looked after children?

Yes  No

If yes, please describe.

Identification

1. a. How does the establishment identify the care status and care history of new arrivals?

b. To what extent does the establishment rely on young people to provide information about their care status?

2. a. Does the establishment receive advance information about looked after children, prior to their arrival, or very shortly afterwards?

Yes  No

If yes, please describe the type and quality of the information you generally receive.

b. How is information disseminated within the establishment?

3. If a young person is *known or thought* to be a looked after child,

a. How is their status verified?

b. Does the establishment request further information from their home local authority (social services department or YOT)?

Yes       No

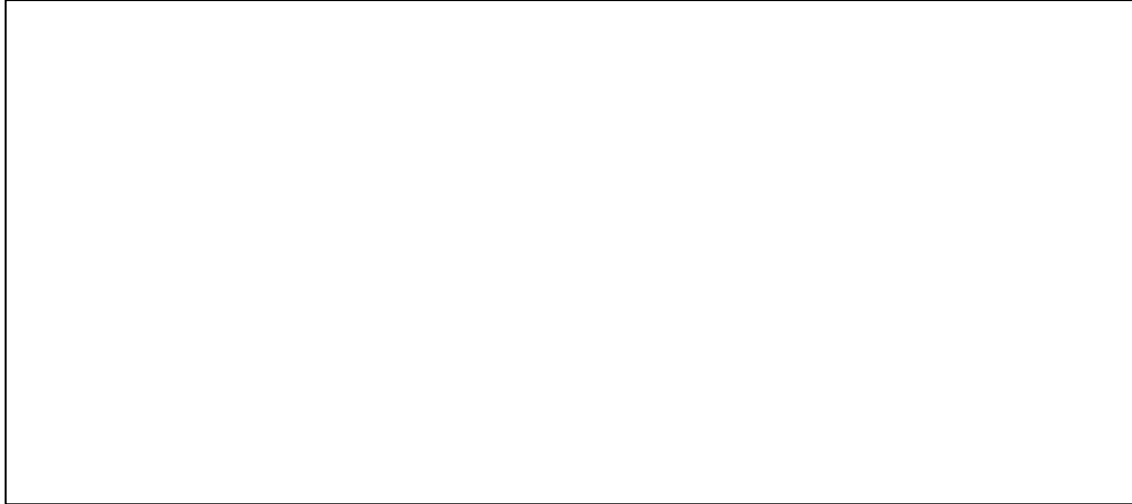
If yes, please describe what information would be requested.

c. How is it ensured that the local authority is made aware that a looked after child in their care is in your custody?

4. a. Are there any barriers which prevent the establishment from accessing early information about looked after children and maintaining ongoing communication? If so, please describe.

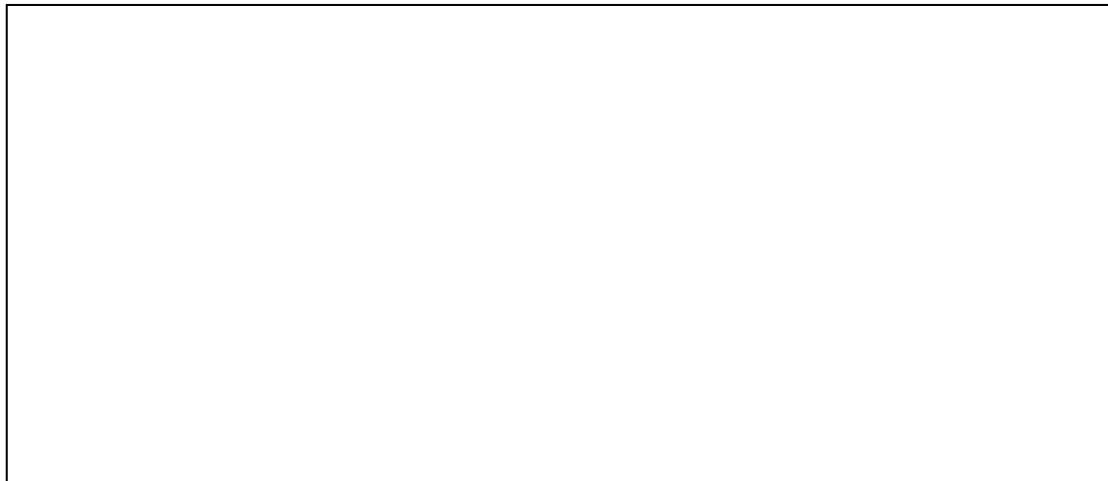
Yes  No

b. If yes, how do you think those barriers could be overcome? Do you have any examples when you have worked with either local authorities, YOTs or other external agencies to overcome these barriers?



Assessment

1. By what process does the establishment ensure that the status of looked after children and the information they receive about them is taken into account when other initial and ongoing assessments are being made? *For example training plan assessments, assessments for individual learning plans, assessments in ACCT documents, etc.*



2. How does the establishment link with the home local authority and YOT to ensure that they have input and provide information to inform any initial and ongoing assessments about a looked after child?

3. How are young people involved in the various assessment processes?

4. How do you involve families and carers in assessment processes?



Care planning

1. a. How does the establishment involve local authorities and YOTs and other relevant agencies in the ongoing management of looked after children while they are in custody?

- b. Which agency takes lead responsibility?

2. a. Do statutory looked after children reviews generally take place as required?

Yes  No

Please comment:

b. Does the establishment monitor the number of statutory reviews against the number of looked after children? If reviews are not taking place, is there a procedure in place to follow this up?

c. Are there any examples of multi-agency good practice?

3. By what process is the local authority provided with information about a looked after child's time in custody, when they are released? (Is it requested?)

4. What links are there between the care planning process and the training planning process? Specifically do either or both processes ensure that looked after children access their full entitlements commensurate with their status (e.g. leaving care services) while in custody and prior to their release?

5. How do looked after children get involved and contribute to their own care plans while they are in custody?

6. How do families and carers get involved and contribute to young people's care plans?

1. a. Are the specific resettlement needs of looked after children included in the resettlement strategy or in other related strategies?

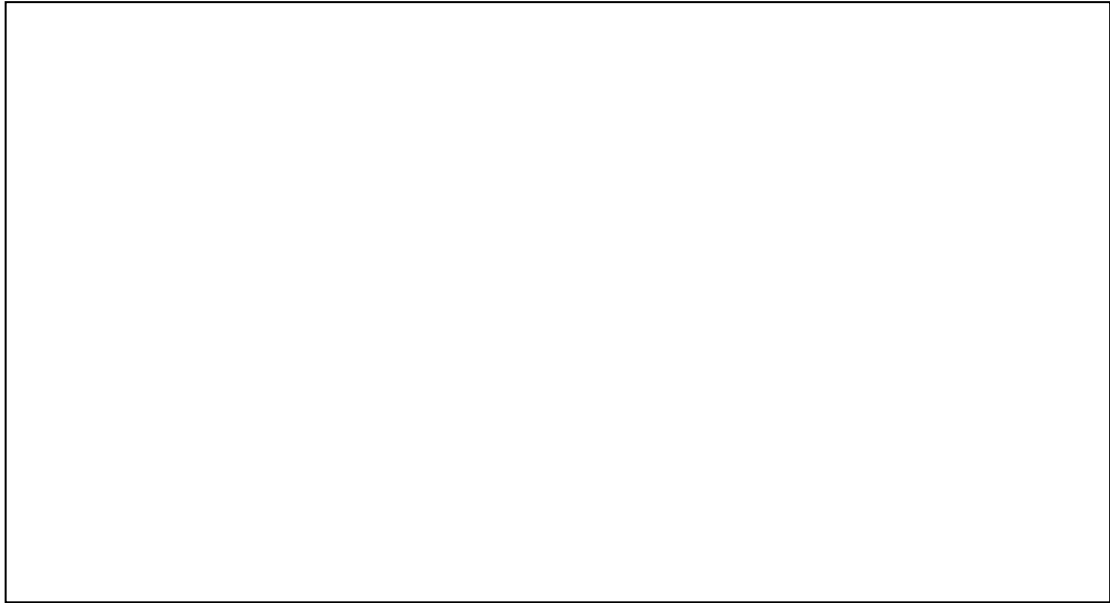
Yes  No

If yes, please describe.

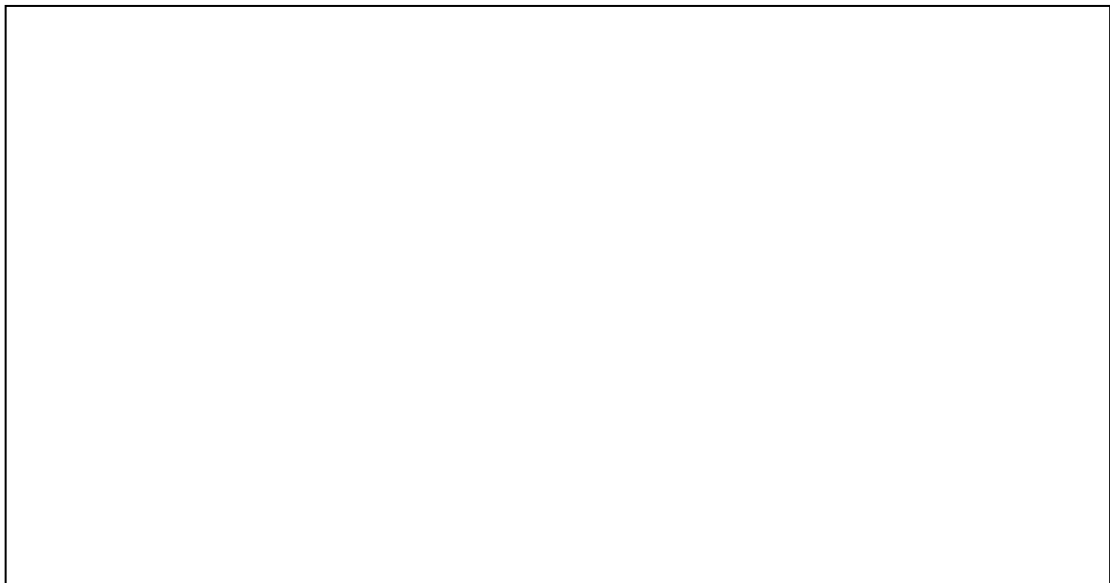
b. Have any policies or practice guidance been modified to take account of/specify the particular needs of looked after children?

Yes  No

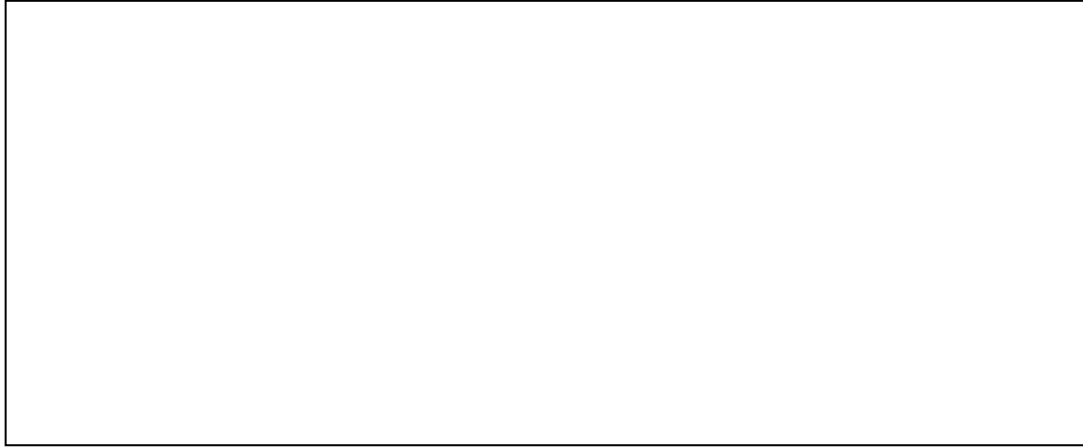
2. How does the establishment ensure that local authorities are involved in the resettlement plans of looked after young people they are responsible for, particularly in finding suitable accommodation and ETE placements? Are efforts generally successful?



*For establishments which have a social worker on site:* What is the specific role of the social worker in relation to the management of looked after children?



For establishments which do not have a social worker on site: What gaps have arisen (if any) or what are the difficulties (if any) associated with delivering services for looked after children without a social worker with relevant expertise/specialist knowledge in this area of work?



# Appendix V

## Interview schedule for young people

---

1. a) Have you had or b) are you due a LAC review?

If a), can you remember what happened?

If b), do you know when it will be?

2. How frequently has your social worker visited you while you have been here?
3. Do you find the visits helpful?
4. Do you get any financial support from your social worker or local authority, e.g. help with clothing, pocket money?
5. What do you think the role of your social worker is while you are in custody?
6. Do you know what you will be doing when leave here, i.e. going back to school or college or work?
7. Do you know where you will be living?
8. Do you know who will be collecting you from here?
9. Do you know what support you will get when you leave here, e.g. a mentor, financial support? Is it enough?
10. Do you know which workers allocated to you are responsible for what, i.e. what your social worker does that is different from what your YOT workers do?

11. Have you seen a copy of a written release plan or care plan covering all of this?
  - a) If so can you remember what is in it?
  - b) If not are you clear about what plans are in place for you?
  
12. Are you optimistic that the plans/arrangements made for you will work out? If yes, what will make it work?
  
13. If not, why do you fear that it won't work? What would need to be done to make it work?



# Appendix VI

## Interview schedule for case supervisors

Name of case worker.....  
Names and designation of other staff interviewed.....  
.....  
Name of interviewer.....  
Date of interview.....

<p><b>COMPLETE THIS BOX PRIOR TO INTERVIEW</b></p> <p>Name of young person (case study): .....</p> <p>Type and length of sentence: .....</p> <p>How long have they been in the current establishment (months and weeks)? .....</p> <p>Date they are leaving the establishment (if early release has not yet been decided give dates of early and mid-point). Actual date: ..... Early: .....</p> <p>Mid point: .....</p> <p>MAPPa case (which level): .....</p> <p>YOT area: .....</p> <p>IRS area? Yes / No</p> <p>Looked after child? Yes / No</p> <p>Local authority: .....</p> <p>Sec 20 or 31? .....</p> <p>Is this clearly marked and where? .....</p>
--

**Applies only to a looked after child**

- 1. How successful have you been in engaging the local authority throughout X's time in custody to ensure that his needs, including financial support, accommodation and ETE provision, will be met when he is released?**

Comments

- 2. Have there been any LAC reviews while X has been in custody? Yes / No  
If so how many?**

- Have details from LAC reviews been incorporated into training plan documents?

Comments

- 3. Does X have a LAC care plan?**

Yes / No  
Comments

- 4. How does the care planning process link in with the training planning process, particularly those that relate to resettlement issues?**

Comments

**General**

- 1. What works well when working with YOTs and LAs to prepare young people for their release?**

--

- 2. Are there any particular problems ensuring the involvement of YOTs and LAs in the organisation and running of training planning or looked after children reviews or specific problems that arise with regard to preparation for release work is concerned?**

<b>Yes / No</b> Details/comments
How are disagreements or concerns dealt with?

- 3. Are there any frequent barriers to providing suitable and safe accommodation for young people leaving custody?**

<b>Yes / No</b> Details/comments:
--------------------------------------

**4. Are there any frequent barriers to providing suitable ETE placements for young people leaving custody?**

**Yes / No**  
Details/comments

## Appendix VII

### Follow-up pro forma 1: Final accommodation and ETE arrangements

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#### **Final accommodation and ETE arrangements for young people leaving custody**

**Name of establishment:**

**Name of caseworker:**

**Name of young person:**

**Date the young person left the establishment:**

#### **Accommodation**

1a. Did the young person have an address to go to? Please answer yes or no in the box below.

1b. When was this accommodation confirmed?

2. If 'no' what arrangements were being made to find them an address when they left custody, e.g. did they have to present themselves to the local authority (housing department) and declare themselves homeless? Please comment below.

3. In your opinion did the young person have a suitable and sustainable address to return to? Please answer yes or no in the box below.

4. Please give a reason for your answer to question 3.

5. Was the accommodation the same as the address identified when we completed our fieldwork interview with you? If it was different please describe the accommodation. Please make any further comments about the nature of the accommodation arrangements that you feel are relevant to this review.

**Education, training and employment**

1. Was the young person going to a pre-arranged ETE placement? Please answer yes or no in the box below.

2. If 'yes' please describe the nature of the proposed placement.

3. If 'no' did they have a pre-arranged appointment with a connexions or other ETE advisor? Please answer yes or no in the box below.

4. Please give any further comments about the nature of the ETE arrangements that you feel are relevant to this review.

## Appendix VIII

### Follow-up pro forma 2: Follow-up information from YOTs

#### **Follow up information from YOTS**

**Name of establishment:**

**Name of caseworker:**

**Name of young person:**

**Date the young person left the establishment:**

**Date this information was received from the YOT:**

**YOT area:**

#### **Accommodation:**

1. Is the young person in the same accommodation they resided in immediately after they were released from custody? Please answer yes or no in the box below.

2. If 'yes' please say why you think their accommodation arrangements have been successful.



3. If 'no', please explain the reasons for the change and the nature of the accommodation the young person now resides in.

**Education, training and employment**

1. Is the young person currently in an ETE placement? If so what is the nature of the placement? Was this placement arranged while they were in custody?

2. If the young person is currently in an ETE placement, why do you think it is successful?

3. If the young person is not in an ETE placement, please say what you think have been the barriers that have prevented this?

