

Written evidence from the National Association for Youth Justice

Inquiry: Children and Young Adults in the Secure Estate

About NAYJ

The National Association for Youth Justice (NAYJ) is the only individual membership organisation exclusively campaigning for the rights of, and justice for, children in trouble with the law in England and Wales. A charity since 2010, it promotes the welfare of children and young people in the Youth Justice system by campaigning, lobbying, publishing practice and policy papers and providing training events and conferences. NAYJ is a member of the Alliance for Youth Justice, the Children's Rights Alliance for England, and the International Juvenile Justice Observatory.

The NAYJ is a founding member of the campaign to End Child Imprisonment, which brought together a substantial body of evidence in 2024 demonstrating how the imprisonment of children in England and Wales is structurally incapable of meeting children's needs¹. Across our published work², NAYJ has consistently evidenced that custody for children should be a genuine last resort and for the shortest possible duration. Where liberty is restricted, the primary duty must be to uphold children's rights and welfare through safe, relational, trauma-informed, community and education-led provision.

Our Key Priorities

NAYJ's response focuses on five key priorities:

- Close Young Offender Institutions (YOIs) and Secure Training Centres (STCs) now, as previously recommended to Government following the Taylor Review (2016).
- Ensure custody remains a genuine last resort and is delivered only through Secure Children's Homes (SCHs).
- Challenge the narrative of an "increasingly complex cohort", which risks obscuring systemic failures across children's services.
- Embed a rights-based and relational care culture in the secure estate that ensures children have meaningful access to education, health services, activities and their communities.
- Strengthen children's ability to challenge abuse and failures in the system through effective advocacy, independent oversight and access to justice.

The youth custodial population has fallen dramatically over the past two decades and now stands at just over 400 children at any one time. This presents a unique opportunity to complete long-promised reforms of the youth secure estate and replace failing prison-based models with smaller, welfare-based provision.

¹ <https://article39.org.uk/wp-content/uploads/2024/11/Why-child-imprisonment-is-beyond-reform.-A-review-of-the-evidence-August-2024.pdf>

² <https://thenayj.org.uk/campaigns-and-publications/>

The appropriateness and suitability of the youth estate for children and young adults³

1. To what extent is the current mix and number of custodial settings (YOIs, STCs, SCHs and Secure School) fit for purpose in meeting the complex needs and welfare requirements of children and young adults in secure settings?

The current mix of custodial provision is not fit for purpose in meeting children's welfare needs. A substantial body of evidence for more than a decade demonstrates that YOIs and STCs are fundamentally misaligned with children's developmental needs because of their scale, institutional culture and staffing models. Prison settings are structurally unable to provide the child focused, relational and safe environments, in proximity to children's home communities, that are required. Yet most children are still held in YOIs. **NAYJ recommends that there is a continued reduction in the use of custody overall and the prioritisation of small, welfare-led provision in the community based on the Secure Children's Home (SCH) model. YOIs and the STC must close. Any new institutions need to be carefully considered to align with cultures of relational care⁴, and fully integrated with children's services, safeguarding systems and local resettlement support.**

2. Are children and young people currently able to access purposeful activity, education and healthcare (particularly mental health services) as required whilst in custody?

The provision of education and health for most children in prison is not fit for purpose. The legal frameworks need to be overhauled to represent a child-centred approach. Currently YOIs only mandate a minimum of 15 hours education a week, which is not only significantly below the educational entitlement but is often unmet. NAYJ's submission to the Education Committee in 2021 highlights that children in the secure estate commonly have extensive prior educational exclusion and unmet needs, and education in custody is often undermined by restrictive regimes.⁵

Evidence shows too many children spend substantial periods locked alone in their cells⁶, sometimes exceeding 20 hours per day. This solitary confinement is not only restricting access to purposeful activity and education, but it is known to cause significant psychological and physical harm. Prison conditions create or exacerbate health problems. **NAYJ Recommends legislation to place an active duty to ensure children who are detained get access to healthcare that is equivalent to that available in the community. Education and purposeful activity should be treated as core entitlements, protected from reductions and**

³ We are only answering the questions with reference to children under 18 but recognise the distinct and important issues for young adults.

⁴ <https://thenayj.org.uk/cmsAdmin/uploads/nayj-building-cultures-of-relational-care-final-march-2026.pdf>

⁵ <https://thenayj.org.uk/cmsAdmin/uploads/nayj-response-to-education-inquiry-final.pdf>

⁶ <https://howardleague.org/news/new-figures-reveal-continued-failure-of-prisons-holding-children/>

cancellations. Children and young people should have a meaningful role in shaping their interventions, support, and learning opportunities.

3. Is the placement of children as young as 10–12 years old in custody appropriate, and how are their specific rights, such as access to education, being upheld?

Publicly available custody data do not isolate children aged 10 - 12. The age category of 10 – 14 is reported which consists of only 4% of the custodial population⁷. England and Wales remain an international outlier in retaining a minimum age of criminal responsibility (MACR) of 10, which significantly increases the risk of custody at a younger age.

The UN Committee on the Rights of the Child⁸ encourages states to increase the minimum age of criminal responsibility to at least 14, and commends states that go higher, such as 15 or 16. CRIN’s European comparison shows that many European jurisdictions set the age higher, for example Germany, Spain and Italy at 14, and Norway at 15⁹. In 2023, concluding observations by the UN Committee urged the UK to raise the minimum age of criminal responsibility to at least 14¹⁰. Scotland have now raised their MACR to age 12. **NAYJ recommends children aged 10 - 12 should not be sentenced to custody and, where responses are required, this should be led by welfare systems that uphold their rights and provide appropriate safeguarding and community-based intervention.**

4. How does the ability of children in custody to maintain regular, meaningful contact with their families impact their rehabilitation and long-term outcomes?

We indicated in Q1 that the current custodial provision is not fit for purpose as children are not placed near their home community. The reduction in the number of custodial establishments has increased the likelihood that children are placed far from their home communities. Latest figures suggests 1 in 10 children are placed at least 75 miles away from home¹¹ which is more acute for girls, creating significant barriers for family contact¹². Distance from home makes visits costly and logistically difficult for families to make frequent visits to support their child. **NAYJ recommends the closure of YOIs and the STC, increasing regional investment in SCHs and localised secure care in the community, with placement decisions that prioritise**

⁷ <https://www.gov.uk/government/statistics/youth-justice-statistics-2024-to-2025/youth-justice-statistics-2024-to-2025>

⁸ <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-24-2019-childrens-rights-child>

⁹ <https://archive.crin.org/en/home/ages/europe.html>

¹⁰ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GBR/C/O/6-7

¹¹ <https://yjlc.uk/resources/legal-updates/record-numbers-vulnerable-children-held-custody-miles-home-call-urgent>

¹² <https://thenayj.org.uk/wp-content/uploads/2016/10/NAYJ-Briefing-State-of-Youth-Custody-2016.pdf>

proximity to family, while any decisions about placements should meaningfully involve the child, consistent with children's rights standards¹³.

5. Following the decision to end YOI placements for girls, what are the current challenges in ensuring that Secure Children's Homes and the Secure School are sufficiently resourced, trained and meet the highly complex and trauma-driven needs of girls?

The detention of girls in custody should be avoided at all costs given the low numbers of girls in custody as this causes challenges in ensuring adequate provision¹⁴. The current limited capacity of SCH placements constrains decisions on custodial placement. **NAYJ recommends that girls are meaningfully involved in decisions about their care and placements in the community.**

Girls in custody are often described as “highly complex”; however, research evidence shows girls involvement in the youth justice system are closely linked to abuse, exploitation, poverty and gendered inequality¹⁵. Workforce capability is also critical. Staff working with girls in custody require specialist training in trauma-informed and gender-responsive practice, including understanding sexual violence, exploitation, mental health difficulties and self-harm. Research suggests SCHs can still reproduce gendered forms of surveillance and behavioural regulation¹⁶. **Ensuring that institutional cultures recognise and address gendered inequalities is needed.**

6. How effectively are the specific and complex needs of neurodivergent children (e.g. those with ADHD, autism or learning disabilities) and children who have experienced significant trauma being identified, assessed and met through tailored provision in custody?

Children in custody have extremely high levels of neurodivergence, trauma and care experience. Research indicates that at least 80% of children in the youth justice system have special educational needs, speech and language difficulties or neurodevelopmental conditions such as ADHD and autism¹⁷.

The prevalence of these needs within custody should be understood as evidence of systemic failures across education, health and social care rather than justification for custody. Custodial environments often exacerbate these vulnerabilities. Exposure to violence, restraint, noise and isolation can significantly worsen the experiences of neurodivergent children. **NAYJ commends work by the Michael Sieff Foundation which highlights the importance of early identification of SEND and better access to specialist support. If children are sentenced to**

¹³ <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

¹⁴ <https://thenayj.org.uk/cmsAdmin/uploads/rethinking-girls-in-custody-may-25.pdf>

¹⁵ <https://link.springer.com/book/10.1007/978-3-030-90827-0>

¹⁶ <https://www.sciencedirect.com/science/article/pii/S0190740917306229>

¹⁷ <https://www.michaelsieff-foundation.org.uk/wp-content/uploads/2025/04/SEND-Neurodivergence-and-Youth-Justice-Report-Sieff-Foundation-2025.pdf>

custody, their education, health and care information must follow them to ensure continuity of care.

7. How effective is data gathering and cross-organizational data sharing for children who are "looked after" by local authorities, and does this information follow the child into the secure estate to inform care?

Children with experience of the care system are significantly overrepresented within the custodial population. NAYJ's analysis of youth custody trends has consistently highlighted the high proportion of children in custody who have previously been looked after by local authorities¹⁸. This reflects wider concerns about the criminalisation of vulnerable children and the intersection between youth justice and children's social care systems.

Evidence suggests that information sharing between children's social care services and custodial institutions remains inconsistent and fragmented. Although local authorities often hold extensive information about children's care histories, placement experiences and safeguarding risks, this information does not always transfer effectively into the secure estate. As a result, custodial staff may have incomplete knowledge of children's backgrounds and prior assessments, limiting their ability to provide tailored support¹⁹. **NAYJ recommends stronger mechanisms to ensure that children's social care information follows them, supporting continuity of safeguarding and care.**

Violence, safety and disorder

8. What are the key drivers of the high levels of violence, self-harm and the use of restraint/force in the children and young adults secure estate and what immediate and long-term actions are required to ensure a safe environment?

The key driver of high levels of violence, self-harm and use of restraint is based on the current model of prison for children, and a plan should be made to close down these institutional environments immediately. The NAYJ is very concerned about persistent high rates of restraint and use of force against children in the custodial estate. The introduction of PAVA spray in 2025, a chemical incapacitant designed to inflict pain and disorientation, in the children's secure estate, is counterproductive and harmful²⁰. The High Court's dismissal of a legal challenge to the rollout of PAVA spray across the children's estate has not assuaged our deep concerns about its introduction. This decision reflects a broader failure to address the longstanding challenges within the children's custodial estate. **NAYJ supports safer, trauma-informed environments that meet children's needs, ending harmful isolation practices, and prohibiting the use of PAVA and pain inducing restraint.**

¹⁸ <https://thenayj.org.uk/wp-content/uploads/2016/10/NAYJ-Briefing-State-of-Youth-Custody-2016.pdf>

¹⁹ <https://www.sciencedirect.com/science/article/pii/S019074092400519X>

²⁰ <https://www.ayj.org.uk/news-content/pava-joint-statement>

9. How effective are the mechanisms for collecting and analysing data on the use of restraint, particularly in identifying and addressing disproportionality in application?

The NAYJ supports the response to this inquiry submitted the Alliance for Youth Justice (AYJ) which states that current mechanisms for collecting and analysing data on the use of restraint is fundamentally inadequate, particularly in identifying disproportionality.

Although a national framework requires every restraint incident to be recorded and reviewed, the data captured is neither sufficiently detailed nor consistently analysed to reveal patterns affecting specific groups of children. There is still no reliable, routinely published disaggregated data by race, disability, neurodivergence, SEND status, or care experience. Without this, it is impossible to understand whether some groups of children are more frequently or more severely restrained and therefore impossible to design interventions that reduce unequal and harmful practices.

10. Is the current staff training adequate to ensure staff are competent in de-escalation and only use restraint as a last resort, for the minimum duration and without excessive force?

NAYJ has consistently questioned whether custodial cultures and staffing arrangements support de-escalation and relationship-based practice, warning against reform narratives that focus on institutional and structural reform without deep cultural and workforce transformation²¹. Trusted, meaningful relationships are central to safe behaviours, de-escalation and conflict resolution. Yet fewer than half of children have reported feeling cared for by staff, and one in three said they had no member of staff they could turn to if they had a problem. This evidence demonstrates that children need consistent face-to-face time, stable staffing, and a workforce equipped to build trust. **NAYJ recommends that training must be child-focused, trauma-informed with high staffing levels and a supportive management culture. De-escalation competence cannot be delivered through training alone if regimes are unstable and staff-child relationships are weak²².**

11. How effective are safeguarding and complaints mechanisms in the secure estate?

Safeguarding and complaints mechanisms in the children's secure estate are consistently ineffective, leaving children without reliable protection or trusted avenues to raise concerns. Inspection evidence shows these settings are marked by unsafe conditions, high violence, neglect and systemic safeguarding failures²³. Children aged 12 – 18 reported very low trust in staff or complaints systems with only 49% feel cared for, and only 27% would report bullying, while many describe feeling depressed, anxious, angry and isolated²⁴.

²¹ <https://thenayj.org.uk/wp-content/uploads/2015/06/2015-The-use-of-Restraint.pdf>

²² <https://thenayj.org.uk/wp-content/uploads/2019/02/NAYJ-Briefing-Transformation-of-Youth-Custody-May17.pdf>

²³ https://hmiprison.justiceinspectorates.gov.uk/our-reports/?listing_search=&publication_typeyear=0&detention_type=11&themes=0

²⁴ https://hmiprison.justiceinspectorates.gov.uk/hmipris_reports/children-in-custody-2024-25/

The most concerning recent finding relates to **sexual abuse occurring inside custody**. According to findings referenced by the Children’s Commissioner and drawn directly from HMIP’s review, **almost one in six children at Oakhill STC reported being sexually abused by staff in the previous year**, and **nearly 1 in 25 children across the entire secure estate reported the same**. These figures represent some of the clearest official evidence to date of sexual harm occurring within contracted secure settings for children. **NAYJ call for the immediate closure of the remaining STC in relation to sexual abuse reporting, and recommend a proactive rights-based culture in secure care which encourages complaints from children who are adequately supported by advocates and lawyers.**

Staffing

12. Is the current staffing model (including staff-to-child ratios) adequate across all types of secure provision and what is the impact on child-to-staff relationships, staff retention and support on the quality of care and safety?

*The State of Youth Custody*²⁵, noted marked differences in scale, ethos and staffing ratios across settings. YOIs typically operated at 1:10 staff per children, compared with around 3:8 in STCs and 1:2 in SCHs. These structural differences have a significant impact on children’s safety and experience in custody. That concern remains relevant today. Staffing capacity, training and workplace support are key challenges within custodial setting for children. Research identified lack of supervision for staff, insufficient training, support and organisational communication undermines staff ability to effectively respond to the complex behavioural, welfare and trauma-related needs of the custodial population²⁶. The current MoJ recruitment through the “Advance into Justice” scheme targeted at the Armed Forces community²⁷, raises an important question for the Committee; **how will you ensure children’s custody is being aligned with a child-centred workforce that children in conflict with the law require?**

Education

14. What is the relationship between inadequate education provision and poor rehabilitative outcomes?

A joint thematic review of education in young offender institutions (YOIs) found a decade of declining quality of education in YOIs²⁸. Research of children’s perspectives of education in a YOI found that rather than simply achieving functions of control and meeting minimum legal and contractual obligations, educational opportunities should seek to enable children to make positive developments in their lives²⁹.

²⁵ <https://thenayj.org.uk/wp-content/uploads/2016/10/NAYJ-Briefing-State-of-Youth-Custody-Sep16.pdf>

²⁶ https://nectar.northampton.ac.uk/id/eprint/16654/7/Paterson_Young_Claire_SRO_2022_staff_here_are_just_dropped_in_the_deep_end_The_impact_of_roles_on_communication_and_supervisor_support_in_youth_custody_Final.pdf

²⁷ <https://jobs.justice.gov.uk/careers/AgencyAdvanceIntoJustice>

²⁸ <https://www.gov.uk/government/publications/thematic-review-of-the-quality-of-education-in-young-offender-institutions-yois>

²⁹ <https://dora.dmu.ac.uk/server/api/core/bitstreams/5c3a16f7-edd2-47f6-a979-e76d8aab62b7/content>

The most popular learning activity was the Raptor project which broadened the curriculum and created positive opportunities for learning, increasing levels of responsibility and, eventually, opportunities to leave prison for short periods of time. This type of opportunity was the exception, not the norm, and restricted to those with enhanced privileges. **NAYJ suggests this type of educational experience that could help some of the most vulnerable children move on from negative prior experiences of formal education.**

15. What specific challenges do education providers face in recruiting and retaining appropriately skilled and motivated teaching staff in youth custody settings?

HMI Prisons found poor relationships between education providers and YOI leaders, poor-quality resources and infrastructure, severe staff shortages and low levels of qualifications and training among staff, all resulting in children receiving a poor education that fails to meet their needs. Relatedly, research found problems associated with system fragmentation and complexity, the balance of custodial places across the secure estate favouring the (cheaper) placements in YOIs and geographical discrepancies in commissioning decisions³⁰. **NAYJ suggests children are removed from YOIs and placed in settings which can more effectively meet their educational needs in their local community.**

Transitions to adult custody

NAYJ refers to the work by Alliance for Youth Justice³¹ and the Transition to Adulthood Alliance³² for their specific evidence on the needs and experiences of young adults in the criminal justice system. They report that planning for the transition from youth custody to the adult prison system remains inconsistent and often ineffective. Turning 18 frequently creates a sharp “cliff edge” in support, despite extensive research showing that neurological development continues into the mid-twenties³³. Young people entering the adult estate often have trauma histories, neurodivergence and safeguarding needs poorly communicated between systems. Treating young adults aged 18–25 as a distinct cohort could improve outcomes by providing developmentally informed support and continuity in education and healthcare provision.

³⁰ <https://www.sciencedirect.com/science/article/abs/pii/S0738059320303710?via%3Dihub>

³¹ <https://www.ayj.org.uk/news-content/adultifying-youth-justice>

³² <https://t2a.org.uk/>

³³ https://assets.publishing.service.gov.uk/media/6128acced3bf7f63a81342ac/Young_Adult_Guidance_Annex_B_Maturation_WEB.pdf