

**Rt Hon. Damian Hinds MP**  
**Minister of State, Ministry of Justice**  
**102 Petty France**  
**London**  
**SW1H 9AJ**

**11th July 2023**

Dear Damian Hinds MP,

We, organisations working with and on behalf of children and young adults in the criminal justice system, are writing to express grave concerns regarding the children's secure estate.

While we have [longstanding concerns](#) about a system that is so often embroiled in crisis, alongside our wider call to end child imprisonment and respond to the underlying causes of children's involvement in the justice system, a number of developments necessitate this letter: reports of scandalous treatment of children and young people in a number of Young Offender Institutions (YOIs); the proposed rollout of PAVA spray to the children's secure estate; and the significant increase in the number of young people aged 18 or over being held in the children's secure estate.

We are gravely concerned about the appalling, potentially unlawful treatment of children and young people in custody, including prolonged solitary confinement, and reports of incidents putting children and young people at risk of serious harm, often driven by frustration at inadequate regimes and needs not being met. We are shocked that General Purpose Dogs and harmful devices are being deployed on children and young people in YOIs. We are dismayed that rather than putting the time and resources into addressing the root causes of children and young people's behaviour, policymakers are seriously considering arming custody staff with harmful irritant sprays to use on children.

The number of young people aged 18 or over in the children's secure estate increased by 140% in the five months after Operation Safeguard was announced, to 132. Making up 22% of the youth custody population and an estimated 28% of YOIs, this is by far the greatest proportion of young adults held in the children's estate since records began. It begs the question, when does child custody cease to be custody for children?

18 year olds transitioning into the adult custodial estate face a frightening cliff edge, and outcomes for young adults in custody are deeply concerning. We do not deny that, where 18 year olds are approaching the end of their sentence and an individualised approach is taken, remaining in the children's secure estate may often be preferable and vital for their wellbeing. However, concern for 18 year olds is not why the policy decision to increasingly keep them in the children's estate was made. Nor was the decision made because it had been deemed the children's estate was in a good, fit state to meet the needs of the children held there as well as a rapidly increasing population of young adults. Rather, the decision was purely based on capacity failures in the adult estate.

With the right child-focussed assessments, resourcing, timing and care put into it, and on a case by case basis, a carefully planned move to allow more 18 year olds to finish out their sentence in the children's estate wouldn't be ringing the alarm bells that are ringing now. But as it stands, the children's secure estate was already in crisis, struggling to cope with the children in its care, and unprepared for the change thrust upon them without due notice. Six months after Operation Safeguard came to be, the children's secure estate has been rapidly overloaded, by all accounts the treatment of children and young people is deteriorating, and the Youth Custody Service is resorting to desperate measures.

It is clear that the children's secure estate cannot meet the needs of children and young people. It cannot cope with an increasing population, let alone while also grasping the different considerations needed for over 18s. It is totally unjustifiable that children should see their standards of care fall even further, that they should be subjected to PAVA spray and the hardening and adultifying of the estate such a rollout would represent, because failures in adult justice policy have been offloaded to create undue stress on the children's system. We have already seen five Urgent Notifications for the children's secure estate in just four years. Without a clear strategy and urgent action, it is only a matter of time before the next.

### **Our calls and questions:**

- **PAVA spray must not be rolled out in the children's secure estate.** It is contrary to best interests and welfare principles for the care of children, will undermine relationships between children and staff and further damage the culture in YOIs, and given use of force in youth custody and use of PAVA spray in adult custody is racially disproportionate, it will highly likely be disproportionately used on Black and racially minoritised children. The Council of Europe is [clear](#) that due to its potentially dangerous effects PAVA spray should never be used in confined spaces.
  - What evaluation has taken place regarding the impact of PAVA on children in the secure estate?
  - When will the evaluation of PAVA in the adult estate be published?
  - When will this decision be made and who has been consulted?
- **The use of General Purpose Dogs and "flashbangs" in the children's secure estate must be banned**
  - How many times have General Purpose Dogs and "flashbangs" been used on children in custody via HMPPS Gold Command in the last five years?
  - What child-specific national guidance is available on their use?
- **Publish clear information about future plans for holding young people aged 18 and over in the children's estate**, including forecasts and targets, how long Operation Safeguard will be in place, and the assessment of its impact on children and young people in custody.
  - Will the change in the presumed transition date from the 18<sup>th</sup> birthday to 19<sup>th</sup> birthday be made permanent?
  - We have been informed numbers are expected to increase to around 150 – is this a target, if so how was the target set and how and when will it be revised?
  - Who has conducted the evaluation of the impact of the change, whose views have been sought and how (including children and young adults), will there be consultation on tentative conclusions?
- **Publish Equality Impact Assessments and Child Rights Impact Assessments** relating to both decisions on introducing PAVA spray and changing transition dates.
- **Publish the monthly Youth Custody Data disaggregating under and over 18s** regarding ethnicity, legal basis for detention, gender, looked after/care leaver status, and type of establishment.
- **Urgently develop a national strategy and improvement plan for youth custody**, developed with full and open consultation, which sets out a comprehensive, long-term vision for children in custody, and includes steps to prevent the predicted doubling of children in custody in the coming years, and clear timescales for achieving the government's 2016 commitment to phase out YOIs and Secure Training Centres.

We would welcome a meeting to discuss our concerns and the information we refer to in more detail, and we look forward to receiving a response regarding our questions.

Yours sincerely,

Saqib Deshmukh, Interim CEO, **Alliance for Youth Justice**

Jeremy Crook, Chief Executive, **Action for Race Equality**

Carolyn Willow, Director, **Article 39**

Charlie Spencer, Vice Chair, **Association of YOT Managers**

Clare Bracey, Director of Policy Campaigns and Communication, **Become**

Dr Roger Grimshaw, Research Director, **Centre for Crime and Justice Studies**

Andy Bell, Chief Executive, **Centre for Mental Health**

Louise King, Director, **Children's Rights Alliance for England, part of Just for Kids Law**

Nina Champion, Director, **Criminal Justice Alliance**

Andrea Coomber KC (Hon.), Chief Executive, **Howard League for Penal Reform**

Tyrone Steele, Interim Legal Director, **JUSTICE**

Marianne Moore, Director, **Justice Studio Ltd.**

Gess Aird, Director, **Kinetic Youth**

Akiko Hart, Interim Director, **Liberty**

Tim Bateman, Chair, **National Association for Youth Justice (NAYJ)**

Phil Kerry, Chief Executive, **New Horizon Youth Centre**

Gary Thomas, Director of Children and Family Services, **NYAS (National Youth Advisory Service)**

Pia Sinha, Chief Executive, **Prison Reform Trust**

Sherry Peck, CEO, **Safer London**

Lucie Russell, Chief Executive Officer, **StreetDoctors**

David Parks, Managing Director, **The Skill Mill**

Yvonne McNamara, CEO, **The Traveller Movement**

Dr Jo Easton, Acting CEO, **Unlock**

Bob Goody, Missions & Evangelism Director, British **Youth for Christ**

Emma Heath, Chair, **Youth Practitioners Association**

Khatuna Tsintsadze, Co-director, **Zahid Mubarek Trust**

Clare Birch, Transitions and Resilience Service Manager, **1625 Independent People**

Luke Billingham, Youth & Community Worker, Hackney Quest

Caroline Liggins, Partner and Head of Youth team, Hodge Jones & Allen

Nicky Hill, Freelance Consultant, Re:form Consulting

Dr Anne-Marie Day, Criminology Lecturer, Keele University

Hannah Smithson, Professor of Criminology and Youth Justice, Manchester Metropolitan University