

***Independent Advisory Panel on Deaths in Custody***

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Dear colleagues,

**Update on 18-Year-Olds in Youth Custody Estate**

Thank you for your update letter of 10 January 2024. The Independent Advisory Panel on Deaths in Custody (IAPDC) is concerned to learn that the interim policy decision taken in November 2022 to retain more 18-year-olds in the youth custody estate is being extended until at least January 2025 in light of continuing, unresolved adult prison capacity challenges.

We have no doubt that, in responding to the additional challenges connected with these arrangements, the well-being and safety of children and young people remain the top priority for the Youth Custody Service (YCS). We note the efforts being made to address problems relating to the provision of more consistent supervision arrangements pre- and post-release.

However, we note with concern that HM Inspectorate of Prisons' (HMIP) 'Children in custody' report for 2022/23 found that in the year 2021/22 the rate of violence in the youth custody estate, which had been falling, rose by 28% and the rate of self-harm by 37%.<sup>1</sup> While there have been no deaths in the Youth Custody Estate since 2019, we are concerned that this increased pressure on children's services risks diminishing the dedicated, child-centred care that is needed to keep children in custody safe.

The IAPDC continue to provide advice on preventing suicide in custody,<sup>2</sup> with regime, time out of cell, and purposeful activity being key factors within prison for both adults and children. Reports from HMIP and others have raised concerns about children spending far too long alone in cells. For example, HMIP's Children in Custody 2022-23 report, which undertook a detailed analysis of data from five young offender institutions, recorded that 28% of children were unlocked for less than two hours a day "*doing absolutely nothing with their time in custody*".<sup>3</sup> Similarly, Elisabeth Davies, National Chair of the Independent Monitoring Boards, last year raised concerns about "*endemic*" poor conditions and children locked in their rooms

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<sup>1</sup> HMIP, 'Children in Custody 2022-23', November 2023, available [here](#).

<sup>2</sup> For example, IAPDC, "It's time things change": Priorities for detention for the Department of Health and Social Care's suicide prevention strategy', September 2023, available [here](#).

<sup>3</sup> HMIP, 'Violence and self-harm continue to rise as youth custody continues to struggle to recover from the pandemic', November 2023, available [here](#); HMIP, 'Children in Custody 2022-23', November 2023, available [here](#).

for 23 hours a day due to staff shortages and “*keep-aparts*,” which IMBs have described as “*positively inhumane*”.<sup>4</sup> At the same time, long-term trends across the prison estate may indicate that, after long-term decline, the number of children in custody may rise, intensifying these already significant challenges.

The Panel is concerned that this additional pressure on resources and services cannot be in the best interest of the children detained. Operational challenges, combined with the evidence from HMIP’s last ‘Children in custody’ report of an alarming spike in self-harm rates, risks leading to poorer safety outcomes, increasing the risk of deaths in custody.

You kindly invited us to ask questions and we would be very grateful to receive the following further information:

1. You advised that a thorough review of how the interim policy arrangements are operating in practice will be completed by the summer of 2024. We are grateful that you have indicated that you will share these as soon as possible. Meanwhile, can you provide details of the scope of the review and its terms of reference, including whether this will include consideration of rates of violence and self-harm?
2. In light of the increased safety challenges described above, we would appreciate understanding what changes to existing operating arrangements and service delivery are being made to keep children and young people in custody safe, since the adoption of the policy in November 2022.
3. You state that “[s]ubject to review and consideration nearer the time, we expect that we will be able to end the policy in or by January 2025” but you will “review this policy change before committing to an end date”. We would be grateful if you could confirm whether you are considering the possibility of further extensions beyond January 2025 and whether further reviews will be undertaken at that time.

Thank you again for writing to us. As you are aware, the IAPDC provides independent advice and expertise to prevent deaths in custody. The Panel understand the currently very significant challenges and would like to be helpful and supportive. If you feel, at any stage, that we can provide any practical input to support this ongoing programme of work, we would be very happy to do so.

As ever,



**Lynn Emslie, Chair of the Independent Advisory Panel on Deaths in Custody**

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<sup>4</sup> IMB, ‘Urgent action needed to improve poor conditions endemic in young offender institutions’, August 2023, available [here](#).