



Ed Cornmell  
Executive Director  
Youth Custody Service  
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31st July 2023

Sent by email.

Dear Ed,

Thank you for your letter dated 13th July 2023 which provided a helpful update on the work of the YCS (Youth Custody Service) and some of the operational challenges you face. It was encouraging to read of your focus on improving safety in the children's secure estate. Like you, we look forward to a time when children feel safe and well cared for in whichever secure establishment they are detained. We are grateful to you for accepting an invitation to speak at our AYM conference in December and look forward hearing about further YCS developments.

We welcome the news that you have completed the update of your policy on safeguarding; we are sure that Directors of Children's Services and Heads of Youth Justice Services, particularly those in areas which host secure establishments, would welcome opportunities to support you in the implementation of this policy. We were encouraged that as part of your vision for secure accommodation in the future you recognise 'the evidence that a network of smaller settings provides the best possible environment for care and rehabilitation'. This evidence reinforces AYM's long-term support for a secure estate consisting entirely of small secure units closely connected to local authority children's services.

Your work with NHS England to develop and implement the 'Secure Stairs' programme has also been very welcome, and has, we are sure, helped your staff to recognise the level of trauma that most children in secure accommodation have experienced. Members of AYM have also acknowledged the investment you have made in the mandatory enrolment of all your front-line staff on to a programme leading to a degree in youth justice. We appreciate that this course has at its heart the concept of a 'relationship-based practice framework' as the basis for work with children to reduce the risk of future offending, which mirrors the ethos of work undertaken in the community.

In light of all this progress we were disheartened to learn that consideration is being given to the use of the synthetic pepper spray, PAVA, on children in some secure establishments.

We recognise, of course, that children in secure care can exhibit highly challenging and distressing behaviour. Many of our members have experience of working in secure establishments; whilst others have managed probation and bail hostels or have significant experience working in the residential sector with children in care, who as you know also present with a range of complex needs. We do not underestimate the difficulty in recruiting suitable staff to work in these environments, or the challenge of supporting them as they develop the skills and confidence to build positive relationships with those in their care.

We understand that a recommendation will go to ministers by the end of Summer 2023, and you have invited feedback from key stakeholders. We were, as you will know, a co-signatory to the AYJ (Alliance for Youth Justice) letter sent to the Minister on 11th July and we also contributed to the response from ADCS (Association of Directors of Children's Services) based on the views of its members. The speed at which these responses have been produced perhaps is an indication of the strength of our collaborative concern. AYM members have also raised several concerns, based on their direct experience of managing youth justice services, and fulfilling their statutory duties to supervise children serving both custodial and community sentences. The following provides a selection of the comments received nationally from across the sector:

*"We recognise that children in the secure estate are some of our most disadvantaged and vulnerable, having often experienced adverse childhood experiences and developmental trauma that can result in 'fight, flight and freeze' responses to perceived threats. In our view this can be exacerbated in the secure estate and should be addressed via an increased focus on training and resources in line with the principles of trauma-informed practice (safety, trust, choice, collaboration and empowerment). We are concerned that any plans for the use of PAVA (pepper spray) in youth custody, however sparingly, is more likely to increase tensions and violent incidents. Pepper spray has never been used on children in the secure estate previously and has only been approved for use in the adult estate. If the Ministry of Justice were to authorise the use of PAVA, we believe it would be contrary to the 'Child First' principle of youth justice and is a reactive and inappropriate way to manage altercations and conflicts. Instead, we would wish to see an increased focus on supporting the secure estate workforce to be sufficiently trained in working with vulnerable and trauma experienced children. The introduction of 18-year-olds into the children's secure estate and now the consideration of PAVA, indicates an adult-centric model permeating down into the child estate that appears to be resource/ideologically driven, rather than based on an evidence-based model."*

*"The introduction of PAVA could appear to amount to punishing children for systemic failings, such as the under-resourcing of the secure estate or the failure to upskill and provide consistently safe levels of care. Indeed, the introduction of PAVA in the current context of there being a highly-pressured secure climate, would inevitably compound the trauma of already deeply troubled children and disproportionately affect those already most marginalised."*

*"We know children from diverse backgrounds are disproportionality over-represented at every point in the YJS, including in custody. It therefore stands to reason that the use of PAVA spray will have an increased impact on these young detainees, especially in the more*

*volatile establishments, where the proportion of children from diverse backgrounds is more pronounced.*

*The introduction of 18 year old into the secure estate and now the consideration of PAVA, indicates an adult-centric model permeating down into the child estate that appears to be resource/ideologically driven, rather than based on an evidence-based model. The plethora of urgent notifications across the secure estate and an increasing reduced provision for children, is not being acknowledged as a driver for an increase in violence towards staff – the reduced number of children within the secure estate provided opportunity to adapt an improved model of working, but appears that a resource lens has been applied without consideration to the experience of children; in addition to this, what has been the consultation with children to understand potential drivers for an increase in violence. Concerns that the use of PAVA and ‘perceived’ threat will see greater targeting to black boys due to adultification.*

In summary we would encourage you to use the opportunity of reduced numbers of children (under 18) within the secure estate to build on the progress you have already made to improve the quality of your workforce and thus the quality of care. We note from your most recent publication [Safety in the Children and Young People Secure Estate: Update to March 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/safety-in-the-children-and-young-people-secure-estate-update-to-march-2023) a decrease in the number of assault incidents, including on staff, so this seems contrary to the introduction of PAVA. We support the ethos of ‘prevention is better than cure’ and believe that further investment in trauma-informed programmes and more training in de-escalating violent behaviour would achieve longer-term positive outcomes; this would also support the development you already have in place of relationship-based practice and Child First values.

This submission is also supported by our colleagues in YOT Managers Cymru (YMC). Our sector members in both organisations stand ready to support you and your colleagues in YCS in any way you consider appropriate, by sharing the skills and experience of our own staff with your front-line staff and their managers.

Kind regards

A handwritten signature in black ink, appearing to read 'Jacqui', with a large, stylized flourish extending from the end of the signature.

**Jacqui Belfield-Smith**

Chair, Association of Youth Offending Team Managers (AYM)

CC: YOT Managers Cymru (YMC)

**James Warr** (co-chair)

**Stephen Wood** (co-chair)