

Time out of cell

Young Offender Institutions

The Youth Custody Service (YCS) has provided us with detailed information on the amount of time children in YOIs spend out of their cells. Comparable data is not available for STCs or SCHs. This time can be spent on any number of activities, including any 'unlocked' time to undertake chores or structured activity, education hours, interventions, time in the fresh air for exercise, meals, showers (if there are no shower facilities in their cells), and one to one support provided by staff to children.

The YCS introduced a new method for YOIs to calculate time out of cell in August 2020. The new methodology aims to ensure that YOIs are providing comparable data, calculated in a standardised way. Reliable data prior to August 2020 is not available so this has been excluded from this report. Data from August 2020 should be interpreted as an estimate of time out of cell, as the new methodology is being embedded within YOIs and figures may be subject to further revision. Due to the lack of data prior to August, establishing a pre-COVID-19 baseline of time out of cell for comparison has been challenging. The legal requirement for YOIs prior to COVID-19 was to provide at least 10 hours of meaningful activity per day, including at least one hour of physical activity per day and 15 hours of education per week,² in 2014 education contracts doubled the education hours YOIs should provide, to 30 hours per week.³

The data shows us that, across all YOIs, access to time out of cell has been severely limited due to the pandemic. On average, the situation seems to have improved slightly since the outset of the crisis but remains concerningly low overall. We reported in May 2020 that based on the evidence available at the time, children were spending between 40 minutes and three hours out of their cells per day, with significant variation between YOIs.⁴ This finding was consistent with that of the HMCIP in April 2020.⁵ The indicative data suggests that by August 2020 children spent an average of only 3 hours 20 minutes per day out of their cells, increasing to an average of around 4 hours in January 2021. Taking an average across all days, however, obscures the large differences between the timetables available to children on weekdays versus weekends.

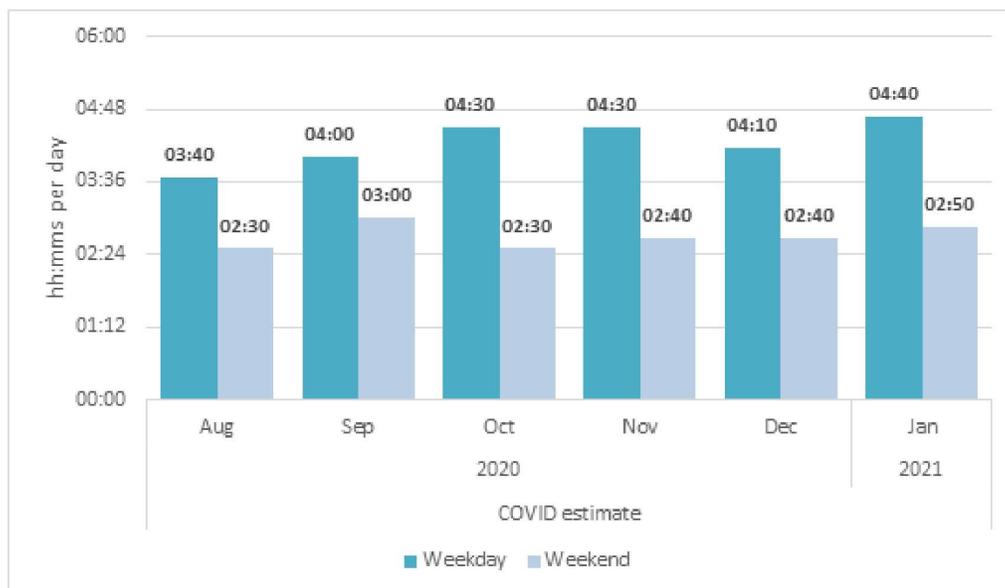
² <https://www.legislation.gov.uk/ukxi/2000/3371/made>

³ <https://www.gov.uk/government/news/30-hours-education-a-week-for-young-offenders>

⁴ <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/12/cco-injustice-or-in-justice.pdf>

⁵ <https://www.justiceinspectores.gov.uk/hmiprisons/wp-content/uploads/sites/4/2020/05/YOIs-SSV-Web-2020-1.pdf>

Figure 1 – Estimated average time out of room per young person for weekdays and weekends, for all YOIs excluding Feltham B, August 2020 – January 2021



The information we have suggests that the average time children spend out of their cell on weekdays has increased by about 1 hour during the period, from around 3 hours 40 minutes in August, to around 4 hours 40 minutes in January. However, average time out of cell at the weekend appears to have increased by only 20 minutes over the same period (Figure 1).

The averages across all YOIs hide some significant variation between timetables offered. One institution reported providing almost 6 hours out of cell on weekdays on average in January, well above the average of 4 hours 40 minutes. Similarly, at weekends this institution reported providing 4 hours 16 minutes out of cell on average per day at weekends, compared to the average of only 2 hours 50 minutes.

The issue of limited timetables at the weekend is not new – in our weekend visits to YOIs before the pandemic some children reported they were often in their cells for in excess of 22 hours per day at weekends.⁶ This is consistent with the HMIP survey finding that only 27% of children in YOIs reported spending longer than 2 hours out of their cells at weekends in 2018/19.⁷

COVID-19 has had a significant impact on staffing levels and the ability for a YOI to deliver a full regime, which is a contributor to the limited time out of cell on average month to month. There have been multiple COVID-19 outbreaks in YOIs since August which have resulted in some weeks of significantly reduced timetables due to a lack of staff on site. Where there is an active COVID-19 outbreak in YOIs, the timetables have been further restricted to limit spread amongst the staff and young people. Even when there is not an active outbreak, timetables are restricted to minimise the chances of the virus being transmitted.

However, even accounting for staff absences, timetables offered to children remain too restricted. The recent HMIP report about the effect of Covid-19 on the custodial estate concludes that the

⁶ <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/12/cco-injustice-or-in-justice.pdf>

⁷ <https://www.justiceinspectores.gov.uk/hmiprisons/wp-content/uploads/sites/4/2020/02/Children-in-Custody-2018-19-Web-1.pdf>