



Blogs > News >

Calling on the Lord Chancellor and Secretary of State for Justice to ensure the rights of children in custody are upheld during the coronavirus outbreak

25 March 2020

Anne Longfield, Children's Commissioner for England, has written to Robert Buckland, Lord Chancellor and Secretary of State for Justice, with regards to the Ministry of Justice's response to the outbreak of the Covid-19 virus and the protection of children in youth custody.

Find the full letter below;

Dear Secretary of State,

I am writing with regards to the Ministry of Justice's response to the outbreak of the Covid-19 virus and the protection of children in youth custody.

My overriding concern is the maintenance of safe staffing levels, in order to enable children to be safe and have their basic needs accommodated. For children, basic needs includes access to healthcare, ability to socialise with peers and family, to participate in education and to get some exercise. While I understand that the Youth Custody Service (YCS) is attempting to ensure the safety of the children in their care, I remain concerned that at present measures do not go far enough to ensure children in custody are safe, well cared for and their rights upheld.

I understand that in a worst-case scenario staffing levels could drop significantly – estimates suggest by around 30%. This will have a catastrophic impact on children's access to daily

lockdown with no visitors in the adult estate. An arrangement that could well be in place until September. I understand that in a worst-case scenario, similar arrangements will be made for the youth estate. I believe that reducing the number of children in custody is the only way of managing youth custody settings in a safe manner during this crisis. .

There will be children within the youth custody estate with underlying health conditions. I believe that without reducing the numbers of children in custody it will be impossible to mitigate the risk to these children. I recognise that the YCS and NHS colleagues are working hard to identify the most at-risk children and to put measures in place to protect them, however these measures are likely to be critically undermined by shortfalls in staffing levels. I believe all children with an underlying health condition which makes them susceptible to Covid-19 should be considered for early release.

Though guidance states that children should only be remanded to custody as a last resort, around 240 children are currently in custody on remand. Two thirds of these children will not subsequently receive a custodial sentence. Furthermore, the suspension of criminal trials has left these children in indefinite limbo. Reducing the number of children who are remanded in custody would immediately reduce pressure on the secure estate in this difficult time and improve the experience of children who will remain there.

I would also like you to review the status of all children due to be released in the next six months, children aged under 14 and children in for non-violent offences to consider who could be safely managed in the community. I believe unit directors could provide invaluable insight to this process. They will know which children are actively engaging with the support around them, and are likely to continue to do so in the community.

I would also urge you to introduce a temporary moratorium on short sentences for children. This would divert children from unnecessarily entering custody and greatly reduce pressure on the system.

Given the findings of the recent HMIP thematic report on separation, it is clear that some children in YOIs are already held in solitary confinement, which is a clear infringement of their rights under Article 37 and 40 of the United Nation's Convention on the Rights of the Child. Without reducing the number of children in prison, how can you ensure that isolation or quarantine measures are proportionate and do not result in *de facto* solitary confinement? I would consider any child held in a cell alone for 23-hrs a day, as my team have already witnessed in weekends at YOIs this year, to constitute solitary confinement.

While any decision to release a child early has to take into account the potential impact this has on the rest of the system, there are very serious, imminent risks to the safety and welfare of children in the secure estate. I urge you to consider these serious measures to reduce the population of the secure estate to manageable levels if staffing levels are significantly compromised.

mental health and may drive up levels of violence and self-harm. I hope that in addition to the work NHS staff are doing in the secure estate to produce wellbeing packs, that you are ensuring all children can access helplines and wellbeing support, and that you can guarantee every effort will be made (where physical visits from family and professionals are temporarily not possible) to urgently push through the technological capability to facilitate skype/Whatsapp/zoom visits for children to further support their wellbeing. I recognise settings may be concerned about end to end encryption with platforms like Whatsapp, though this should not be a problem for video calls, particularly if they are supervised in the way a normal visit would be.

In this challenging time, advocacy services become an even more vitally important protection against human rights abuses. I would be grateful if you would let me know what arrangements have been made with Barnardo's, the charity delivering the national advocacy contract to ensure children continue to have access to independent advocacy during the emergency?

Please could you provide me with an update at your earliest possible convenience on how the Ministry of Justice can ensure the rights of children in custody are upheld in this difficult time.

All best wishes

Anne Longfield OBE

Children's Commissioner for England

Related News Articles



Young people with eating disorders in England on the rise

1 August 2023

News



Tell me what you think about whether 'care experience' should be given protection in law

26 July 2023

News



Ongoing concerns following the passing of the Illegal Migration Bill

19 July 2023

[Statement](#)



Sign up to our newsletter

[Sign up](#)

About

[About us](#)



Contact

[Contact us](#)





Menu

Cookies



Vacancies



Accessibility



Copyright © 2023 Children's Commissioner for England. All rights reserved.

Website By