

Children in custody - trends and patterns from 2015 to 2019

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December 2019 was a big month. The last month of the decade, the usual frantic end of year deadlines mixed in with the stream of Christmas parties, and the end of a turbulent year in politics and society. It was also the month CYCJ got our final data instalment of the year on the number of children (referring to all under 18s) in custody. Having used a consistent reporting method since December 2015, we now had four years' worth of data to compare.

So let's start with 2019. Figure one shows the average number of children held in Young Offenders Institutions (YOIs) each month in 2019 differentiated by gender and whether the child was untried (remanded), convicted (sentenced) or convicted awaiting sentence.

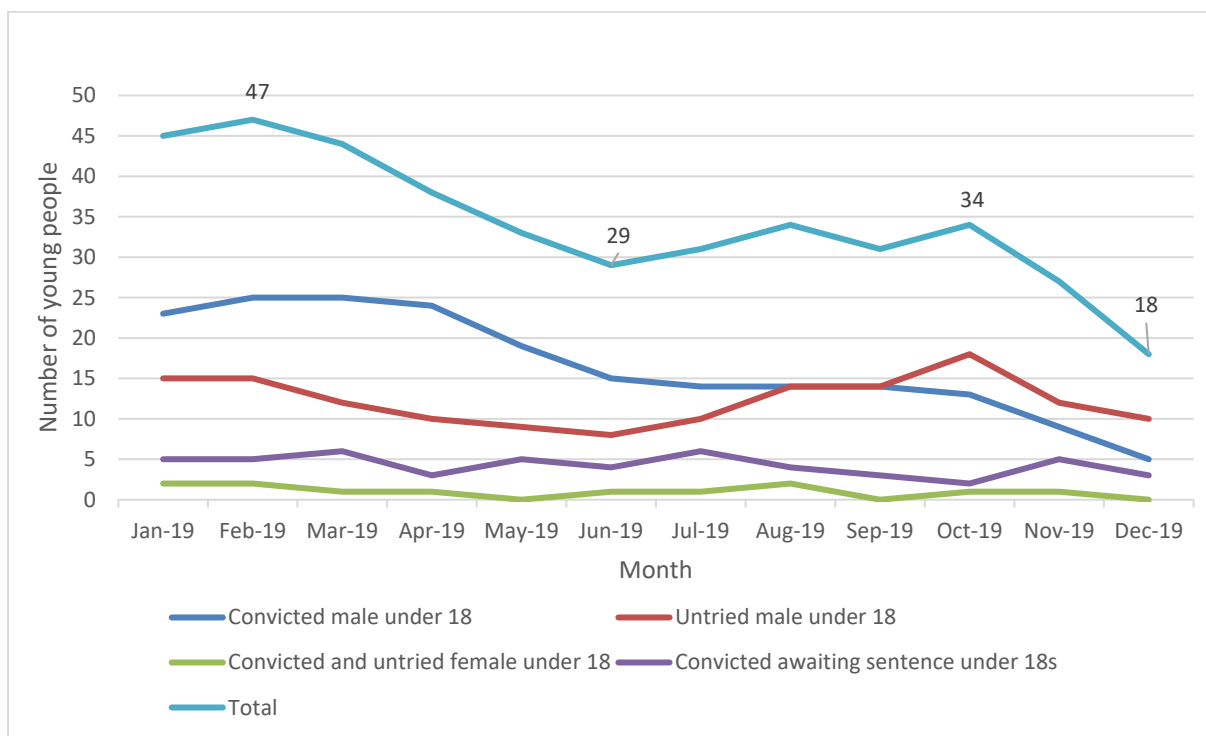


Figure 1: The average number of children held in YOIs in 2019

As figure one illustrates, 2019 has continued to see peaks and troughs in the number of children held in. Overall however we have seen a large decline in the total number of children held in custody, which peaked at 47 children in February 2019 and fell to a low of 18 children in December. This fall is largely owing to the reductions in the number of convicted males, peaking at 25 in February and March respectively and falling to a low of only five in December. The number of males held on remand has seen a much more variable trend, peaking at 18 in October, with a low of eight in June. Our total female population has remained low in numbers, ranging from an average of between 0 and two, and the number of young people convicted awaiting sentence has ranged from between two in October and six in March and July respectively. Avid followers of this blog will know we have always expressed caution with how much we can say about annual figures, but what about now, when we have four years' worth of data?

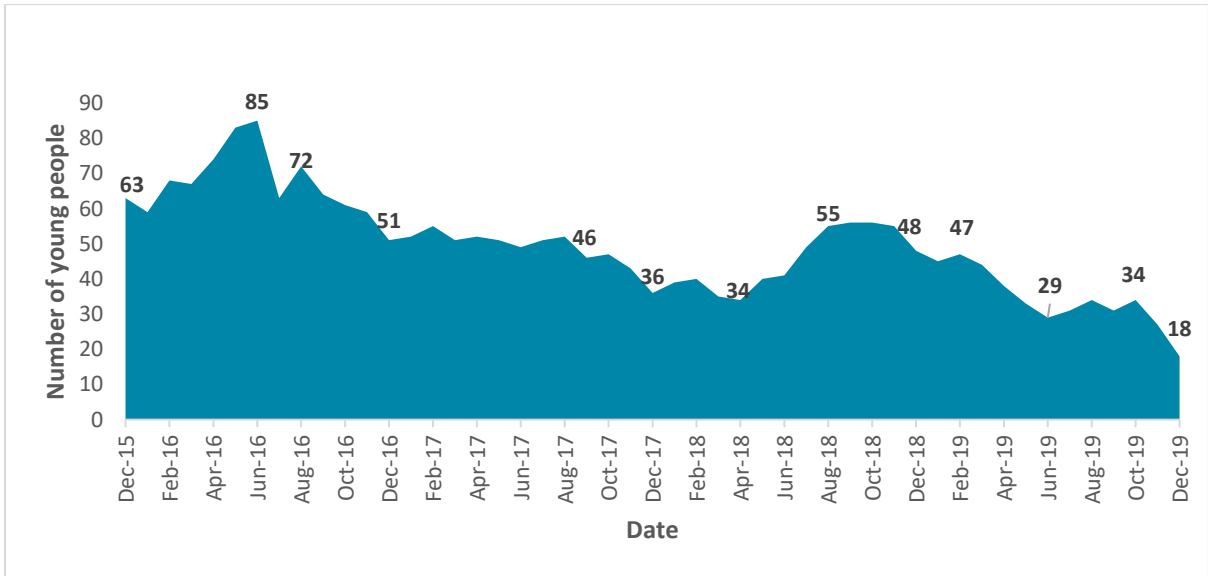


Figure 2: The monthly average number of under 18s in custody in Scotland December 2015-December 2019

The above graph indicates that in spite of marked fluctuations, we have generally seen a downwards trend in the average number of children in custody over the past four years. When we take the highest monthly average for the last four years (85 in June 2016) and compare this with the lowest average (18 in December 2019), this represents an almost 80% drop in the numbers of young people in custody. Given the variations in monthly figures illustrated above, it might be more beneficial to consider the changes in the average daily number of young people as illustrated in Figure 3.

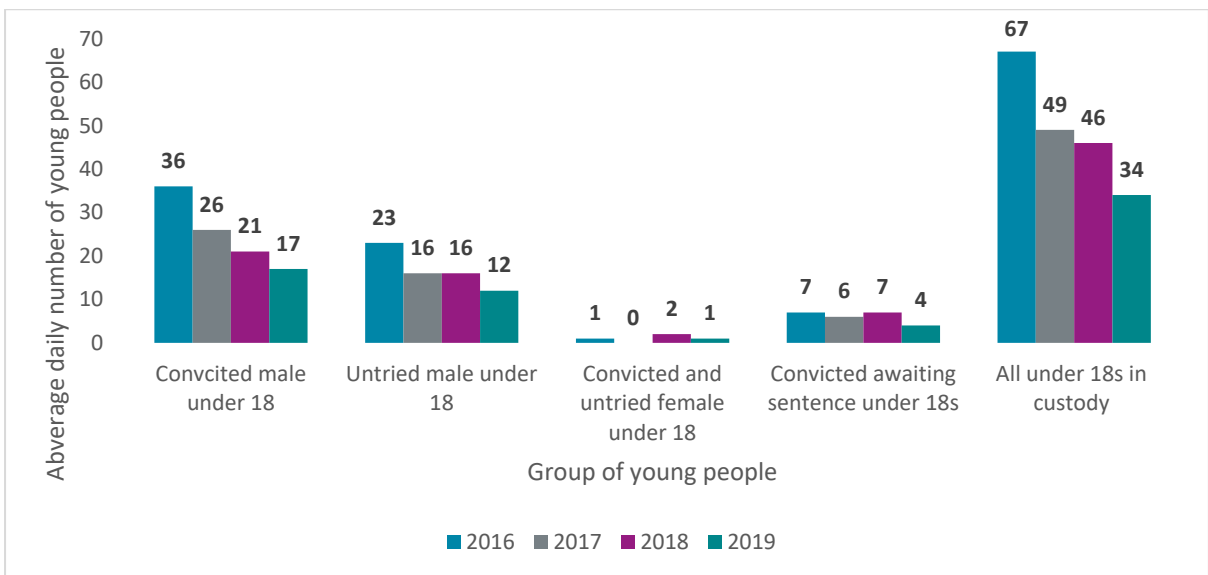


Figure 3: Average daily number of children in custody from 2016 to 2019

Direct comparison of 2016 (when usage was generally at its highest) to 2019 shows:

- A 53% reduction in the average daily number of convicted males under 18 in custody;
- A 48% reduction in the average daily number of untried males;

- A 43% reduction in the average daily number of young people who are convicted awaiting sentence, however as a percentage of the total population the number of children on remand has not changed, remaining at just over a third;
- An almost 50% reduction in the average daily total number of under 18s in custody
- The number of females has remained broadly consistent.

The analysis evidences progress in reducing the number of young people in custody over the last four years. This is extremely important given that under Article 37 of the UNCRC “The arrest, detention or imprisonment of a child...shall be used only as a measure of last resort”. In addition, as Professor Nowak highlighted at the recent Kilbrandon lecture, deprivation of liberty is deprivation of childhood and is often damaging to the health and wellbeing of children, counterproductive and leaves a long-lasting personal mark on children, their families and society. It remains difficult to say what might be behind these figures but this is likely to involve a combination of factors including policy, practice, process and system changes (including the impact of the Whole System Approach (WSA) and potentially the presumption against short term sentences); reductions in the number of detected offences committed by children and children entering the formal justice system; and efforts to ensure custody is only utilised where there is no alternative option.

We are arguably in a period in Scotland whereby we have never had a greater focus on children deprived of their liberty. The findings of the most recent inspection of [HMP&YOI Polmont, Expert Review of Provision of Mental Health Services at HMP YOI Polmont](#), Justice Committee inquiry into [Secure care places for children and young people in Scotland](#), and the [Independent Care Review](#) all suggest that we need to really rethink our approach to depriving children of their liberty in custodial environments. The above data is one key component in informing these discussions, as it also raises a number of further questions, including:

- What does this mean for the children who continue to be either remanded or sentenced to custody? Anecdotal evidence would suggest that these children are presenting with greater and more complex needs, vulnerabilities, and risks than before, and that the offences for which they have been sentenced or remanded are more serious.
- It would appear that a greater number of children are subject to lengthy sentences, bringing the well versed concerns of what this means for children knowing that they will spend long periods of their future within custodial environments. But what impact will this have on the data given that these children will be part of our numbers of under 18s in custody for longer periods?
- What is the impact on children’s experiences of custody and for staff within the custodial environment?
- This data is incomplete in that we do not know how many children are remanded or sentenced in secure care as this information is not publically available. How can we address this challenge?
- The relatively stable use of remand as a proportion of the total under 18 population in custody is also concerning, with Professor Nowak highlighting at the [Rights Respecting? Symposium](#) that if children being held pre-trial make up over 30% of the total custodial population, as they do and have done in Scotland, there is something wrong with the wider justice system. Why have we been unable to address the use of remand? CYCJ forthcoming research may shed more light on this matter.