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# Unmasked and Exposed: The Impact of COVID-19 on the Youth Custodial Estate. A Compelling Case for Ideological Change

Hannah Smithson\* and Deborah Jump

\*H. Smithson and D. Jump, Department of Sociology, Manchester Centre for Youth Studies, Manchester Metropolitan University, Geoffrey Manton Building, Rosamond Street West, Manchester M15 6LL, UK; email: [h.l.smithson@mmu.ac.uk](mailto:h.l.smithson@mmu.ac.uk)

The impact of the COVID-19 pandemic on custodial institutions has been the subject of intense scrutiny. During the pandemic, many international jurisdictions failed to develop clear and child-focussed plans for the management of children in custody, instead relying on strategies developed for adult populations. Presenting the findings from the United Kingdom's (England Wales) first empirical in-depth exploration of the impacts of COVID-19 on children at each stage of the Youth Justice System, this article discusses the devastating effect on incarcerated children. The pandemic exacerbated existing failures in the children's secure estate, eradicated children's rights and exposed children to increased vulnerabilities. We present an urgent need for a fundamental ideological reconsideration of the purpose of custody for children.

**KEY WORDS:** COVID-19, youth custody, children's rights, vulnerabilities, transformation

## INTRODUCTION

The World Health Organization (WHO) (2020: 1–2) warned that prisoners, 'are likely to be more vulnerable to the coronavirus disease outbreak than the general population'. The prevention of COVID contagion was the primary focus of the custodial estate in England Wales. The response was underpinned by three core objectives: preservation of life; maintaining security, stability and safety and providing sufficient capacity in the secure estate (see Harris and Goodfellow 2021).

Such were the concerns for incarcerated children that at the start of the pandemic there were calls at an international level to reduce the numbers of children held in custody. The United Nations and the Alliance for Child Protection issued guidance about the protection of rights for incarcerated children (2020). It focussed on restricting the detention of children, refraining from arresting children for minor offences, and the early release of children from custodial settings. Globally, 11,600 children were released from custody between May and June 2020

(UNICEF 2021). Notably, no children from England and Wales were released under the government's End of Custody Temporary Release Scheme (Harris and Goodfellow 2021).

Whilst there has been a vast amount of international literature produced about the impact of COVID-19 in custodial estates (see Rapisarda and Byrne 2020; Fair and Jacobson 2021; Heard 2021) much of this has focussed on the health implications of the pandemic. This literature has produced reviews of international responses that lack a particular emphasis on incarcerated children. To address this gap, we provide the findings from an 18-month project funded by the Economic and Social Research Council (ESRC) as part of their COVID-19 rapid response call. It is the first in-depth empirical study of the impacts of COVID-19 detailing each stage of the English and Welsh Youth Justice System. The Greater Manchester (GM) region of North-West England served as a case study area. The intention of this article is two-fold: first, to document the experiences of youth justice professionals and children in custody during the pandemic; and second, to illustrate how these experiences urgently shape the need for a fundamental ideological shift in the purpose of custody for children.

### THE CHILDREN'S SECURE ESTATE

Article 37 of the United Nations Convention on the Rights of the Child maintains that the imprisonment of children should only be used as a measure of last resort and for the shortest appropriate period (UNCRC 1989). Yet, the exact number of children across the globe detained in custody/detention is unknown (UNICEF 2021). However, in a review of global data, UNICEF estimated that in 2020, a total of 261,200 children were estimated to be in detention on any given day (UNICEF 2021: 14).

In England and Wales there are three types of secure settings for children:

Young Offender Institutes (YOIs): for boys aged 15–17 and young adult men aged 18–21.

There are five YOIs across England and Wales. Four public and one privately managed.

Secure Training Centres (STCs): designed to be smaller than YOIs. They typically accommodate boys and girls aged 12–17 who are too vulnerable for a YOI. There are currently two STCs.

Secure Children's Homes (SCHs): care for vulnerable boys and girls aged between 10 and 17 in therapeutic environments. There are 14 SCHs across England and Wales with eight offering placements for justice-involved children. They are managed by local authorities. (National Audit Office 2022a).

Official figures illustrate that the number of children in custody has fallen significantly for more than a decade and is currently at a historic low. Between March 2010 and March 2020, the number of children in custody fell 68 per cent (Youth Justice Board and Ministry of Justice 2021). There were 443 children under the age of 18 in custody in England and Wales, and 616 including those aged 18 and over (HM Prison and Probation Service and the Youth Custody Service 2023). Moreover, the numbers of children in custody on remand (incarcerated whilst awaiting trial) remained stubbornly high during the pandemic. In March 2020, the average number was 250 and 244 by March 2021 (HM Prison and Probation Service and Youth Custody Service 2023). Of significant concern is the projection that custody numbers for children will more than double by September 2024. These projections are driven by court recovery from the COVID-19 pandemic, the impact of the Police, Crime, Sentencing and Courts Bill and government plans to recruit around 23,000 additional police officers (National Audit Office 2022b). Furthermore, there is an expectation that children aged 15–17 in YOIs will double, from 343 in July 2021 to 700 in July 2025 (National Audit Office 2022b). These figures are concerning; not only are numbers projected to double, but the conditions in which children are kept in custody

are dire and poor conditions that pre-existed COVID such as a lack of time out of cell, safety concerns, increases in violence and limited education provision have been exacerbated by the pandemic (Harris and Goodfellow 2022).

It is with these conditions in mind, that we turn our attention to the emergence of the Youth Justice System in the United Kingdom. From the 1908 Children's Act that prevented the imprisonment of children under 14 (Tebbutt 2016), to the 1988 Criminal Justice Act that introduced YOIs (Muncie 2015), to the populist punitiveness of the 1990s which encouraged a punitive turn ((Tebbutt 2016), the ebb and flow of welfare ideologies versus justice and penal ideologies is demonstrable over time. With few exceptions, most notably, the Nordic countries, whose systems can be described as fundamentally underpinned by the principles of welfare and care (Lappi-Seppälä and Tonry 2011; Enell et al. 2022), Youth Justice Systems across the globe are primarily reductionist and influenced by risk management, and the responsabilization of children and populist punitiveness (Muncie 2009; Goldson 2010; Phoenix 2016).

Across nine global regions analysed by UNICEF exploring incarceration figures, North America has the highest rate of children in detention (UNICEF 2021). Western Europe is fourth whilst West and Central Africa have the lowest rates. Within Western Europe, England and Wales frequently top the tables of countries with the highest number of prisoners. For instance, according to recent data from the World Prison Brief (2023), England and Wales were closely followed by Scotland as having the highest rates of imprisonment. These figures are mirrored in the children's secure estate (Howard League n.d.). In contrast, Nordic countries keep child imprisonment to a minimum, supported by a relatively high age of criminal responsibility compared to other countries. For instance, the minimum age of criminal responsibility is 15 in the Nordic countries (Enell et al. 2022) compared with age 10 in England and Wales. Diversion from the secure estate to child welfare institutions is a hallmark of the Nordic model (Freymon and Cameron 2006). Child custody figures in the Nordic countries ranged from 158 in Denmark in 2019 (Enell et al. 2022) to between 7 and 10 in Finland in 2020 (Rise 2020).

Phoenix (2016: 20) argues that throughout history, Youth Justice Systems have been and are inherently unjust through their fetishizing of the punishment of children, *'already marginalised by class, gender, and cultural inequalities'*. This prevailing ideology therefore presents a tension between the current rhetoric of the 'Child First' guiding principle for the English and Welsh Youth Justice System; a principle centred on prioritizing the child's best interests by focussing on prevention, diversion and minimal custody (Case and Browning 2021) with the reality of Youth Justice Systems that continue to incarcerate society's most vulnerable children.

Phoenix (2016: 20) and Annamma and Morgan (2022) question the ideology of contemporary Youth Justice Systems. Phoenix (2016: 20) calls for a critical youth penalty; a system devoid of punishment for ideological sake replaced by one which interrogates and holds accountable the social conditions that make punishment and incarceration of children possible. Taking a 'DisCrit' (disability and critical race theory) lens, Annamma and Morgan (2022) call for the abolition of custody for children. They propose that the funding of the secure estate should be diverted and invested to improve the very social conditions—health, education, housing and employment, that have arguably contributed to children's offending behaviour.

By way of context, in England and Wales, it is estimated that it costs approximately £200,000 per annum to hold a child in youth custody (Beard 2022), with a further £40,000 per annum of state costs to cover the long-term effects of imprisonment, including, unemployment, lack of education, substance misuse and re-offending (The New Economics Foundation 2010). In stark contrast, in England, public spending on children under the age of 18 in 2017–18 (excluding health care) was approximately £7,200 per child (Children's Commissioner for England 2018). In 2022–23 school spending in England and Wales was approximately £7,200 per pupil (Institute of Fiscal Studies 2023). Health care expenditure in the United Kingdom in

2021 equated to £4,188 per person (Office for National Statistics 2021). Spending per head on Children's services and Social Care in England was approximately £860 per child between 2009 and 2010 (Children's Commissioner for England 2018) and spending on public benefits for families with children in England was £5,000 per child in 2017 and 2018. Based on these figures the case for diverting funds from the custodial estate is exceptionally strong and could potentially ameliorate some of the structural impediments that contributed towards poor outcomes for imprisoned children prior to incarceration.

## THE CHARACTERISTICS OF INCARCERATED CHILDREN

A commitment to addressing the conditions in which children are incarcerated is necessary when the characteristics of children in custody are examined alongside the structural inequalities they face (Annamma and Morgan 2022). Globally, incarcerated children share similar characteristics. For example, racial disproportionality is striking amongst incarcerated children. In England and Wales, in 2020/21, '53 per cent of children in custody were from ethnic minority groups and 47 per cent were White' (House of Commons Library 2022). In the United States, Black children account for a larger proportion of detained children (46 per cent) than White children (26 per cent) or Hispanic children (23 per cent) (Puzzanchera *et al.* 2022). In Australia, young Aboriginal and Torres Strait Islander children made up more than half, 56 per cent of all those in detention in 2022 (Australian Institute of Health and Welfare 2023). It is therefore clear that some children of colour experience higher rates of incarceration than their white counterparts.

Neuro-divergent children and those excluded from mainstream education are also disproportionately represented in custodial settings. A Criminal Justice Joint Inspection review (2021: 8) noted that '*perhaps half of those entering prison {in England and Wales} could reasonably be expected to have some form of neurodivergent condition*'. Day (2022: 2) reports that up to 90 per cent of children in custody in England met the diagnostic criteria for a communication disorder. In 2017/18, 89 per cent of boys in YOIs reported they that had been excluded from mainstream education (Green 2019).

Martin *et al.* (2022) explored the prevalence of Adverse Childhood Experiences (ACEs) within a sample of 58 young people admitted to an SCH in the North of England, and when compared to the general population, the young people were 1.85 times more likely to have experienced at least one ACE, and 13.08 times more likely to have experienced four or more ACEs. The most common ACEs experienced by the children were parental separation (78 per cent), physical neglect (76 per cent), emotional abuse (71 per cent) and emotional neglect (69 per cent). An increasing understanding of ACEs further illustrates their prevalence amongst incarcerated children and highlights the vulnerabilities and traumatic histories so commonly found in this population (Gray *et al.* 2023).

## THE IMPACT OF COVID-19 ON CHILDREN IN CUSTODY

The experiences of children in custody during the pandemic were bleak (see Harris and Goodfellow 2022; Jump *et al.* 2022; Smithson *et al.* 2022; Larner and Smithson 2023). The section above describes the heightened vulnerabilities of justice-involved children. Many of these vulnerabilities, such as mental health needs, lack of engagement with formal education and experience of trauma and racism were exacerbated on a global level during the pandemic (Buchanan *et al.* 2020; Smithson *et al.* 2021; Annama and Morgan 2022; Smithson 2024). This exacerbation of vulnerability is ever more concerning when pre-COVID, the custodial estate in England and Wales was recognized as completely inadequate. In 2017, the Chief Inspector of Prisons concluded that no YOI or STC was safe to hold children (HM Inspectorate of Prisons 2019). The Youth Custody



Improvement Board (YCIB) reported a lack of a clear national vision for the youth secure estate (YCIB 2017). More recently, the final report of the Independent Review of Children's Social Care stated that YOIs and STCs are 'wholly unsuitable' for children and '*should be phased out within the next ten years, replaced by SCHs or Secure Schools*' (MacAlister 2022: 124).

Most reports published about the UK government's response to children in custody during the pandemic (including those from the Children's Commissioner of England, the Justice Select Committee and HM Inspectorate of Prisons) presented a dismal picture. The Justice Select Committee (2020) noted that there was no clear, separate plan for the children's custodial estate. Furthermore, concerns were raised about the restriction of regimes including: the imposition of isolation for children that was tantamount to solitary confinement (Joint Committee on Human Rights 2020; HM Inspectorate of Prisons 2021; Smithson *et al.* 2022); the curtailment of face-to-face education which, Frances Cooney from the Prisoner's Education Trust commented was, '*certainly not in the child's best interests*' (Cooney 2020); and the exacerbation of children's mental health needs. The government made assurances that the mental health of prisoners remained a priority, however, a report by the Independent Monitoring Board<sup>1</sup> (IMB) focussing on YOIs during COVID, raised significant concerns about the withdrawal of mental health services for children and the backlog this would likely have for one-to-one therapeutic work after the lifting of COVID restrictions (IMB 2021).

A more optimistic outlook of children's experiences of custody during the pandemic was provided by the Youth Custody Service (YCS) in their report published in 2022 (YCS 2022).<sup>2</sup> The report states that amongst 391 children serving sentences in YOIs, STCs and SCHs, surveyed over 3 weeks between July and August 2020, 77 per cent of children felt well protected in custody. According to the report, only 42 per cent of children spent time in isolation, with just over half finding it stressful and 83 per cent felt supported by staff during isolation. Only 24 per cent felt anxious during lockdown with 31 per cent often feeling alone. The report goes on to state that more than two-thirds of children experienced personal growth, yet in contrast, only a third of children felt prepared to leave custody. These findings are remarkable given the dire inadequacy of the children's secure estate pre-pandemic.

The pandemic provided an opportunity to radically influence the ideology of incarcerating children; rather, children were subjected to a regime that eradicated their rights and exposed them to increased vulnerabilities. The UNCRC advises that five core criteria are crucial for a child-rights compliant Youth Justice System: (1) a focus on re-integration and dignity rather than punitiveness; (2) the consideration of children's well-being; (3) the prioritization of diversion from the criminal justice system; (4) putting legal safeguards in place that are meaningful for children and (5) significant attention given to the implementation and operation of the Youth Justice System in practice to uphold children's rights (see Forde 2022). We go on to explore the extent to which these core principles were considered and upheld during the pandemic.

## METHODS: OUR APPROACH

The GM region of North-West England served as a case study area for the project. The project commenced in November 2020, a period in which the GM region was under Tier 4 COVID-19 restrictions.<sup>3</sup> Ethical approval was granted by the Manchester Metropolitan university's Research Governance Committee, paying particular attention to the ethical considerations associated with undertaking research during the pandemic. For instance, the move to interviewing on

1 The IMB provides independent oversight of prisons in England Wales.

2 The YCS is a specialist service within His Majesty's Prison and Probation Service (HMPPS), that works with the children that are given a custodial sentence or remanded into custody.

3 Tier 4 restrictions comprised a 'stay at home' directive allowing only essential activities.

Microsoft Teams and Zoom platforms rather than in-person. Furthermore, ethical approval was obtained from His Majesty's Prison and Probation Service (HMPPS) to include professionals and children in the custodial estate. Two secure establishments were involved in the research, an SCH (referred to as SCH A) and a Youth Offending Institute (referred to as YOI X).

The research in SCH A was undertaken between March 2021 and November 2021. It involved Zoom interviews with seven members of staff including managers, intervention staff and nurses (at the time of the interviews, social distancing requirements made face-to-face interviews unfeasible). Informed consent was obtained digitally from all those taking part. Interview guides included discussions about adaptations to service provision and delivery, impacts on partnership working, changes to individual roles and short- and long-term challenges for their respective organizations in a post-COVID-19 world. Interviews lasted between 45 minutes and one hour and were recorded and transcribed.

Twenty-two boys were involved in the research at SCH A. The research team made a short film introducing themselves and the research and this was played for children. The children then decided whether they wanted to take part. If they agreed, we obtained informed consent and loco parentis consent from SCH A for any child under the age of 16. Due to social distancing requirements, 15 children were interviewed via Zoom. Interviews lasted approximately 30 minutes and were recorded and transcribed. Loose themes rather than structured interview guides were used. The themes included: feelings of safety, experience of isolation, changes to the regime (including education) the transmission of COVID, contact with family and friends and an exploration of changes to SCH A that could be made post-pandemic. During a period of the easing of social distancing restrictions, seven boys took part in three participatory workshops held on site. The workshops lasted for two hours and followed similar themes to those used in the Zoom interviews. The children who took part in the research were all male, aged between 14 and 17 and over half self-identified as having ethnic minority heritage.

Between November 2021 and January 2022, 15 interviews were undertaken with staff at YOI X including senior governors, wing staff and education staff. Nine were undertaken using the Zoom platform and the remaining six were undertaken on site. Interview guides were the same as those used in SCH A. Informed consent was obtained and all interviews were recorded and transcribed.

A participatory workshop was facilitated on site for six boys aged between 16 and 17, half of whom were from ethnic minority backgrounds, each of whom had been in custody since the start of the pandemic. The research team wrote to the boys prior to the workshop to introduce themselves and the focus of the research. The regime at YOI X restricted the groups of children who could take part in the research—participation could not be offered to all children on each wing. The workshop was held in the sports hall at YOI X during an easing of social distancing requirements. Informed consent was obtained from each child. The workshop lasted for three hours and incorporated sporting activities (rugby) along with interactive discussions of their experiences of custody during the pandemic (sport is considered an effective means of engaging with justice-involved children, [Jump and Smithson 2020](#)). The workshop was recorded and transcribed.

## ANALYSIS

The qualitative analysis of interviews and workshops was thematic in nature ([Braun and Clarke 2012](#)). The interview transcripts were analysed by the research team to familiarize themselves with the content, after which, each transcript was redacted to ensure anonymity. A coding tree was devised using NVivo software which led to the development of a list of codes that reflected the themes in the interview and workshop guides. The data in these codes were grouped together to explore connections between the codes. We analysed materials generated from the

workshop recordings alongside the transcripts. Using inductive and deductive theorizing we used broad search terms such as COVID-19, mental health, safety, isolation, regime changes, social distancing, friends, family and education as topics for inquiry.

## FINDINGS: THE IMPACT OF COVID-19 ON CHILDREN IN CUSTODY

Whilst recognizing the arduous task of protecting staff and children from a potentially lethal virus we argue for a more reflective discussion of the issues faced within the youth secure estate during the pandemic, therefore considering the mistakes made and the lessons learnt to better inform practice and policy moving forward. We turn to the findings from our research to illustrate children's experiences of isolation, lack of contact with family and friends and poor education provision. These shocking experiences should influence a transformation of the youth secure estate and build upon the sea change moment that the pandemic presented.

### Isolation

The Joint Committee on Human Rights instructed the UK government that children must not under any circumstances be subject to restrictions amounting to solitary confinement ([Joint Committee on Human Rights 2020](#)). Solitary confinement is defined by the United Nations Standard Minimum Rules for the Treatment of Prisoners ([United Nations Office on Drugs and Crime 2015](#): Rules 43 and 44) as confinement '*for 22 hours or more a day without meaningful human contact for a time period in excess of 15 consecutive days*' and prohibited as amounting to '*torture or other cruel, inhuman or degrading treatment or punishment*'. In July 2020, HM Inspectorate of Prisons reported: '*... nearly all children had been locked up for more than 22 hours every day since the start of the restrictions, which had been imposed some 15 weeks before our visit. This was both disproportionate and avoidable*' (HM Inspectorate of Prisons 2020: 7).

The imposition of restrictions varied between YOI X and SCH A. Restrictive measures in YOI X consisted of keeping children in their cells for 23 hours per day in the early stages of the pandemic. According to the internationally accepted definition (illustrated above), this measure was akin to solitary confinement.

It was awful that the lads were staying behind their doors for lots of hours, that was horrific because they like to be out, they're kids. They wanted to be out. Us trying to appease them was really hard. (Wing Staff, YOI X)

Prior to the pandemic children in YOIs would have a structured daily timetable likely to include education, physical activity and time out of cell for association. In YOI X attempts were made to keep children occupied in their cells by allowing each child (irrespective of behaviour reward structures) access to a television in their cell. This may have appeased children somewhat; however, their accounts of isolation were less than positive.

So, you're not allowed to do anything. So, basically, you're on like a 23-and-a-half-hour bang up. (16-year-old child, YOI X)

In the early stages of the national lockdown the regime at YOI X consisted of a choice between showering and exercising.

The shower was the most important. So, all the lads would get a shower but then it might have just been a shower and not the exercise because if we couldn't do it safely, we wouldn't do it. (Wing Staff, YOI X)



The children spoke of the daily routine of showering and exercise.

So we only got 15 minutes for a shower in the morning and if you missed that you don't get another shower all day until the next morning. And you get 45 mins out on yard for football. I felt like I was a dog in a kennel. (16-year-old child, YOI X)

The de-humanizing restrictions of the COVID regime were recognized by children in custody. The reflection above from a 16-year-old child describing his experience through the idiom, 'I felt like I was a dog in a kennel' is similar to what studies of the adult prison population during the pandemic have found (see [Suhomlinova et al. 2022](#)).

An on-line blog by Ofsted's<sup>4</sup> Senior Officer for the secure estate in June 2020 noted that, '*staff and managers in SCHs are managing to keep an almost normal routine for children*'. It went on to state that, '*children were still attending education and most of their usual activities*', and '*that some SCHs have had really positive feedback about how staff are looking after them and the care they are receiving*' (Ofsted 2020).

Whilst not discrediting any individual member of staff at SCH A, it was apparent that most staff did their best for children in dire circumstances, nonetheless, it is clear that our findings contradict the above report. SCH A went into lockdown at the beginning of the pandemic in March 2020. The regime for children was subsequently restricted and led to the solitary confinement of children in their rooms. In comparison to YOIs, SCHs are smaller and therefore house smaller numbers of children. Rather than living in cells, children live in units containing separate bedrooms and a shared living space containing a lounge area and a kitchen. This afforded staff at SCH A much more flexibility in relation to supporting children and attempting to keep them occupied.

... we had to isolate the young people at first, so in the initial lockdown, the young people literally spent 23 and a half hours in their rooms. They got a fresh air break two times, 20 minutes each shift. (Unit Staff, SCH A)

On arrival at SCH A children had to quarantine for at least a 10-day period. Some children experienced multiple periods of isolation because of contact with staff who tested positive for COVID.

I had ten days isolation even though I didn't have it. And then I had a week out. And then I got it. So, I had another ten days after. But I was still showing symptoms, so I had another fourteen days. So, in total I had about 25 days.... (16-year-old child, SCH A)

During the initial period of lockdown, the staff team at SCH A devised a timetable that children could follow whilst isolating in their rooms. They also implemented a more lenient routine, whereby children were allowed to start the day later, and televisions were permitted to be viewed later than normal in the evening.

On the first day that we found out about this [Covid-19], me and my colleagues went to B&M (a discount store) and tried to find loads of activities for them that they could do in their rooms to try and keep them occupied, basically, because these kids have a lot of emotional and behavioural issues and having them locked up for two weeks straight – for anyone that would be difficult let alone children as young as 13, 14... (Unit Staff, SCH A)

4 Ofsted is the Office for Standards in Education, Children's Services and Skills. It inspects services providing education and skills for learners of all ages.

Whilst the staff team at SCH A attempted to provide a regime to support children whilst isolating, it was evident in our work with the children in SCH A how distressing isolation, quarantine and changes to the daily regime had been. Children highlighted their feelings of isolation and loneliness and spoke about the impact it had on their health and well-being.

Just, like, when you're on your own you've got no one at all to talk to. You know you're isolated from everyone. Like, not just physically to protect everyone. It's mentally as well. No one speaks to you. Or if they did, they speak to you through a mask or something like that, you know. It's hard because I don't know how I've made it through two isolations without talking to people. (15-year-old child, SCH A)

Whilst the isolation of children post-pandemic has lessened and time out of cell has increased, it has not increased to pre-pandemic levels. For instance, in 2021/22 80 per cent of children in YOIs and STC's reported receiving more than two hours out of their cell during the week, this reduces to 35 per cent at the weekend ([HM Inspectorate of Prisons 2023](#)). Furthermore, through personal communication with staff at SCH A, by the Spring of 2022, children were still unable to leave their locked rooms at weekends due to staffing shortages, which were a direct result of the pandemic. The isolation of children completely eradicated any attempt to uphold the five criteria of a child-rights compliant Youth Justice System ([Forde 2022](#)).

Other scholars have written about the pains of solitary confinement during the pandemic from the perspective of adult prisoners (see [Maycock 2022](#); [Suhomlinova et al. 2022](#)). The experiences are similar for children, increased anxiety, boredom and fear. Whilst the adult population should not have been subjected to these conditions, we would argue that for vulnerable children, the restrictions bordered on abuse and demonstrates the 'adultification' ([Antolak-Saper 2020](#); [Davis 2022](#)) of justice-involved children.

### Contacts and visits

In March 2020, the Ministry of Justice (MoJ) cancelled all face-to-face visits in the custodial estate ([Ministry of Justice 2020](#)). Like most announcements, it did not include specifications regarding the children's secure estate. Over the course of the pandemic, HM Inspectorate of Prisons' reports found that the cancellation of visits had a 'dramatic' and 'significant' impact on children ([HM Inspectorate of Prisons 2020](#)).

We found that even when children were allowed a physical visit, some chose not to due to the requirements of social distancing (contact was had behind a Perspex screen and children were not allowed to have any physical contact with their visitor/s). The account below from a child at YOI X highlights the length of time some children went without a physical visit.

Conversation with 16-year-old child in YOI X and a member of our research team.

P2 = Participant

I = Interviewer

I: How long did you have to go without visitors being able to come in? Was it months? Was it weeks?

P2: I think it was about a year.

The following quote from a member of the senior management team at YOI X reveals that the blatant disregard of children's rights including, dignity, well-being and legal safeguards extended to family members.

It was just really tough and it's like if you could understand where we are at then I'd hope that they'd (parents) accept not being able to visit some of their kids for six, seven, eight months. (SMT, YOI X)

This attitude helps to explain why after COVID restrictions were lifted, visiting provision at many YOIs was worse when compared with pre-COVID provision. For example, in 2019–20, 77 per cent of children received family and friend visits. This decreased to 60 per cent in 2021/22 ([HM Inspectorate of Prisons 2023](#)). This is a consequence of adaptations made to visiting timetables during the pandemic. For instance, senior management at YOI X took the decision to spread visits across a working week as an alternative to weekend visits.

I think it's of benefit to the families because they get a quieter time and a more quality time with their family. So I think that's better and I think that will be a permanent thing (fewer visiting hours at weekends). (SMT, YOI X)

We infer that the absence of visits at weekends would make it very challenging for families to visit their child if they had work and/or caring commitments.

Guidance from the Department for Education for Children's Social Care services states that face-to-face contact with families and professionals was always allowed in SCHs throughout the pandemic ([Care Quality Commission, HM Inspectorate of Prisons, Ofsted 2021](#)). This differs to the accounts provided by staff and children at SCH A.

A residential worker explained how contact and visits changed. Staff had concerns that parents and carers were unable to see their children to ensure they were safe.

...the first couple of months visits were stopped but then obviously we realised how important they are for these kids' mental health. (Residential Practitioner, SCH A)

Children stated their dislike of the Perspex screens because of the inability for physical contact with their family and friends, with some preferring to use the telephone or a video link whilst these restrictions were in place.

We're allowed visits now as well but it's just behind a screen so obviously we can't give them a hug which is the worst bit about it but the big bit is actually being able to see them. But when we were in quarantine, we weren't allowed to see them for the two weeks but for another two or three weeks we didn't see our family, nobody, for ages. That was horrible as well... (16-year-old child, SCH A)

Limited visits and lack of physical contact can have a detrimental impact on the important elements of maintaining family relationships whilst a young person is imprisoned, as well as opportunities for rehabilitation and their likelihood of re-offending on release ([La Vigne et al. 2005](#)).

### Education provision

Article 28 of the UNCRC includes the right to education for children in detention. Children in YOIs are expected to receive education, training, work and physical education based on individual needs ([Howard League 2022](#)). Since 2015, they are commissioned to provide 30 hours of education per week ([Youth Justice Board 2016](#)). SCHs must comply with Children's Home Regulations and provide 25 hours a week of education and training courses ([Home Office 2021](#)). Together with isolation and a lack of family contact, educational provision for children was also severely limited during the pandemic. Face-to-face education and activities were replaced by in-cell education packs ([HM Inspectorate of Prisons 2020](#)).

The following extract from a discussion with a 16-year-old boy at YOI X demonstrates children's lack of engagement with the work packs.

P = Participant

I = Interviewer

I: You know when it was like right in the middle of Covid and you were locked up for 23 hours a day, could you do any education?

P: Yeah. Yeah, we had the packs, isn't it?

I: Were they putting worksheets under your cell doors or anything?

P: Yeah, you had the packs, yeah. But not at the start, but half-way through they started giving packs.

I: And you had to just do those ... ?

P: No, even them, I mean, I wouldn't do them. I wouldn't do them. I won't lie to you.

I: You wouldn't do them.

P: No. I didn't even open them.

I: Why not?

P: I put that straight in the bin –

I: Did you?

P: Or just slide straight back on the landing.

I: Why did you not want to do it?

P: It was nothing. It was nothing really. It was just about crosswords and that.

I: Oh right, wordsearches and crosswords.

P: That's not education. You're not learning anything. It's not like we were ... they were going towards any sort of qualification or anything. It's just random, random things.

Staff at YOI X did recognize the limitations of the packs and their outdated mode of learning, i.e. packs that required children to engage with paper and pens. They spoke of the need to embrace teaching using technology.

Because of what's happened during the pandemic but because we didn't have that technology, the only way to do was to do sort of paper copies and sometimes I think we forget that we are working with teenagers and in society teenagers use technology, you know, they're always on their phones, iPads, tablets etc. So I think to go back to that delivery of pen and paper, I think was a challenge for a lot of children. (SMT, YOI X)

A report by the [Independent Monitoring Boards \(IMB\) \(2021\)](#) states: *'It is clear that some education providers had not adopted a creative approach to delivery after many months into the pandemic, thereby severely disrupting the rehabilitation of many young people, and the education and skills needed to find a job upon release.'*

One of the more positive effects of the severe disruption to education provision during the pandemic is the way in which attempts have been made to re-think and re-structure the educational regime at YOI X. This re-emphasis is underpinned by a recognition that children will be better served by an offer that balances formal and informal education activities. References were made to opportunities for personal development, social skills and emotional education.

In the early stages of the pandemic, SCH A experienced similar challenges to YOI X. Education provision resumed after the first lockdown, but not to pre-pandemic levels. Rather than being taught in assessed capability groups, children were taught in their unit bubbles of four.

... education usually sent down a little pack. It's quite light work, I'd say, because I don't want to give them too much to start off with and, kind of, set them on the wrong foot about education.

It's usually a bit of artwork. The teacher will write the kid's name in nice bubble art and then they can just colour it in. And a bit of basic maths and English... with education, they try and send as much as possible but a lot of the kids say, "Do I have to do it?" and we say "No, you don't have to do it. It's just if you need something to keep you occupied." (Unit Staff, SCH A)

Children voiced their opinions about the changes made to education provision. Some said that they missed the classroom environment of focussed learning and the interaction with children on other units.

I couldn't wait for us to get back into normal education because it really affected me because we weren't with the actual education staff. It was just a lot of messing around with different staff who couldn't teach us certain subjects. So it was a pain because I just wanted to learn. (16-year-old child, SCH A)

[HM Inspectorate of Prisons \(2023\)](#) reports that most YOIs offered approximately 15 hours per week of education during the pandemic compared with 25 hours pre-pandemic. Furthermore, '*Ofsted considered the education provision in all English YOIs and STCs to be inadequate or requires improvement*' (HMIP 2023: 19). Other than individual Ofsted reports, the quality of education provided by SCHs and their recovery post-pandemic is not covered by government reports relating to COVID.

Outside of the custodial estate, education for children is a legal right. For children in the estate, participating in education can improve life chances, such as formal qualifications and the opportunities for employment ([Cooney 2020](#)) which in turn influences the rehabilitation of children and reduce the potential for re-offending ([McNeill et al. 2005](#)). The reduction in education provision during and post-COVID is particularly concerning given children in custody have some of the lowest levels of educational attainment and engagement compared to children in the general population in mainstream education ([Ministry of Justice, Department of Education 2019](#)). Furthermore, education provision in YOIs post-pandemic has been described as 'woefully inadequate' ([Howard League 2022](#)).

### Lessons learned and changes to be made post-COVID

Scholars have written in detail about the changes made to custodial regimes during the pandemic (see [Byrne et al. 2020](#); [Maycock 2022](#); [Suhomlinova et al. 2022](#)). These studies found experiences similar to those in our research—the pains of imprisonment were increased ([Sykes 1958](#)). Less is known of the views and ideas about what a post-pandemic custodial estate for children could look like. As part of our research, we addressed what lessons had been learnt and what changes children and staff would like to see moving forward.

When asked what changes they would like to see in a post-COVID-19 world, senior management at YOI X spoke of an aspiration to use their experiences of the pandemic to re-think and re-set the ideology of the children's secure estate.

Part of 'building back better' is to change the culture of what we've done because we are effectively a prison holding children with prison policies and a prison outlook, trying to run a children's service. (SMT, YOI X)

To influence headquarters to not put draconian measures on us which will drive the wrong behaviours because that's what they do and it's to please the Minister. (SMT, YOI X)

Staff at SCH A mostly spoke of short-term goals. This is perhaps not surprising given that the regime at SCH A was less affected over the long term compared with YOI X. Returning to normality was frequently mentioned, along with the ability to delegate and share work-loads post-pandemic.



To explore ideas regarding what a post pandemic regime could look like from a child's perspective we asked children in YOI X and SCH A, *'If you had a million pounds to improve custody for children after the pandemic, what would you spend it on?'* Their responses were relatively modest.

Below is an exchange between the research team and the children who took part in the workshop at YOI X.

I = Interviewer

P1 and 2: = Participants

I: If you had a million pounds to spend

P1: In jail?

I: Yeah.

I: in [YOI X] on ... to do with COVID to make it better after COVID, what would you spend it on?

P1: I'll put bigger cells, showers in every cell.

P2: On the exercise yard I would put workout stuff like, pull up bars, dip bars, all of that, yeah.

P1: Better things for rehabilitation because that's what jail is meant to be for.

I: Right.

P1: But this isn't rehabilitation.

P2: This is just holding you until you're going (to another prison)

(It should be noted, that during the pandemic YOI X had made a substantial investment to provide showers and telephones in all cells.)

In SCH A, children asked for access to TV streaming channels such as NetFlix and Sky, windows that opened, heating and air conditioning that worked, new beds, more mental health support, more staff and more educational books.

Children's responses were modest but reflect the need for a cultural change with a significant investment in infrastructure. It is this transformative cultural change that professionals spoke of pessimistically. Their pessimism was evident through their lack of confidence that the MoJ, and the YCS shared theirs and the children's views about what transformative change could look like.

Senior management at YOI X were very vocal about future challenges.

The difficulty is feeding that (culture change) into the machine of headquarters of the prison service and the broader MOJ because it just becomes very messy. (SMT YOI X)

Staff were realistic about the challenges of influencing whole-scale system change within a culture underpinned by penal populism and punitiveness.

It's a journey that's going to take a couple of years but hopefully, what we can do is be a credible alternative to children in prison. At the moment, we are children in prison. (SMT, YOI X)

The shortcomings of the secure estate have been starkly exacerbated by the pandemic. Worryingly, reports from HMIP demonstrate that post-pandemic the experiences of incarcerated children have not improved, moreover, we have provided examples of components of the estate that have worsened since the pandemic (see [HMIP 2023](#)). Worsening conditions, a predicted substantial increase in the numbers of children in custody, and the social inequalities and adverse child experiences that incarcerated children are facing, demonstrates that a child-rights compliant system is sorely lacking. Indeed, systemic change to the children's secure estate rests on a commitment from governments across the globe to re-think the ideology of incarceration, it will take time, imagination and significant financial commitment.

## DISCUSSION AND CONCLUSION

This research provides unique insights into the impact of the COVID-19 pandemic on incarcerated children. Within a UK setting, this group of children were over-looked and under-served during a public health crisis that exacerbated their lack of rights, health inequalities, inadequate educational experience and childhood trauma. Tim [Bateman's](#) (2020: 206) perspective on the treatment of incarcerated children during the pandemic is one with which we concur, *'the suspicion that this intensely vulnerable group of children are systemically constructed as being less deserving of consideration, and just deserts, than those from more advantaged backgrounds, is not easily dismissed'*. Our findings provide rich detail from these incarcerated children and those working with them, thus presenting an urgent and unwavering need to seek alternative solutions to custody building on the lessons learned from the pandemic.

International studies (see [Nowonty and Piquero 2020](#); [Annamma and Morgan 2022](#)) call for a de-investment in youth custody. They propose that custody be replaced with alternative investment in societal institutions, such as housing, education, mental health services, employment and training. Based on the data from our research, and the substantive findings to be found in scholarly and government materials about effective international welfare approaches, concomitant with the figures presented earlier in this article about public spending on children, we concur with these resounding calls for de-investment. We do not naively propose that de-investing in custody is a short-term solution, de-carceration efforts will take a long-term commitment from governments who require the will to re-imagine effective alternatives. However, we argue for an approach underpinned by the upholding of children's rights and remind legislators of the UNCRC; which maintains that the imprisonment of children should only be used as a measure of last resort and for the shortest appropriate period ([UNCRC 1989](#)).

Some de-investment reforms would be easier to implement than others. For instance, over-hauling the remand system and replacing it with a community-based approach would significantly reduce the numbers of children incarcerated in England and Wales, and subsequently go some way to addressing the striking disproportionality of racialized children in custody. For instance, over half of the children (approx. 250) in custody in England and Wales during the pandemic were on remand ([HM Prison and Probation Service and Youth Custody Service 2023](#)). A Freedom of Information request by the Howard League for Penal Reform revealed that in September 2022, there were as many Black children as White children on remand, despite Black children comprising only four per cent of all 10- to 17-year-olds in England and Wales ([Howard League for Penal Reform 2023](#)). Furthermore, in the year ending March 2022, 73 per cent of children remanded to custody did not receive a custodial sentence post-trial ([YJB 2023](#)). We infer from these figures that most children unfortunate enough to experience the dire conditions of custody during the pandemic went on to be found either not guilty or deemed suitable to serve their sentence in the community.

It is not the sole purpose of this article to provide a solution to alternatives to custody for children, however, we hope to start a dialogue that dismantles the competing tensions between the punishment and care of children. If these tensions are to be addressed, we propose (as do others including [Byrne et al. 2020](#)) not only a global research programme evaluating reforms and alternatives to custody but a programme of research that rigorously assesses the impacts of the mitigation strategies used in custodial establishments during the pandemic. The research presented in this article clearly illustrates the harmful effects of strategies such as in-cell isolation, the lack of education provision and the long-term pause of social visits. The evidence post-pandemic suggests that some of these strategies remain in place. Much less is known about the impact of these restrictions on for example, children's mental health, and post-release behaviour and opportunities. The absence of this evidence increases the likelihood that if there were to be a similar public health emergency, governments across the globe would respond in similar ways.

Hence, we argue that the custodial youth estate needs a transformative reworking that considers the rights of the child alongside the duty of care we have as a society to protect those who are marginalized and traumatized. In the post-pandemic climate where public institutions are still licking their wounds, the youth estate should take note of its systemic failings and re-build with a more humanitarian approach.

As it currently stands, post-pandemic, Youth Justice Systems continue to support custodial regimes underpinned by punishment and retribution for disadvantaged and marginalized children. Accordingly, those with the power to evoke systemic change are continuing to miss what the governor of YOI X described as a: *‘once in a century, hopefully lifetime, opportunity to do something very different’*.

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