

# No Fixed Abode:

The housing struggle  
for young people leaving  
custody in England

Believe in  
children



Barnardo's

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# Foreword



Young people in custody are some of the most vulnerable in society; a quarter have special educational needs, 40 per cent have been homeless and almost a fifth

have depression. Barnardo's supports more than 2,000 young people every year in the secure estate. One of their biggest worries is having nowhere to live on release or going back to chaotic home lives where they lacked vital support and structure in the past.

Rehabilitation is a government priority. Suitable accommodation and support for young people leaving custody is crucial in achieving successful rehabilitation. We know from our work that significant numbers of teenagers – sometimes as young as 13 – find themselves in unsuitable, unsafe housing or with families unable to cope. They end up desperately trying to find someone who will give them a sofa to sleep on, or evicted, leaving them in a cycle of homelessness and re-offending.

These children can be all too easy to ignore, but this report shows that we do so at great cost to their young lives. We followed the journeys of four boys and a girl as they made the fraught and pivotal move from custody to the outside world. Their stories are typical of so many incarcerated children, who often feel forgotten about and discouraged about their future. They show how young people without the right support can end up on risky, unsettling and often dangerous pathways; including Robbie, who ended up sleeping on friends' sofas

and then in a B&B with drug addicts, where he began using heroin and is now an addict himself. This did not have to be his fate; it could have been avoided given the right level of support and safe, secure housing as we have shown in the case of 'Supported Nicky' who – in contrast – was well supported.

Cross-government action is needed to make sure that all teenagers leaving custody have somewhere safe and suitable to live where they can turn their lives around. Barnardo's is calling for a comprehensive statutory package of support for all under 18-year-olds leaving custody.

We don't say this lightly. We are all too aware of the cuts to services being made across the UK in an effort to fight the effects of the economic crisis we are in, but surely, if ever there is a case for return on investment then this is it. This report shows how early investment in young people's housing and support as soon as they leave custody can make a big difference to them and to society as a whole.

The Government and society can't ignore the need for change – the Ministry of Justice's 'rehabilitation revolution' is welcome but we all need to address the numbers of young people without suitable housing or support if it is to achieve its aims. Our call for leadership on this issue is made on behalf of the young people who are all too easy to ignore.

A handwritten signature in black ink that reads "Anne Marie Carrie". The signature is written in a cursive style.

Anne Marie Carrie  
Barnardo's Chief Executive

# Executive summary

The last 10 years have seen a welcome decrease in the numbers of young people entering the youth justice system and those being held in youth custody in England.<sup>1</sup> However, despite significant investment, resettlement remains an intractable problem and reoffending rates are shockingly high, at 74 per cent.<sup>2</sup>

Research shows that having suitable accommodation arrangements in place significantly reduces the risk of reoffending. The previous government's Social Exclusion Unit (SEU) reported that stable accommodation can reduce offending by as much as 20 per cent.<sup>3</sup> Barnardo's experience of providing floating support and supported accommodation for homeless young people, including those leaving custody, has convinced us that having the right level of support at the right time is crucial to ensuring adherence to the terms of a community licence, engaging with education and training, and accessing vital support services.

Accommodation was one of the top five issues of concern for young people using Barnardo's advocacy service inside the secure estate in 2009-10, so this research set out to examine the realities of accommodation and support for young people leaving custody and whether adaptations to statutory guidance in recent years have had any impact. We also calculated the savings that can be made if a young person is well supported on their release from custody.

The report documents the journeys of five young people – Liam, Daniel, Amy, Chris and Robbie<sup>4</sup> as they prepare for release and move into the community. Their stories, backed up by research interviews with professionals from the community and the secure estate, demonstrate how gaps in provision during the crucial transition from custody to the community can significantly hamper a young person's ability to get their life back on track. This results in a costly cycle of unsuitable accommodation and offending that could have been averted.

## Barnardo's findings:

1. The structure and stability that can be instilled in one young person's life through supported accommodation on release from custody can produce **savings of more than £67,000 over a three-year period.**
2. **Entitlements and consequent support for voluntarily accommodated<sup>5</sup> young people drops off when they enter custody,** resulting in relatively unsupported, rushed transitions into the community and unsettled starts (see Liam's story).
3. **Looked after young people who are entitled to support perceive themselves as 'forgotten' about while in custody** – receiving limited help to plan suitable accommodation (see Daniel's story).
4. A significant number of **16 and 17-year-olds are being insufficiently supported on release** – resulting in

1 Although the custodial estate holds young people from England and Wales, due to differences in homelessness and children and young people's legislation, this report focuses on England only.

2 Ministry of Justice (2010) *Reoffending of juveniles: results from the 2008 cohort England and Wales*. MOJ, London.

3 Cabinet Office, Social Exclusion Unit (2002) *Reducing re-offending by ex-prisoners*. Cabinet Office, London.

4 Not their real names.

5 Young people looked after under Section 20 Children Act 1989. Full details are provided in chapter two and in the glossary at the end of this report.



disengagement from services and costly reoffending (see Amy’s story).

5. A limited range of accommodation options for 16 and 17-year-olds is resulting in **delays in allocation of placements, and young people living for lengthy periods in unsuitable placements such as B&Bs and hostels** (see Chris’s story).
6. Children and young people as young as 13 are **being placed back with families unable to cope and with little support** – resulting in homelessness some months after release (see Robbie’s story).

While we welcome the Ministry of Justice’s (MOJ) recent Green Paper<sup>6</sup> which includes commitments to improving resettlement, and ongoing Youth Justice Board-led (YJB) innovative pilots of good practice in joined-up working to address the accommodation issue, improvements

in resettlement continue to be led, somewhat in isolation, by the MOJ. It is clear from the evidence in this report that a more joined-up, cross-government approach to ensuring adequate accommodation and support is needed if *all* young people leaving custody are to be supported into suitable, safe and sustainable accommodation and the likelihood of their reoffending is to be reduced.

**Barnardo’s recommends:**

1. **A cross-government action plan** and dedicated senior officials from the MOJ, Department for Education (DfE) and Department for Communities and Local Government (DCLG) who will work with local authorities and criminal justice agencies to ensure that suitable accommodation for young people leaving custody is an issue of urgent priority.

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<sup>6</sup> Ministry of Justice (2010) *Breaking the cycle: effective punishment, rehabilitation and sentencing of offenders*. MOJ, London.

2. A cross-government team to consider revisiting aspirations previously set out in the Youth Crime Action Plan<sup>7</sup> to develop a **more comprehensive statutory package of support for all young people serving a custodial sentence**, including a lead professional for each child during and after their sentence, and a clear pathway for resettlement similar to the care plan<sup>8</sup> for looked after children.
3. The Government should consider reinstating the assumption included in the *Care Matters* Green Paper<sup>9</sup> (but excluded from the White Paper<sup>10</sup> and thus the legislation<sup>11</sup>) that **former voluntarily accommodated young people will continue to be looked after on entering custody**.
4. Where temporary or emergency accommodation must be used for young people leaving custody, there should be **minimum standards and a quality assurance framework** so that housing options can be assessed and monitored against nationally agreed standards.
5. The Government should **guarantee earmarked funding for social worker posts in Young Offender Institutions (YOIs)** to help bridge the gap between YOIs and local authorities.
6. The Government should consider **tougher, more meaningful inspection of resettlement support provided by local authorities to looked after young people** in all custodial establishments (including YOIs), which gives sufficient weight to young people's feedback.
7. The Government should consider **developing a long-term strategy to support the families** of young people in the secure estate and invest in good quality interventions such as family group conferencing and multi-systemic therapy.
8. Local authorities and statutory partners should pool budgets creatively to ensure that adequate resources are available to **commission a range of supported and semi-supported housing options for young people leaving custody**.
9. A national reporting mechanism is required that provides a **clear picture of supply and demand** of accommodation provisions for young people leaving custody.

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7 The Home Office, Department for Children, Schools and Families, Cabinet Office and Ministry of Justice (2008) *Youth Crime Action Plan 2008*. COI, London.

8 A looked after child's care plan determines why it is in the child's best interests to become looked after or whether other support services would be able to meet their needs; it identifies their assessed needs and the services to meet those needs, and sets the framework for the services provided to the child and family to enable the desired goals and outcomes to be achieved.

9 Department for Education and Skills (2006) *Care Matters: Transforming the lives of children and young people in care* – Green Paper. DfES, London.

10 Department for Education and Skills (2007) *Care Matters: Time for change* – White Paper. DfES, London.

11 Children and Young Persons Act 2008.

# Chapter one: Introduction

This report is published at a time when the number of young people held in custody in England has decreased by 14 per cent over the past five years,<sup>12</sup> the number of first time entrants to the youth justice system is the lowest since comparable records began in 2001<sup>13</sup> and there have been some reductions in the frequency and severity of reoffending by young people.<sup>14</sup>

While this progress is undoubtedly welcome, it masks the fact that despite ten years of significant investment in the youth justice system,<sup>15</sup> the resettlement of young people when they leave custody remains an intractable problem. The National Audit Office (NAO) recently reported that: ‘...young offenders who receive more serious community sentences or custodial sentences remain as likely to offend again as they were when the youth justice system was brought in’.<sup>16</sup> Seventy-four per cent of young people are reconvicted or receive an out-of-court disposal for an additional offence within one year of release from custody.<sup>17</sup>

According to criminal justice legislation and statutory guidance, the effective resettlement of young people from custody should be a seamless ‘end to end’ process of planning and practice that starts when the young person enters

custody, is maintained throughout their sentence and continues as they move into the community. It should encompass seven interlinked resettlement pathways identified by the MOJ and the YJB as important in reducing reoffending<sup>18</sup>: education and training, health, substance misuse, families, finance benefit and debt, accommodation and support, and the cross-cutting ‘case management and transitions’ pathway.

This report focuses specifically on the ‘accommodation and support’ resettlement pathway and was prompted by the experiences of staff at Barnardo’s advocacy services in the secure estate.<sup>19</sup> Accommodation on release was one of the top five issues of concern raised by young people who used the service in 2009-10 and was reported to be a pressing issue.<sup>20</sup> In addition, staff working in Barnardo’s services in the community have reported encountering significant numbers of homeless young people whose initial post-custody placements had been untenable. An operations manager at The Base, a youth homelessness service in the north of England, estimated that 30 to 40 per cent of those on the service caseload are young people who were released from custody approximately a year ago and who have exhausted their ‘sofa surfing’ options with family and friends.

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12 Ministry of Justice (2010) *Monthly data and analysis custody report September 2010*. Published online 12 November 2010. [www.justice.gov.uk/youth-custody-data.htm](http://www.justice.gov.uk/youth-custody-data.htm), accessed 20 December 2010.

13 Ministry of Justice (2010) *Young people aged 10-17 receiving their first reprimand, warning or conviction*. [www.justice.gov.uk/publications/docs/youth-crime-10-17-tables.xls#Table 3'A1](http://www.justice.gov.uk/publications/docs/youth-crime-10-17-tables.xls#Table 3'A1), accessed 20 December 2010.

14 Ministry of Justice (2010) *Reoffending of juveniles: results from the 2008 cohort*. Comparing reoffending rates for the 2000 and 2008 juvenile cohorts: the frequency rate fell 25 per cent from 151 to 114 offences per 100 offenders and severity by around 10 per cent.

15 Solomon, E and Garside, R (2008) *Ten years of Labour’s youth justice reforms; an independent audit*. Centre for Crime and Justice Studies, London. They report that in cash terms, since 2002, actual spending on the youth justice system in England and Wales has totalled £2.9 billion. And that overall there has been a 57 per cent real-terms increase in spending by the YJB since 2000-2001 – a ‘substantial injection of additional resources’.

16 National Audit Office (2010) *The youth justice system in England and Wales: Reducing offending by young people*. Report by the Comptroller and Auditor General HC 663 Session 2010-2011, 10 December 2010. NAO, London.

17 Ministry of Justice (2010) *Reoffending of juveniles: results from the 2008 cohort England and Wales*. MOJ, London.

18 Youth Justice Board (2007) *Youth Resettlement: A framework for action*. YJB, London.

19 Since 2007, Barnardo’s has run a Youth Justice Board-funded advocacy service in 10 young offender institutions, three secure training centres and one secure children’s home – supporting more than 2,000 young people every year.

20 Barnardo’s Midlands (2010) *Barnardo’s Advocacy Service (Secure Estate) Annual Report 2009-10* and individual annual reports from Barnardo’s advocacy services in young offender institutions and secure training centres in the North West of England 2009-10. The other most frequent issues for young people using the service were: adjudications, contact with agencies, legal issues and sentence planning.

The negative impact of unsustainable or unsuitable housing placements can be significant. As this report will show, periods of unsettlement in the transition periods just prior to release and immediately following release from custody can be triggers for disengagement from services, risky behaviour and reoffending. A Home Office evaluation concluded that 69 per cent of offenders with an

accommodation need reoffended within two years, compared to 40 per cent who were in suitable accommodation.<sup>21</sup> The then Social Exclusion Unit reported that stable accommodation can reduce offending by as much as 20 per cent.<sup>22</sup> Inadequate support and accommodation come at a price and this report highlights the significant costs to the young people themselves, their communities and the public purse.

### What is 'suitable accommodation'?

Young people released from custody face a wide range of support needs, and ensuring that they have access to suitable, stable accommodation is described by the YJB as 'critical' if they are to engage or benefit from programmes crucial for effective rehabilitation.<sup>23</sup>

Guidance states that wherever possible efforts should be made to ensure that young people return to live with their family<sup>24</sup> and that additional support should be provided to ease pressure on family relationships. In instances where this is not possible, Youth Offending Teams (YOTs) and children's services are advised that in selecting a 'suitable' placement, a range of factors should be taken into account, including the level of

support provided, the location, social factors and the impact on physical, emotional or mental health.<sup>25</sup>

Guidance from DCLG and the then Department for Children, Schools and Families (DCSF)<sup>26</sup> confirms that: 'Children's services must only provide children with supported accommodation which is suitable and of high quality. A range of different types of accommodation [should] include foster care, children's homes, supported lodgings, foyers, properties with visiting support tailored to meet the young person's needs.'

There are no minimum standards, but B&B accommodation and 'sofa surfing' are considered unsuitable by the YJB<sup>27</sup> which states that B&Bs provide little structure and no support in encouraging independent living or reintegration into the community.

21 Howard, P (2006) *The Offender Assessment System: an evaluation of the second pilot*. Home Office Findings 278. Home Office, London.

22 Cabinet Office, Social Exclusion Unit (2002) *Reducing re-offending by ex-prisoners*. Cabinet Office, London.

23 Youth Justice Board (2006) *Suitable, sustainable, supported: A strategy to ensure provision of accommodation for children and young people who offend*. YJB, London.

24 Youth Justice Board (2007) *Youth resettlement: A framework for action*. YJB, London.

25 Ibid.

26 Department for Children, Schools and Families and Department for Communities and Local Government (2010) *Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation*. Issued April 2010. DCSF and DCLG, London.

27 Youth Justice Board (2006) *Suitable, sustainable, supported: A strategy to ensure provision of accommodation for children and young people who offend*. YJB, London.

Obtaining a national picture of the numbers of young people who have left custody and are living in unsuitable or temporary placements is difficult as there is no systematic, accurate data collection by the secure estate, YOTs or local authorities. Statistics provided by the YJB suggest that 297 (seven per cent) young people did not have 'suitable' accommodation on leaving custody in 2009-10<sup>28</sup> – an improvement of three per cent on the previous year. However, the quality of YOT recording that produced this information is very varied, there is no agreed definition of suitability and the data only captures a snapshot in time. We know that many of the young people leaving custody are moved around temporary placements.

A more accurate source of information is survey data, which suggests that there has been little progress in the last seven years. In 2004 the YJB found that 15 per cent of all young offenders were reportedly in housing need<sup>29</sup> but acknowledged that this could be an underestimation. More recent survey research has focused on all young people on YOT caseloads and not just those leaving custody, but has found similarly high levels of need.<sup>30</sup>

This research set out to examine the realities of accommodation and support for young people leaving custody by following their resettlement journeys. We also wished to examine whether adaptations to statutory guidance (outlined in the next section) in recent

years have had an impact, and to understand the cost savings that could be made if young people are better supported on release.

Chapter three uses data from one of Barnardo's successful supported accommodation projects and compares the costs and benefits to the state of a typical supported accommodation journey with two typical unsupported journeys.

We then highlight where improvements are needed by documenting the real journeys of five young people – Liam, Daniel, Amy, Chris and Robbie<sup>31</sup> as they prepare for release and move into the community. Their experiences are interpreted alongside the accounts of those working closely with them and the growing body of literature on resettlement.

While the young people's stories capture only the tip of the iceberg of cases that Barnardo's sees on a regular basis, they accurately highlight important realities about accommodation and support for young people leaving custody:

1. The structure and stability that can be instilled in one young person's life through supported accommodation on release from custody can produce **savings of more than £67,000 over a three-year period.**
2. **Entitlements and consequent support for voluntarily**

<sup>28</sup> Freedom of Information request reported by *Children & Young People Now* 'Rise in young offenders placed in suitable accommodation.' [www.cypnow.co.uk/news/1052121/Rise-young-offenders-placed-suitable-accommodation/](http://www.cypnow.co.uk/news/1052121/Rise-young-offenders-placed-suitable-accommodation/), accessed 28 January 2011.

<sup>29</sup> Patel, N (2004) *Accommodation needs of young offenders*. Youth Justice Board, London.

<sup>30</sup> Stakeholders in nine out of ten YOT sites believed there was insufficient accommodation for young people experiencing housing difficulties and the YJB (2010) estimated that between four per cent and 18 per cent of young people on YOT caseloads had a housing need. From Arnall et al (2007) *Housing needs and experiences* ([www.yjb.gov.uk/Publications/Resources/Downloads/Accommodation%20Needs%20and%20Experiences%20-%20Full%20Report.pdf](http://www.yjb.gov.uk/Publications/Resources/Downloads/Accommodation%20Needs%20and%20Experiences%20-%20Full%20Report.pdf), accessed 20 December 2007) and Youth Justice Board (2010) *Audit of accommodation provision for young people who offend*. YJB, London.

<sup>31</sup> Not their real names.



**accommodated<sup>32</sup> young people drops off when they enter custody**, resulting in relatively unsupported, rushed transitions into the community and unsettled starts (see Liam's story).

3. **Looked after young people who are entitled to support perceive themselves as forgotten about while in custody** – receiving limited help to plan suitable accommodation (see Daniel's story).
4. A significant number of **16 and 17-year-olds are being insufficiently supported on release** – resulting in

disengagement from services and costly reoffending (see Amy's story).

5. A limited range of accommodation options for 16 and 17-year-olds is resulting in **delays in allocation of placements and young people living for lengthy periods in unsuitable placements such as B&Bs and hostels** (see Chris's story).
6. Children and young people as young as 13 are **being placed back with families unable to cope and with little support** – resulting in homelessness some months after release (see Robbie's story).

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<sup>32</sup> Young people looked after under Section 20 of the Children Act 1989. Full details are provided in chapter two of this report and in the glossary at the end.

# Chapter two: Legislation and policy in England

This section provides a snapshot of key policy and legislation impacting on the planning and provision of suitable accommodation in England for young people leaving custody (which we will refer to as resettlement). Due to the absence of any real joined-up central government thinking on resettlement, the policy and legislation spans the remits and various duties of three government departments:

1. The MOJ has responsibilities to protect the public and reduce the reoffending of young people in the criminal justice system.
2. The DfE through its children's services provision, has a responsibility to protect the most vulnerable children and young people.
3. The DCLG has responsibilities to promote safe communities and protect vulnerable and disadvantaged young people who are homeless.

## Legislation

All young people in custody are subject to 'sentence planning' which is led by the YOT and aims to assess and address the risk of reoffending in preparation for release. However, addressing the welfare needs of young people as they prepare for release – setting goals and ensuring that services such as accommodation support are in place to meet them – is far less consistent. This

type of support from the local authority is dependent upon the age and legal status of the young person.

Children and young people **under the age of 16** who are unable to return to the family home on release are the statutory responsibility of children's services. They are entitled to the same level of accommodation support as any looked after child or young person in the community which means that they are automatically accommodated by children's services on release. Entitlements to welfare support while *inside* the secure estate depend upon the young person's looked after status.

For young people on a **full care order** (looked after under Section 31 of the Children Act 1989)<sup>33</sup> and those 16 or 17-year-olds who are 'eligible' or 'relevant',<sup>34</sup> legislation dictates that support under the Government's *Care Matters* package<sup>35</sup> should continue, creating a seamless transition into and out of custody with suitable accommodation planned and arranged by children's services. Unfortunately, as this report will illustrate, provision sometimes falls short of these requirements.

Young people who are **voluntarily accommodated** (looked after under Section 20 of the Children Act 1989)<sup>36</sup> lose their looked after status on entry

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<sup>33</sup> Children Act 1989, Section 31.

<sup>34</sup> Under the Children (Leaving Care) Act 2000 'eligible children' – those aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14, and who are still looked after; and 'relevant children' – 16 and 17-year-olds who have been looked after for at least 13 weeks since the age of 14, and who have left care – are entitled to 'leaving care' provisions.

<sup>35</sup> Legislated for by the Children and Young Persons Act 2008.

<sup>36</sup> Children looked after under Section 20 Children Act 1989, accommodated by voluntary agreement but for whom the local authority does not have parental responsibility

to custody. Statutory guidance<sup>37</sup> to be implemented on 1 April 2011 states that these young people are entitled to an initial assessment and ongoing visits from a local authority social worker whilst in custody, which may include planning to re-admit the young person to care on release. However, as the loss of status means that care or pathway planning has ceased, as this report shows, support with finding accommodation prior to release is minimal and the new duties for a social worker to visit a young person are unlikely to impact upon this.

Young people who have **no legal care status** on entry to custody may be just as vulnerable as looked after children, but are not protected by any specific legislation that recognises their significant vulnerabilities as young people in custody. All children and young people who may be 'in need' under Section 17 of the Children Act 1989 are entitled to an initial assessment and support from the local authority, even while in custody.<sup>38</sup> While this provides the framework to allow local authorities to plan accommodation for those who will need it on release, the financial disincentives, scarce resources and an absence of any clear legal requirement means that assessments are usually not carried out until *after* the young person has left custody.

A series of legal judgements (most recently the **Southwark Judgement**<sup>39</sup>) resulted in the then DCSF and the DCLG issuing joint guidance to clarify the various responsibilities of children's services and housing services to homeless 16 and 17-year-olds.<sup>40</sup> This clarified that it is the responsibility of children's services to provide suitable accommodation to a homeless young person aged 16 or 17 who is assessed as a 'child in need' and that as a result of being accommodated, this child will become voluntarily looked after under Section 20 of the Children Act 1989.<sup>41</sup> The guidance also stated that although children's services are expected to provide suitable accommodation for a 'child in need' while an assessment is undertaken, if the young person reports as homeless initially to housing services (and not children's services) on release, then it is the duty of housing services to provide accommodation temporarily.

As the legislation is relatively complex but very relevant to the stories of each young person featured in this report, it is also presented diagrammatically in the appendix. There is also a glossary of terms provided at the end of the report.

### Policy

The previous government's five year cross-cutting package of reform to tackle offending by young people

37 Department for Education (2010) The Children Act 1989 Guidance and regulations. *Local authority responsibilities towards former looked after children in custody* including *The Visits to Former Looked After Children in Detention (England) Regulations 2010*. DfE, London.

38 Association of Directors of Adult Social Services (ADASS), Local Government Association, Youth Justice Board (2003) *The Application of the Children Act 1989 to Children in Young Offender Institutions*. YJB, London.

39 House of Lords Judgement (2009) *R (on the application of G) (FC) (Appellant) v London Borough of Southwark (Respondents)*. [www.publications.parliament.uk/pa/ld200809/ldjudgmt/jd090520/appg-1.htm](http://www.publications.parliament.uk/pa/ld200809/ldjudgmt/jd090520/appg-1.htm), accessed 20 December 2010.

40 Department for Schools and Families and Department for Communities and Local Government (2010) *Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation*. DCSF and DCLG, London.

41 This guidance was issued jointly by the Secretary of State for Children, Schools and Families and the Secretary of State for Communities and Local Government under Section 7 of the Local Authority Social Services Act 1970 and Section 182 of the Housing Act 1996 and as such states: 'unless there are exceptional reasons in individual cases authorities are expected to comply with this guidance'.

– the Youth Crime Action Plan (YCAP)<sup>42</sup> – aimed to underpin a shift in resettlement policy with an investment of £8.4 million. YCAP received mixed reactions at the time, but was applauded for maintaining a focus on preventative work and emphasising the wider role for housing and other local services in resettlement. Significantly, it recognised the complexities in legislation and the need to reinforce the responsibility of children’s services to young people in custody.

YCAP committed to ensuring an improvement in assessments and support for the families of young people who have offended, and developing proposals that would enable housing authorities and YOTs to work together to improve young people’s access to suitable accommodation. Crucially, it also committed to developing a more comprehensive legislative package of support for all young people leaving custody including a lead professional for each child during and after their sentence, and a pathway plan for immediate resettlement ‘similar to the Care Plan for looked after children’.<sup>43</sup>

The YJB has long acknowledged that a lack of suitable accommodation is a key factor in the poor outcomes of young people leaving the secure estate. An accommodation strategy in 2006<sup>44</sup> set a target to end the use of unsupported B&B accommodation,



outlined a need for stronger alliances between criminal justice agencies and national housing providers and advocated for improved parenting support for families of offenders.

Sadly most of these aspirations have never been realised despite some pockets of innovative practice on the ground<sup>45</sup> and some small amendments to statutory guidance – mostly in response to case law.<sup>46</sup> There have been no fundamental changes to policy and the promising YCAP commitments to legislative change were never realised. In attempting to change practice, in 2010, the YJB launched a Resettlement Consortia pilot which is trialling a more seamless, joined-up approach to the resettlement of young people in

<sup>42</sup> The Home Office, Department for Children, Schools and Families, Cabinet Office and Ministry of Justice (2008) *Youth Crime Action Plan 2008*. HM Government, London.

<sup>43</sup> Ibid paragraph 5.11.

<sup>44</sup> Youth Justice Board (2006) *Suitable, sustainable, supported: A strategy to ensure provision of accommodation for children and young people who offend*. YJB, London.

<sup>45</sup> The YJB have led a number of pilots including; Integrated Resettlement Support (IRS) which has resulted in better working between youth offending teams and children’s services; a regional consortium implemented by the London Criminal Justice Board in 2009 focusing on providing education, training and employment outcomes to young men from six ‘Diamond Boroughs’ in south east London; and RESET (Resettlement, Education, Support, Employment and Training), a project funded by the European Social Fund that aimed to improve the resettlement of young offenders.

<sup>46</sup> Most notably, the Department for Communities and Local Government extended priority access to homeless provision for certain categories of single people including 16 and 17-year-olds and people vulnerable as a result of leaving prison.

the North West of England. The pilot, based at Hindley YOI, is led by a YJB-funded project manager and includes directors of children's services from 10 local authorities and four YOTs across Greater Manchester as partners. The aim is to enhance the complete resettlement offer with a specific focus on accommodation and education and training. An evaluation will be carried out in 2011. Following the promising results in the North, a South West Consortia is now underway, based at Ashfield YOI and including nine local authorities.

The Coalition Government has begun to implement sweeping changes to the governance of local authorities and to welfare and benefits, criminal justice and parenting and family policy that Barnardo's expects will impact significantly on resettlement. The requirement for local authorities to produce a Children and Young People's Plan<sup>47</sup> has been withdrawn and the moves to remove the statutory footing of Children's Trusts Boards<sup>48</sup> (both mechanisms to joined-up working) could impact on efforts to integrate resettlement planning and commissioning across local services. Budget cuts to councils are already impacting on Barnardo's supported accommodation provisions

for vulnerable young people. In the Government's 2010 comprehensive spending review<sup>49</sup> investment in the Supporting People programme – the main funder of housing-related support – was reduced nationally by 12 per cent in real terms over four years and it ceased to be a stream of funding which is distinct from councils' main revenue grant. Faced with reductions in funding across many areas of service provision and the implicit signal that housing support is no longer a distinct government priority, Barnardo's is witnessing some local authorities electing to cut existing support and diverting funding to other priorities.

The MOJ recently published *Breaking the Cycle*,<sup>50</sup> a Green Paper setting out initial policy for delivering a 'rehabilitation revolution' which aims to dramatically reduce high reoffending rates. The paper represented a brave shift in adult penal policy and in sentencing of young people – particularly in relation to remand. However, aside from promising to support innovative 'payments by results packages' to tackle rehabilitation, it fails to acknowledge the impact of existing poor resettlement practice and the lack of supported accommodation on reoffending rates.

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47 It was a statutory requirement of the Children Act 2004 that every Children's Trust area should have a Children and Young People's Plan – a single, strategic, overarching plan for all services for children and young people in the area.

48 Children's Trusts were a key initiative to emerge from the Children Act 2004. Their aim was to ensure that all services for children and young people in one area were brought together to provide an integrated service for children.

49 HM Treasury (2010) *Spending Review 2010*. HM Treasury, London.

50 Ministry of Justice (2010) *Breaking the cycle: effective punishment, rehabilitation and sentencing of offenders*. MOJ, London.

# Chapter three:

## The savings made through supported accommodation

**'If young people do not have somewhere safe to go they depend on others for accommodation which brings with it a lifestyle cost and makes them vulnerable.'**

(A case worker in the secure estate)

Research has shown that being in and out of insecure and unsettled environments has a negative impact on young people's physical and emotional wellbeing as well as their behaviour and willingness to engage with support services. Single homeless people use around four times more acute hospital services than the general population, costing at least £85 million in total per year, according to the Department of Health.<sup>51</sup> In YJB research, two-thirds of young people who had offended said that they felt depressed when they were homeless, nearly half said that they felt hungry, and a fifth were frightened of other people.<sup>52</sup>

To the communities where these young people live, the costs are also significant. Being placed in unsuitable accommodation is linked to risky behaviours as well as offending. The YJB found that 40 per cent of young people who had previously been offenders had been asked to leave a place where they were living, many for committing acts of violence. This type of behaviour often reflects a world of bravado and threats where it is necessary to be tough to survive. Fifteen per cent of the young people

in the YJB sample had been a victim of crime themselves.<sup>53</sup>

Taking the range of negative outcomes into account, is there a case for investing more resources in safe, supported accommodation for young people leaving custody?

We conducted an analysis to show the costs and benefits of three typical resettlement journeys when a young person is released from custody. The quantitative analysis shows the public costs of these journeys up to three years after release from custody. Although it does not include any social costs (for example impact on the emotional wellbeing of the young person or any family members) it clearly illustrates the savings that early stable and supported accommodation can produce.

**'Supported Nicky'** illustrates a positive transition from custody into a supported accommodation placement<sup>54</sup> which is characterised by engagement with education, health and social care services. **'Chaotic Lifestyle Nicky'** follows a 'poor' resettlement journey, characterised by temporary placement in a B&B, involvement with drugs, failure to engage with education, stealing and a community sentence. **'Reoffending Nicky'** follows the same pathway as Chaotic Lifestyle Nicky for the first three months, but as is common for many young people who

51 Patel, N (2004) *Accommodation needs of young offenders*. Youth Justice Board, London.

52 Youth Justice Board (2007) *Accommodation needs and experiences*. YJB, London.

53 Ibid.

54 We based this case study on the typical journey of a young person moving into Barnardo's Tap service and then graduating into Barnardo's semi-supported Rachel House project (see good practice examples in this report).

IMAGE POSED BY MODEL



are not adequately supported, he reoffends and is returned to custody nine months after release.

The examples provided here, while not based on any specific young people, represent three typical pathways for young people leaving the secure estate. We do not aim to prove that one type of resettlement journey has a pre-determined outcome on a young person, as a variety of factors including family support, levels of resilience, quality of support provision, and to some extent luck, impact on the eventual outcomes for every young person. However, the journeys are constructed based upon the collective experiences of the young people featured in this research, information provided by the experts interviewed, and available evidence in the literature.<sup>55</sup> We have combined all three sources of information in

order to ensure that they are as realistic as possible.

To estimate the costs of the journeys over three years we drew on existing publications of unit costs of welfare, social care and criminal justice system interventions.<sup>56</sup> The frequency and duration of each intervention was then used to aggregate the unit costs and build up a full cost pathway covering all elements of the young person's journey beginning at the point of release. In this way we were able to show not only the costs of the different pathways, but to which agency each cost was beholden.

For ease of reading, Supported Nicky's pathway is described in full, while the relevant facts about the pathways of the other two Nickys are presented more briefly in bullet points.

<sup>55</sup> Sources used: National Audit Office (2010) *The youth justice system in England and Wales: Reducing offending by young people*; Home Office (2005) *The economic and social costs of crime against individuals and households 2003/04*; Prison Reform Trust (2010) *Bromley Briefings Prison Factfile*. PRT, London; Farrington et al (2006) *Criminal careers and life success: new findings from the Cambridge Study in Delinquent Development*; Youth Justice Board (2010) *Youth justice annual workload data 2008/09 England and Wales* YJB, London; Ministry of Justice (2010) *Reoffending of juveniles: results from the 2008 cohort England and Wales*. MOJ, London.

<sup>56</sup> Key data sources were: *Trustees' Report and Financial Statements for the year ended 31 March 2009*, The Housing Link; *Annual Business Plan 2009-10*, The TAP and Rachel House, 2010; *Unit Costs of Health and Social Care 2010*, Personal Social Services Research Unit, 2010; *Finance & General Purposes Committee meeting minutes*, Bolton College, 2010; *Delivering outcome focused integrated care for vulnerable groups*, presentation by Linda Harris, Wakefield Integrated Substance Misuse Services, 2010.

### Supported Nicky

At 16 Nicky was given early release from custody to continue the community element of his six-month Detention and Training Order (DTO). He was placed in supported accommodation while an assessment of his needs was carried out by social services and stayed there for three months in total. He received tailored, intensive support to build his confidence, develop new skills and stay out of trouble.

Ten days after release, Nicky was assessed as a 'child in need' and voluntarily accommodated under Section 20. He began to receive a weekly visit from his social worker in addition to the support he was already receiving. Before he had left custody, Nicky's YOT worker helped him to enrol on a foundation course at college. Staff and volunteers at Nicky's supported accommodation placement helped him to attend and succeed on the course – for the first week a

volunteer travelled to college with him every day – and he began to enjoy learning. Nicky's independent living skills also increased significantly during the three months and he made some new friends at college.

After three months, Nicky moved into a semi-supported, self-contained flat and graduated from his foundation course to an apprenticeship. He continued to be encouraged to have regular health and dental checks, eat healthily and attend his apprenticeship. He also maintained weekly contact with his social worker.

One year after his release from custody, and having proved that he could stay out of trouble, Nicky was offered his own flat. He maintained the tenancy successfully and at the age of 19 was in full-time employment.

The cost of Supported Nicky's journey to public agencies over three years is **£48,888**.

### Chaotic Lifestyle Nicky

- Age 16, early release from custody to continue community element of six month DTO.
- Placed in temporary B&B accommodation for 10 days, visits twice a week from YOT.
- Associated with adults and other ex-offenders in the B&B and started to use drugs.
- College attendance (foundation course) erratic and eventually dropped out.
- Ten days after release, assessed as a 'child in need' and voluntarily accommodated. Placed in own flat and received visits twice a week from a key worker – not sufficient to provide structure.
- YOT support ended after three months as the community element of

the DTO was complete.

- Six months after release increased drug use – Class A drugs. One episode where he was rushed to the accident and emergency department and admitted to hospital.
- Stole persistently to fund drugs, evicted from two properties for drugs-related antisocial behaviour, and re-housed twice.
- Arrested within 18 months of release and court ordered six month Intensive Supervision and Surveillance (ISS) with drug treatment for a string of theft and drugs offences.
- By age 19, Nicky was not in employment, education or training and was homeless.

The cost of Chaotic Lifestyle Nicky's journey to public agencies over three years is **£54,197**.

### Reoffending Nicky

Identical to Chaotic Lifestyle Nicky for the first three months, then:

- Despite living independently in a flat, Nicky continued to associate with friends from the B&B.
- He received several warnings from his landlord for drinking and partying.
- Started to join his friends in stealing cars and breaking into houses in the neighbourhood.
- Arrested for four offences, including burglary and theft of a motor vehicle.

- Sentenced to a six month DTO.
- Released from custody for the second time.
- Offending became less persistent but increased in severity.
- By age 19, Nicky had spent another year in prison for robbery and violence against a person. He remains dependent on benefits and is not in work, education or training.

The cost of Reoffending Nicky's journey to public agencies over three years is **£116,094**.

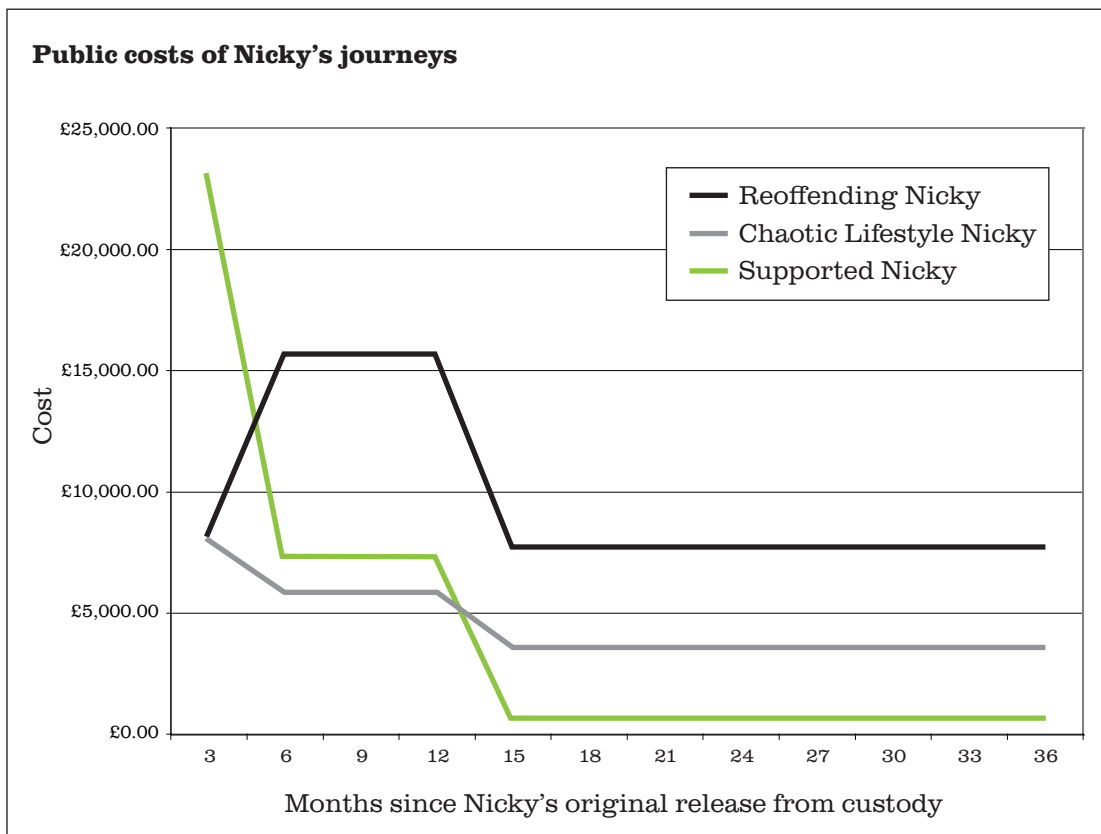
**Comparing the three resettlement journeys**

As these figures show, Supported Nicky’s pathway, involving a placement in supported accommodation was the cheapest over three years – costing £48,888. Chaotic Lifestyle Nicky’s pathway involving unsupported B&B accommodation and involvement in drugs is slightly more costly over the three year period – at £54,197, and Reoffending Nicky’s pathway involving an unsupported B&B and a recall to custody was the most costly, at £116,094 over three years – more than twice as much as Supported Nicky.

The graph below illustrates how the costs build for each of the three pathways over the three years. It is clear that although the initial investment made in the first year for Supported Nicky is high (Barnardo’s

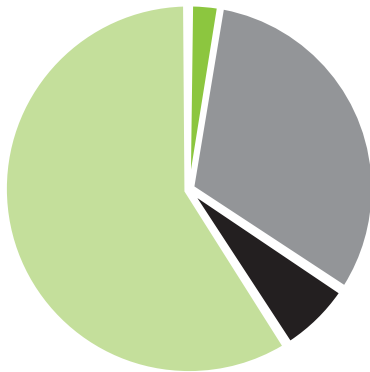
supported accommodation costs £16,000 over three months to support each young person, and almost £4,200 over three months for semi-supported accommodation), savings are made when compared to the other two Nickys because there are no criminal justice system investments, health and social care costs start to reduce, and Supported Nicky starts to pay tax.

In the longer term we would also expect that **Chaotic Lifestyle Nicky’s and Reoffending Nicky’s public costs will continue to build up**, depending upon whether they continue to offend in the future or receive enough support to turn their lives around. Supported Nicky on the other hand is already self-sufficient and likely to continue to be so in the future. **The investment in his supported accommodation pays off in the form of long-term stability and self-sufficiency.**

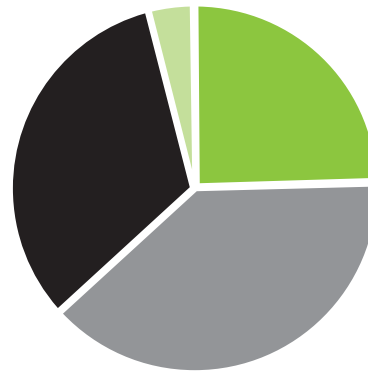


Analysis of where the cost burdens lie for each of the journeys is interesting. For Supported Nicky, most of the costs lie with the local authority for accommodation (59 per cent) and health, social care and education (31 per cent). Costs to the Exchequer in the form of benefits make up just seven per cent of the total, and costs to the criminal justice system (in Supported Nicky's case this was just YOT worker support) are just three per cent. In contrast, as the diagrams below show, the majority of the cost burden for Chaotic Lifestyle Nicky lies with the benefits system and health and social care, and for Reoffending Nicky, it lies with the criminal justice system.

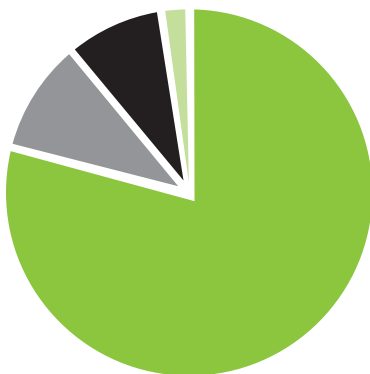
Cost burden: supported Nicky



Cost burden: chaotic lifestyle Nicky



Cost burden: reoffending Nicky



- Criminal justice
- Local authority (health, social care and education)
- Welfare payments
- Local authority (accommodation)

Mapping costs in this way demonstrates that **resettlement pathways built around intensive early support, which is then gradually pulled away is likely to be less expensive to the state over three years.** We would not wish to underestimate the importance

of matching the right level of support to each young person and withdrawing the support at the right time – which requires highly skilled practitioners – but this analysis does, for the first time, illustrate clearly the value in investing in supported accommodation.

### **Barnardo's Northumberland Housing Service**

This service provides supported lodgings and floating support to around 440 young people aged 16-21 who are either homeless or at risk of homelessness, every year.

- The **supported lodgings** service matches young people leaving care or at risk of being homeless – including young offenders – with carefully vetted members of the Northumberland community, similar to foster carers, who have a spare room and are able to provide accommodation and support with a view to preparing the young person for independent living. In order to access this service the young person must be referred by a social worker, through a single point of access.
- The **floating support** service provides support, advice and information on finding accommodation and maintaining a tenancy, including budgeting and accessing benefits, education and other supportive services.
- The **supported accommodation** service – Links – provides a shared flat, where young people live semi-independently with support from a project worker to develop independent living skills. The aim is for the young people to move on to obtain their own tenancies.

When a young person is referred to either of these services, a detailed assessment is made and a unique support plan drawn up in conjunction with the young person, which is regularly reviewed.

Staff provide one-to-one support to help young people manage their budgets and make and attend appointments – sometimes even attending with them.

This is a crucial element of the support package for these young people who often lack the confidence, motivation and self-esteem to keep up what can be a challenging regime of meetings, form filling and interviews. The project also has strong links with local support services, such as drug and alcohol specialists, to provide any necessary additional support.

The service manager believes that the Northumberland Housing Service, particularly the supported lodgings, is unique within the area because it provides:

- **ground rules** – agreed between the family and the young person – which are particularly important for those coming from the secure estate who are used to strict boundaries.
- a **unique support package** tailored to each individual's needs.
- the **chance for young people to live within a supportive, family environment** with one-to-one support.
- **strong partnership working** with other services such as housing providers, children's services and drug and alcohol professionals.

#### **Making a difference**

The most recent data collated by the service shows that of the 17 young people placed in **supported lodgings** in 2008-09, 100 per cent moved into education, training or employment (EET), reported an improvement in self-confidence and self-esteem and were receiving all income or benefit entitlements.

Of the 76 young people accessing the **floating support** in the same year, 44 per cent moved into EET, 54 per cent reported an improvement in self-confidence and self-esteem and 62 per cent were receiving all income or benefit entitlements.

# Chapter four: Research findings – barriers to suitable accommodation and support

In this section, we present the real journeys of five young people leaving custody. While each story is unique, they represent the same issues faced by many of the young people we interviewed. The young people's stories are presented alongside findings from the research interviews and evidence from published literature.



## 1. Liam's Story – page 24



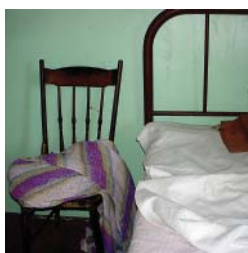
## 2. Daniel's Story – page 29



## 3. Amy's Story – page 33



## 4. Chris's Story – page 38



## 5. Robbie's Story – page 43

## Research method

With permissions from the National Offender Management Service (NOMS) and the YJB, during August to November 2010, Barnardo's researchers interviewed young people serving DTOs who had approached Barnardo's advocacy service with accommodation issues and who were due for release in the next two months.

Semi-structured interviews were carried out with 15 young people (14 males and one female) in the secure estate. Four were being held in a Secure Training Centre (STC) and 11 were held in three different YOIs. Eight of the young people were selected as 'case studies' and researchers continued to track their circumstances as they moved through the gate from custody to the community. This was done through interviews with the professionals working with them and in one case, the researchers attended a pre-release planning meeting. The follow-up interviews were carried out at release and then at one-month intervals or at significant points in the community element of the DTO, for example, at a breach hearing. Four of the young people (Liam, Daniel, Amy and Chris<sup>57</sup>) feature in this report – chosen because their stories represent a number of the common themes that were evident throughout the research.

In addition, three case studies were supplied by Barnardo's homelessness services. In these cases the staff had met the young people some time after their release from custody because

their placements back home with family had been unsuccessful. These case studies clearly illustrated the pressures put on families when young people are released from custody and return home with very little support. The journey of one of these young people, Robbie,<sup>58</sup> is therefore also featured in this report.

Semi-structured interviews were carried out with 27 professionals about the challenges of ensuring that young people in the secure estate are supported into suitable accommodation. Those interviewed in the community included social workers, YOT workers and housing officers; while case workers, resettlement leads, a social worker and a governor were interviewed in the secure estate. An additional 12 professionals were contacted in order to gather updates and additional information on the case studies.<sup>59</sup>

An analysis of all the interview data enabled researchers to build a picture of the realities of resettlement and identify key barriers to suitable accommodation. It also enabled the development of three 'typical' resettlement journeys on which to base a cost-benefits analysis.

The researchers consulted with a range of stakeholders in the sector to test the findings and develop the policy and practice recommendations. The recommendations provided at the end of this report were shaped through an expert roundtable with colleagues from across the sector to whom we extend our thanks.

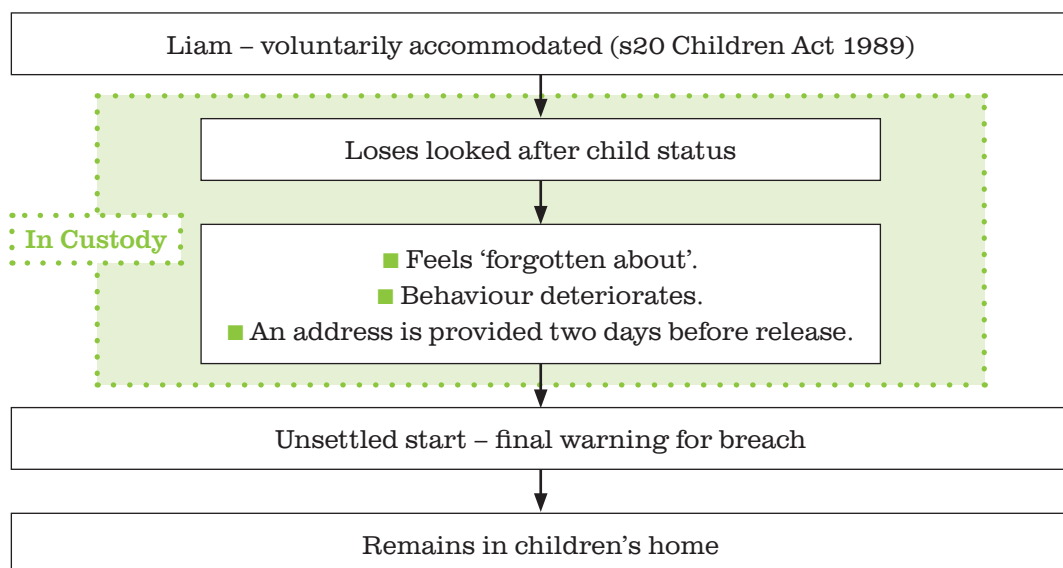
<sup>57</sup> Not their real names.

<sup>58</sup> Not his real name.

<sup>59</sup> As the research was carried out in just one STC, in order to protect identities we sometimes refer to 'secure establishments' without further specification. Likewise, we refer to the both the director of the STC and the governors of the YOIs as 'governors'.

# 1. Liam's story

Liam's story illustrates how entitlements and consequent support for voluntarily accommodated<sup>60</sup> young people drops off when they enter custody, resulting in relatively unsupported, rushed transitions into the community and unsettled starts.



<sup>60</sup> Young people looked after under Section 20 of the Children Act 1989. Full details are provided in the glossary at the end of the report.

## Liam's story

Liam is 15. Since becoming voluntarily accommodated at the age of 12 he moved around 'a fair bit', including several failed attempts at living with his family and a three-week period when he was missing aged 13. He has been known to smoke cannabis and has had problem drinking habits since age 12. He estimates he was living at a children's home for about a year before being sentenced to a detention and training order (DTO) and being placed in a Secure Training Centre (STC) where we met him. As Liam was voluntarily accommodated prior to custody he lost his looked after status on entry. He was still entitled to regular visits from a social worker to support him as a vulnerable child, but was no longer entitled to care planning to address his accommodation needs for resettlement.

### In custody

Liam asked Barnardo's advocacy service for support with finding accommodation a month before his release because he felt his social worker was not helping. He had been told that going home was not an option and his previous children's home would not have him back because of stealing. However, he did not know what his options were or whether his social worker was looking for accommodation for him. Liam wanted to start planning an education placement but was told by his key worker that this was not possible until he had an address.

Liam's Barnardo's advocate contacted his social worker and provided the names of three children's homes that Liam had expressed an interest in. She also explained that Liam was open to options such as a foster placement and wanted

things organised as quick as possible. At this time, Liam was visibly upset because he perceived that his social worker no longer seemed to be supporting him: 'I just want to know where I'll be living and it seems like they don't do anything.' Staff in the STC had noticed that he was getting increasingly anxious and this was affecting his behaviour.

One week before his release, Liam was moved to a Young Offenders Institution (YOI) to make space in the STC for a young person considered more vulnerable than him. Liam was only informed of this move the night before the transfer which further added to his distress and sense of isolation.

Two days before his release, Liam's social worker gave his Barnardo's advocate the name of a children's home that he would be released to.<sup>61</sup> This did not give the YOI enough time to arrange a visit for Liam to meet staff from the home before his release. He became so worried by the uncertainty of his placement and the lack of contact with his social worker that he said he did not want early release and was prepared to 'kick off' to avoid it.

### After release

Liam did obtain early release and was placed in a 12-bed children's home with on-site education provision. After a difficult start – in which he failed to engage with services and received a final warning for missed appointments – he finally started to build a positive relationship with his Youth Offending Team (YOT) worker. He was in trouble again weeks later for various small crimes but, since he was generally motivated to change, his YOT worker recommended a curfew rather than a recall to custody.

<sup>61</sup> Liam did not need to be reassessed to become voluntarily accommodated again as he was under 16 and therefore automatically the statutory responsibility of children's services because he cannot remain in the family home.

‘Yeah, I do have one [social worker]. I don’t know his name. I think I’ve only seen him once.’

(Young person, formerly voluntarily accommodated, 16)

Voluntarily accommodated young people are those who are looked after under Section 20 of the Children Act 1989 prior to custody. These young people become accommodated for a range of reasons including; there being no person who has parental responsibility, him or her being lost or abandoned or the person who has been caring for him or her being prevented from doing so. Under the Children and Young Persons Act 2008, if these young people are sentenced to custody, they **lose their looked after status** on entry. The number of young people who are voluntarily accommodated or on a full care order when they enter custody is unknown, but estimated to be around 46 per cent in total of all those in YOIs.<sup>62</sup>

This loss of care status for voluntarily accommodated young people was not always intended to be the case. The previous government’s *Care Matters* Green Paper<sup>63</sup> acknowledged that many of these young people require just as much support while in custody as those in care on a full care order

and proposed that local authorities be required to carry out an assessment of their needs on entry into custody, ‘with an expectation that they will continue to be supported as a child in care. In most cases this will entail a **social worker**, a **care plan**, and **continued support as a child in care** on leaving custody’.<sup>64</sup> However, in the White Paper this proposal was replaced only with a commitment<sup>65</sup> that local authority social workers should visit the young person in custody so that necessary plans can be made for them on release, ‘which could include readmitting the young person to care’.<sup>66</sup> Further statutory guidance in 2010<sup>67</sup>, which will be implemented in April 2011, added that a ‘child in need’ assessment should take place within 10 days of the young person’s arrival in custody. But taking all the guidance as a whole, there is no requirement to provide:

- the same dedicated social worker
- a care plan, or
- continued support as a child in care on leaving custody.

A care plan is a crucial piece of planning for a looked after child – particularly one in custody – as it identifies his or her assessed needs and sets the framework for the services that will be provided to the child and to their family to enable the desired goals and outcomes to be achieved.

Interviews with those working closely with young people like Liam confirmed that his experiences of social work support dropping off almost completely

62 Holmes, C and Gibbs, K (2004) In Safe Hands. *Community Care*, 18 March, pp35-36.

63 Department for Education and Skills (2006) *Care Matters: Transforming the lives of children and young people in care - Green Paper*. DfES, London.

64 Ibid, paragraph 6.43.

65 Now legislated for in the Children and Young Persons Act 2008.

66 Department for Education and Skills (2007) *Care Matters: Time for Change - White Paper*. DfES, London.

67 Department for Education (2010) *The Children Act 1989 Guidance and regulations. Local authority responsibilities towards former looked after children in custody* including *The Visits to Former Looked After Children in Detention (England) Regulations 2010*. DfE, London.



are not uncommon. Case workers in the secure estate expressed frustration that young people who were vulnerable enough to become looked after prior to custody had to experience a gap in their care plan at such a challenging period in their life:

**'We know they've already got problems. That's why they're in here, so I just think why don't authorities just accept that they're going to have to help them? If not now, it'll be later when everything goes wrong again.'**

(A case worker in the secure estate)

Liam's efforts to recommend placements that his social worker might investigate are also illustrative of other young people's experiences. One young person told us of how he had wished that he could look on the Internet to find somewhere to live. Another explained how he had used his phone credits to speak to a friend that he thought might help him to find somewhere to live.

The drop off in support for some young people seems to be a result of the relatively low minimum standards for social services in supporting previously voluntarily accommodated young people in custody. Social workers explained that with rising caseloads and squeezed budgets, some children's services managers expected day-to-day support to this group of young people to come from elsewhere, and specifically from the YOT or the secure estate. As one social worker explained: 'Our role is to attend planning meetings and prepare for release'.

While it was beyond the scope of this research to focus on joined-up working practice in any detail, it was acknowledged by a number of YOT and social workers that although there is statutory guidance designed to promote strong joined-up working between children's services, local safeguarding children boards (LSCBs), YOTs and secure establishments,<sup>68</sup> good practice tended to be reliant on 'great individuals' and was therefore somewhat inconsistent across local authorities. While some YOT workers told us that they had made increased efforts to visit young people in custody who they knew were receiving less social work support than they were used to, others reported that 'policy' restricted them from carrying out visits over and above their statutory requirements (which are to attend DTO sentence planning and pre-release meetings). As one explained: 'We're not encouraged to go up there to just, kind of, provide support. Sometimes you want to, but it's not really our role.'

<sup>68</sup> Department for Children, Schools and Families (2010) *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children*. DCSF, London.

Even when a previously voluntarily accommodated young person benefits from a good YOT worker, there still remains a clear need for children's services care planning. Liam, like many of those who are voluntarily accommodated, was a very vulnerable young man with a history of going missing and using drugs and alcohol at a very young age. It was frequently pointed out by a range of those interviewed that the primary role of a YOT worker is to prevent reoffending. One secure estate case worker made a clear distinction between a YOT worker and a social worker:

**'If [social workers] have had contact during the sentence... it does have an impact because they feel secure... because social workers are not the authority figure like the YOT, just to have that bit of support especially if the family has broken down, makes all the difference.'**

In 2009, the Children, Schools and Families Select Committee recommended that: '...children accommodated under voluntary agreements should retain their looked-after status when entering custody' and went on to say that: 'We consider that this would be a greater safeguard of the continuity of each young person's care than the [requirement] to continue visiting children'.<sup>69</sup> The findings from this research have supported this assertion by illustrating that under current regulations, young people like Liam who have lost their looked after status are left relying on advocates and YOT workers for vital accommodation information and planning. There is therefore a clear case for the Government to reinstate the assumption as contained in the *Care Matters* Green Paper and legislated for in the Children and Young Persons Act 2008 that former looked after young people continue to be looked after on entering custody.

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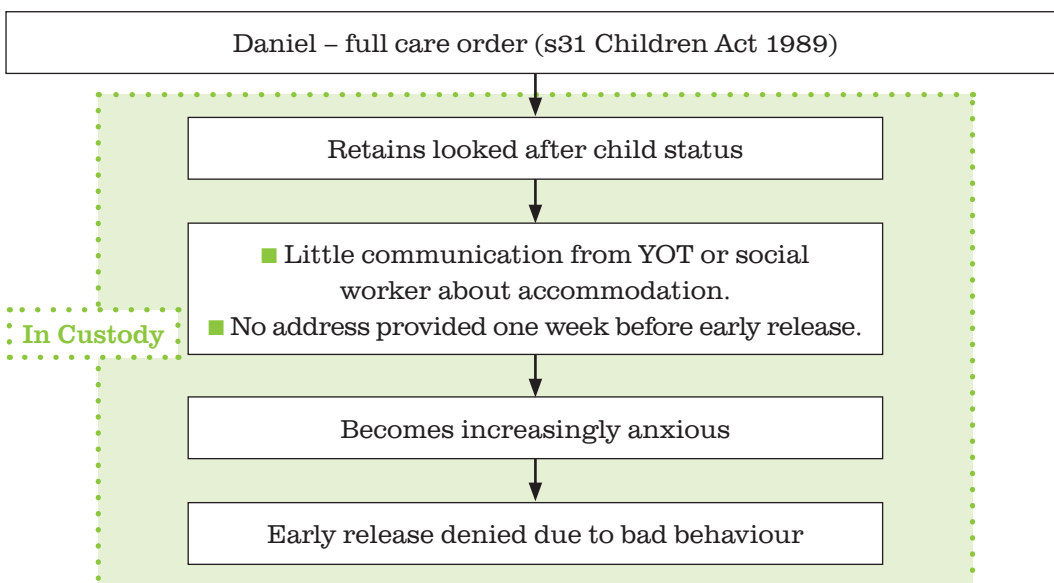
<sup>69</sup> House of Commons Children, Schools and Families Committee (2009) *Looked-after Children: Third Report of Session 2008–09*, Volume I, paragraph 58.

# 2. Daniel's story

Daniel's story illustrates how looked after young people who are entitled to support perceive themselves as forgotten about while in custody – receiving limited help to plan suitable accommodation.

This section highlights that even when legislation is in place, entitlements to young people in custody are not always carried through in practice. Young people who are looked after on a full care order under Section 31 of the Children Act 1989 **retain their looked after status on entry into custody** and are therefore entitled to the same robust package of provisions in the *Care Matters White Paper*<sup>70</sup> that looked after children in the community are. However, in reality this is not always happening. Indeed, those in custody who are looked after seem to be facing a similar lack of support in finding suitable accommodation as those who are not looked after. We found that this impacts on the ability for looked after young people to put other elements

of their care plan into place and has a significantly negative impact on behaviour and wellbeing.



<sup>70</sup> Legislated for in the Children and Young Persons Act 2008.

## Daniel's story

As a child, Daniel lived with his grandmother. He was easily influenced into offending and often took the blame when he was with his peers. His grandmother eventually found it too difficult to cope and Daniel was placed in care. He experienced a series of fostering and children's home placements and developed a positive relationship with one foster carer who continued to keep in contact.

When we met Daniel in a Young Offenders Institute (YOI), he was serving a Detention and Training Order (DTO) for burglary, vehicle related crime and breach of his community order. He was 16 and looked after on a full care order so was entitled to a care plan and regular social work visits. His previous foster carer was continuing to visit him and sent money during his custodial sentence.

### Planning for release

Part way through his custodial sentence, Daniel was told that he had a new social worker. He was also told that he would have a new Youth Offending Team (YOT) worker because he would be placed in a different area on release. He was too old to return to the care home he was placed in before custody but there were few alternative options in his home local authority that would provide enough support. It was no longer safe for him to return to the foster carer with whom he had a good

relationship because young people in the area had reportedly made threats against him. The change of social worker and YOT worker at this time unsettled him and he reported feeling scared and alone, saying: 'I'm just forgotten about in here'. His Barnardo's advocate told us that for a long period of time she and Daniel didn't receive any information from the social worker or YOT worker about where Daniel might live on release.

### Pre-release meeting

At his pre-release meeting, still no address had been provided for Daniel and he was told that an emergency placement would be organised for his early release date. One week before his early release, Daniel had still not been told where he would be staying and he was becoming increasingly distressed by all the uncertainty. When we spoke to him about his accommodation situation at this time, he became visibly upset and the interview was quickly terminated. We were later informed by his case worker that his behaviour over the following week began to deteriorate and he was warned that his early release was in jeopardy.

Several days later, Daniel was denied early release due to the changes in his behaviour – we were told that he had become rude and disruptive. His case worker had asked the governor to consider the stress put on Daniel, but the decision was not revoked. Daniel will now be released in March 2011.

**They just forget about you. They're not bothered.**

(Young person on a full care order, 16)

Daniel's experiences are not unique. In 2006, the National Children's Bureau (NCB) followed 12 case studies of looked after children and care leavers in their transitions from custody to the community and found that local authority care and pathway planning systems were 'effectively marginalised' on entering prison. There were few looked after child reviews and where they did happen, professionals struggled over adapting the formats appropriately.<sup>71</sup> According to those we spoke to throughout this research, little has changed despite the introduction of *Care Matters* provisions, legislated for in 2008.<sup>72</sup>

A recent Ofsted thematic report supports these assertions and concludes that: 'Despite the legal obligation to offer appropriate services to looked after young people [in secure accommodation], local authorities did not always do so in an appropriate or timely manner'.<sup>73</sup>

**'It gives the impression to the young people that they are just a statistic and social workers attend meetings just to tick a box.'** (A case worker in the secure estate)

Given the significance attached to *Care Matters* provisions in ensuring streamlined support for looked after children, it is concerning that those who are in custody are missing out in practice. As one young person in a YOI explained: 'I'm just waiting really... 'till I get out of here and then I can start [making plans]'. We were also told that this lack of foresight frequently impacted upon other elements of the care planning process. One young person told us: 'I want to do college but they said I can't register for anything until I have an address'. Ofsted also points out that young people are unable to set up bank accounts or register with health services until they know where they will be living.<sup>74</sup>

Daniel's story highlights how a lack of accommodation planning results in very late decisions on placements which unsurprisingly impact on young people's behaviour. The National Standards for Youth Justice Services<sup>75</sup> state that young people serving DTOs should be informed of their arrangements for release – including accommodation – at their final release review meeting which is held 10 working days before release. However the majority of the young people we interviewed were not told of arrangements until two to three days before their release. These findings are backed up by other research. Twenty-two per cent of YOTs reported that accommodation is not arranged until the day a young person is released and seven per cent reported not being able to access accommodation until after release.<sup>76</sup>

<sup>71</sup> National Children's Bureau (2006) *Tell them not to forget about us – A guide to practice with looked after children in custody*. NCB, London.

<sup>72</sup> Children and Young Persons Act 2008.

<sup>73</sup> Ofsted (2010) *Admission and discharge from secure accommodation*. Ofsted, Manchester.

<sup>74</sup> Ibid.

<sup>75</sup> Youth Justice Board (2004) *National Standards for Youth Justice Services*. YJB, London.

<sup>76</sup> Youth Justice Board (2010) *Audit of Accommodation Provision for Young People Who Offend*. YJB, London.

**‘They are supposed to fill in an address at the pre-release meeting 10 days before release but this is often left blank.’** (A case worker, secure estate)

**‘It is not uncommon to get to the day before release before having an address.’** (A case worker, secure estate)

For Daniel, the increasing uncertainty about where he would live as he approached his release date had a clear impact on his behaviour and he lost his early release. We were told that this reaction is not uncommon and that young people frequently become withdrawn, uncommunicative or disruptive. As one governor in the secure estate put it: ‘Bad traits start to show’.

**‘Young people here get stability, they have the same room, the same people, they know the boundaries and they thrive, but the uncertainty leading up to release causes anxiety and this shows through deteriorating behaviour, self-harm, damage to property.’** (A case worker, secure estate)

Barnardo’s is concerned that while looked after children in custody are just as vulnerable as those in the community, they are not receiving the same levels of care and we urge the Government to consider the levers available to rectify these inconsistencies. A number of inspections are carried out in the secure estate which could be better utilised to identify and improve on the levels of support to looked after children.

1. The Care Quality Commission (CQC) and Ofsted conduct inspections of Safeguarding and Looked After

Children in local authority areas every three years. However, they only focus on secure settings where there is an STC or Secure Children’s Home (SCH) in the locality – rather than inspecting the locality’s provision to its looked after children held in custody elsewhere. A very recent inspection of Wakefield local authority for example, did not refer to young people held in secure settings at all.<sup>77</sup>

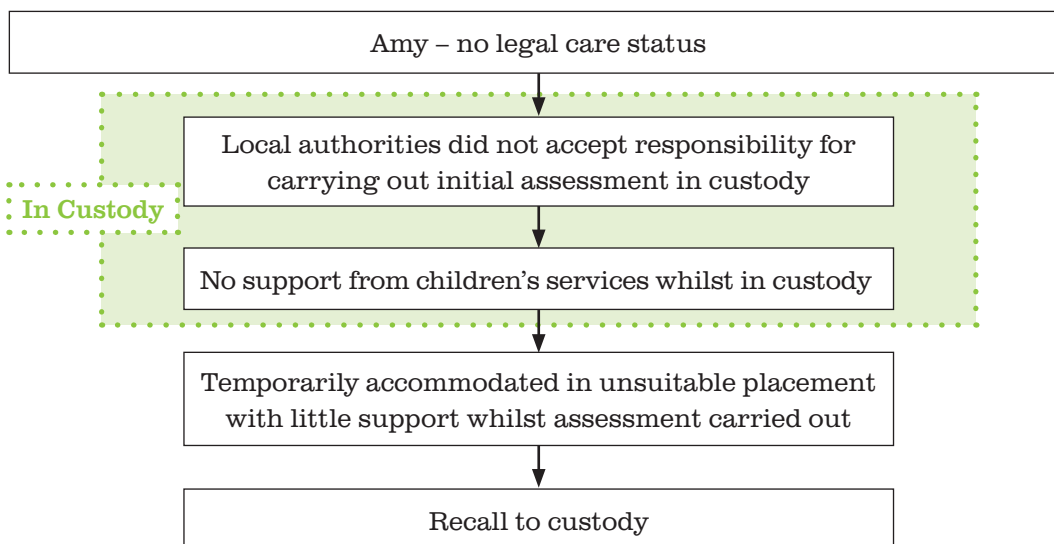
2. Ofsted also conducts specific inspections in STCs and SCHs, which include discussions with young people on a number of parameters including resettlement, but this process does not apply to YOIs which are under the performance jurisdiction of the National Offender Management Service (NOMS).
3. Her Majesty’s Inspectorate of Prisons (HMIP) conduct assessments in YOIs, but tend to rely upon interviews with professionals, survey evidence from young people and documentation analysis, rather than any detailed discussion with young people.

None of the inspection regimes genuinely and consistently capture what is important to the young people held across the custodial estate, and furthermore, there are no sanctions used where local authorities fail to meet statutory requirements. Barnardo’s proposes that a more meaningful inspection regime that provides sufficient weight to young people’s feedback could be developed and utilised to assess the care provided by local authorities to looked after children across all secure establishments. In addition, the Government should consider levers that could be used to ensure compliance.

<sup>77</sup> The Care Quality Commission and Ofsted Inspection of Safeguarding and Looked After Children Wakefield Metropolitan District Council Inspection dates: 1-14 December 2010. [www.ofsted.gov.uk/oxcare\\_providers/la\\_download/id/5687/\(as\)/LAC/lac\\_2011\\_384.pdf](http://www.ofsted.gov.uk/oxcare_providers/la_download/id/5687/(as)/LAC/lac_2011_384.pdf), accessed 16 January 2011.

### 3. Amy's story

Amy's story illustrates how a significant number of 16 and 17-year-olds are being insufficiently supported on release – resulting in disengagement from services and costly reoffending.



Young people entering custody with no legal status (including those formerly voluntarily accommodated) are often just as vulnerable as those who are accommodated on a full care order. Legislation does not account for this and there is no clear pathway of support

for homeless 16 and 17-year-olds who are not looked after when they leave custody. This was found to result in unsupported tenancies or placements in temporary accommodation, such as B&Bs, while local authority assessments are carried out.

## Amy's story

Amy was 16 when we met her in custody. She was serving a 12-month Detention and Training Order (DTO) after committing a string of offences, including handling stolen goods. Prior to custody she lived at her mother's house until their relationship became strained. She was then housed by the local housing authority, but evicted from two separate unsupported tenancies due to her partying. She had stayed with an older friend for five months where she shared the house with ex-offenders and ex-sex workers. She described how there were frequent parties and little structure to her life. Despite periods of living alone and 'sofa surfing' at ages 15 and 16, Amy was never assessed by social services and entered custody with no legal status for social care.

### Assessment

When she arrived in custody, Amy was adamant that she wanted to live independently with few professionals 'interfering' in her life. Her Barnardo's advocate was the first person to explain the value of social work support, and although Amy had refused assessments in the past, she eventually asked her advocate to help her pursue an assessment. Unfortunately, both her home authority and the local authority where the secure establishment is situated refused to conduct a 'child in need' assessment. Both local authorities argued that Amy was the responsibility of the other. A referral was made to the Howard League for legal support to try to resolve the issue.

### Pre-release meeting

We attended Amy's pre-release meeting which took place 12 days before her

release. Even at this late stage, neither local authority had agreed to assess her for social services support.

Amy's Youth Offending Team (YOT) worker found her an independent flat with a social housing provider. She was only offered twice-weekly support despite her previous history of failing to comply with house rules and her two evictions. Amy's advocate told us that she had concerns for Amy's welfare because she was used to the constant supervision in custody and was clearly unaware of how to run a home, secure benefits or pay bills.

### The day of release

On the day of her release, following a court case instigated by a Howard League lawyer, Amy's home local authority was ordered to accommodate her under Section 20 of the Children Act 1989 and she was therefore entitled to support from a social worker. At this point, the local authority instigated an assessment process to ascertain her specific needs. Amy was accompanied to her new flat by her YOT worker and spent the weekend alone. During the following week she struggled to cope. She had a full timetable of appointments arranged with specialist workers, but there was no reliable adult in her life to encourage her to get up in the morning and keep her appointments, and she failed to attend most meetings. Although she had a YOT worker and a social worker, an apparent lack of coordinated support during the period that her assessment was being carried out meant that she received limited visits, and indeed met with her social worker just once.

### The cycle

Three weeks after release, Amy's tenancy was at risk due to noise

complaints and her benefits were cut as she had not been attending her education placement.

Amy appeared in court for breach of her DTO licence 24 days after release. She had missed appointments, broken her curfew and had not been attending her

education placement. At this point she was recalled to custody. In accordance with guidance, as a voluntarily accommodated young person, Amy has now lost her looked after status and will have to begin the assessment process again with a new social worker on her release.

As Amy's story illustrates, young people in custody, irrespective of their looked after status, are some of the most vulnerable young people in society. Nearly a quarter have learning difficulties with an IQ below 70,<sup>78</sup> 40 per cent have previously been homeless<sup>79</sup> and the Mental Health Foundation cautiously estimates that the prevalence of mental health problems of young people in the criminal justice system is three times higher than for the general population.<sup>80</sup> Indeed, some of those working closely with the young people featured in this report said that they had rarely, 'if ever' come across a young person with an accommodation need who was not going to need children's services support immediately following release.

Despite this, the research found evidence of young people unplanned for while in custody and 'frequently' placed in unsupported (often temporary) placements on release. This was sometimes for significant periods of time while responsibilities for care were agreed or assessments undertaken. As we saw in Amy's story,

the period of unsettlement is often the trigger for disengagement from support services, involvement in risky behaviours and in the worst cases, reoffending. Analysis of the MOJ longitudinal cohort study of young people in the criminal justice system found, unsurprisingly, that the highest numbers of offences are committed in the first three months after release (31 per cent of all re-offences).<sup>81</sup>

The issue here is that, although guidance resulting from the Southwark Judgement (see chapter two) clarified that children's services must provide suitable accommodation to a 16 or 17-year-old who is homeless and assessed as a 'child in need', there has been no legislation or statutory guidance to clarify when the assessment should take place. Consequently we found that local authorities tend to delay the process – reportedly due to scarce resources – and the young person is inadequately supported on release.<sup>82</sup>

Irrespective of legal status, a vast majority of young people in custody are extremely vulnerable. Current

78 Youth Justice Board (2006) *Barriers to engaging in education, training and employment*. YJB, London.

79 Youth Justice Board (2007) *Accommodation needs and experiences*. YJB, London.

80 Hagell, A (2002) *The mental health of young offenders*. Mental Health Foundation, London.

81 Ministry of Justice (2010) *Reoffending of juveniles: results from the 2008 cohort England and Wales*. MOJ, London.

82 Although there are no statutory guidelines about when the assessment should be carried out, it is worth noting that the Howard League for Penal Reform highlight a case, R(K) v Manchester City Council in 2006 which did clarify that an assessment under Section 17 of the Children Act (a 'child in need' assessment) must not only examine the immediate circumstances of a child but must also look towards imminent changes in their circumstances (such as their release from custody).

criminal justice legislation – which is the relevant set of legislation for young people in custody who are not looked after – does not recognise these vulnerabilities, and consequently 16 and 17-year-olds with significant support needs are being resigned to the worst possible start to a new life on release.

How many young people leaving custody are not looked after? It is estimated that 46 per cent of young people in YOIs are looked after children or care leavers,<sup>83</sup> and MOJ data shows that 4,532 young people under 18 were sentenced to custody in 2009.<sup>84</sup> We can therefore estimate that around **2,447 young people sentenced to custody every year are not looked after, and therefore have no pathway**

**for resettlement.** Data is unavailable as to the proportion of this sample that return to live with family on release, but we do know from Nacro Cymru research that 19 per cent of young people who were living with family prior to custody did not return to live with them.<sup>85</sup>

To address the inconsistencies in resettlement planning and recognise that all those in custody have support needs, Barnardo's recommends that *all* young people serving custodial sentences should be entitled to a comprehensive statutory package of support including a lead professional for each child during and after their sentence and a clear pathway for resettlement.



83 Holmes, C and Gibbs, K (2004) In Safe Hands, *Community Care*, 18 March, pp35-36.

84 Ministry of Justice (2010) *Sentencing statistics (Annual) England and Wales 2009*. [www.justice.gov.uk/sentencing-stats-09-main-tables.xls](http://www.justice.gov.uk/sentencing-stats-09-main-tables.xls), accessed 20 December 2010.

85 Nacro Cymru (2006) *Custody and young people's living arrangements*. Nacro Cymru, Port Talbot.

### **The role of social workers in YOIs – carrying out needs assessments**

Between 2005 and 2008, the YJB funded social workers in YOIs, who were well placed to carry out accurate assessments of young people's needs prior to their release so that appropriate plans for resettlement could be made, and the young people could also be better supported while inside the custodial establishment. The social workers were also found to be effective in influencing local authorities to accept the conclusions of a needs assessment, ensuring that statutory entitlements were upheld on release, and maintaining adherence to child protection procedures.<sup>86</sup>

In her last annual report before stepping down as Chief Inspector of Prisons, Dame Anne Owers stated that: 'The involvement of social workers in juvenile establishments is crucial and extremely beneficial'.<sup>87</sup>

The then DCSF provided some transitional funding for social worker posts in YOIs in 2008, but from April 2009, councils were expected to pick up the tab and failed to do so in many areas. In March 2010, half of all posts in YOIs remained vacant.<sup>88</sup> With local authority budgets squeezed in the coming months and years, it is looking unlikely that this funding crisis is going to be resolved without

provision of earmarked funding by central government.

Case workers told us of the difference made by having a social worker in post. One appreciated the peace of mind it provided: 'It's someone to refer onto if you're worried about a lad'. Where social worker posts lay vacant, case workers confirmed that they didn't know where to refer a young person when an immediate 'child in need' assessment would have been beneficial.

There is an argument therefore, for ensuring that a social worker is available in every YOI. While this must not abdicate social workers in local authorities of their ongoing statutory responsibilities to support looked after children from their area, it would:

- 'bridge the gap' between the YOI and local authority social workers – ensuring that statutory duties continue to be carried out by local authorities
- provide an additional 'point of call' for those young people held far from home who receive limited (or no) visits from family and only the minimum statutory visits (every six weeks<sup>89</sup>) from their local authority social worker due to time and cost constraints<sup>90</sup>
- enable needs assessments to be carried out prior to release for those young people who have not previously been assessed.

86 Fielder, C; Hart, D; Shaw, C; Gibb, J (2008) *An Evaluation of Social Work Posts in Young Offender Institutions*. YJB, London.

87 Her Majesty's Inspectorate of Prisons (2009) *HM Chief Inspector of Prisons for England and Wales Annual Report 2008-09*. HMIP, London.

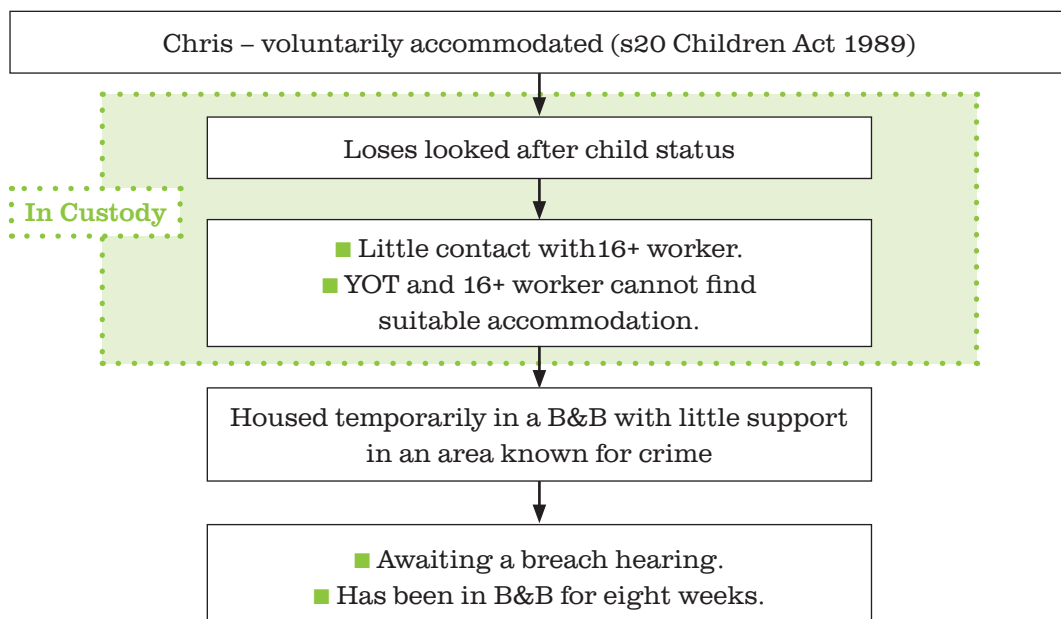
88 House of Commons *Hansard*, 3 Mar 2010: column 1257W.

89 According to regulation 28(2)(b)] of the Children Act 1989, a child must be visited at intervals of not more than six weeks for the first year of any placement. While some social workers will visit a young person more frequently than this if their needs require it, local authority social workers interviewed in this research confirmed that additional visits were rare for those in custody, particularly if they were held far from home.

90 In September 2008, 46 per cent of 15-year-olds, 41 per cent of 16-year-olds and 41 per cent of 17-year-olds in prison were held over 50 miles from their home address. House of Commons *Hansard*, 18 March 2009: column 1228W.

## 4. Chris's story

Chris's story illustrates how a limited range of accommodation options for 16 and 17-year-olds is resulting in delays in the allocation of placements, and young people living for lengthy periods in unsuitable placements such as B&Bs and hostels.



## Chris's story

Chris is 17. He was not able to live with his family and was therefore voluntarily accommodated. He had stayed in semi-independent accommodation – which he was evicted from for smoking cannabis – had periods of ‘sofa surfing’ and was then placed in a B&B, where he was staying when he was sentenced to a Detention and Training Order (DTO) for burglary.

### Planning accommodation

When we met Chris in the Youth Offender Institute (YOI) he was de-motivated. He felt unsupported by his Youth Offending Team (YOT) and 16+ workers<sup>91</sup> and felt that his secure estate case worker did not have the power to do much to help him plan his accommodation ready for release.

Chris's 16+ worker found it difficult to place him as several local providers had previously banned him due to drug use and his acquaintances selling drugs on site. Chris had also refused several other placements as they were in areas where he is at risk due to debts related to drug use. At his pre-release meeting, no long-term or suitable accommodation had been arranged but Chris was told there was a place for him at the B&B (where he had been staying before custody) as a short-term arrangement.

### On release

On release, Chris was escorted to a familiar B&B in an area known for crime. He was informed that it would be a temporary arrangement while other more suitable accommodation was identified. He quickly regained contact with his previous networks of offending peers, including regular cannabis users.

Older adults and other offenders freely came and went from the establishment, no support was available from the accommodation provider and his 16+ worker visited just twice a week – which he explained was to give Chris his maintenance allowance and help with financial matters. His YOT worker told us: ‘There is no structure or stability... it has raised his risk of reoffending’.

### The cycle

Chris moved from a very structured life inside the YOI to having very little support outside and he led a very chaotic lifestyle, failing to manage commitments well. He was told he was at risk of breach because he missed his initial appointment to fit his tag. Days later, because he was at the rescheduled appointment to fit the tag, he failed to attend an appointment with a housing provider that was offering him a placement. There were no other adults who knew about the situation to help him re-arrange appointments or explain things to the housing provider, and consequently he lost the placement.

Eight weeks after release, Chris was still living at the B&B. He was not engaged in education or training, had missed numerous appointments and disengaged with the YOT. He is now awaiting the outcome of a breach hearing that has been adjourned several times over two months. As he may be recalled to custody in the near future, the 16+ service reportedly see little point in moving him on from his ‘temporary’ placement at the B&B. Chris's current DTO licence ends soon which means that the YOT will have no further involvement unless he is reconvicted. This will leave him with even less support and supervision.

<sup>91</sup> Looked after children (16+) teams are usually set up within localities to work with looked after children aged 15-18 and young people qualifying for services as care leavers under the Children (Leaving Care) Act 2000, young people qualifying for services under Section 24 Children Act 1989 or homeless young people.

Resettlement services often struggle to find suitable accommodation for young people leaving custody. Demand for social housing outstrips supply in many areas and although the Homelessness Act 2002<sup>92</sup> ratified the extension of priority housing support to young people leaving custody, this remains at the discretion of local housing managers, who are not always willing to take the risk. Some offences in particular are considered too risky – including arson and violent or sexual offences – and those working with these young people described finding suitable accommodation as ‘almost impossible’.

Consequently, the placement of vulnerable 16 and 17-year-olds in B&Bs and hostels was referred to by social workers and YOT workers as ‘common’. This is despite a central government imposed target that they should be used only in emergencies and for short-term periods by the end of 2010.<sup>93</sup>

**‘Appropriate housing? It’s more like what’s available. If there’s a front door and it’s warm, then that’s a relief!’**  
(Case worker, secure estate)

**‘Use of B&Bs is very common. Unless they are going home to their parents, then accommodation is usually less than ideal.’** (Case worker, secure estate)

**‘It is frustrating when you’ve had them inside and they’re told before release “I’m afraid you’ve got this B&B” and that’s his reward for trying so hard in here. It’s disappointing.’** (Case worker, secure estate)

Research by Barnardo’s<sup>94</sup> with 106 homeless young people in the North East of England highlighted the impact that living in a hostel can have on young people’s safety, motivations and wellbeing:

**‘I was placed in a hostel. There were drugs, needles, people with alcohol problems. There was a wide age range. I was one of the youngest there. I had one meeting with staff when I moved in but then nothing else. He [staff worker] kept saying: “We need to catch you”, but it never happened. I wouldn’t stay in the building because of what was happening there. I didn’t feel safe. I just left.’** (Young man placed in a hostel)

**‘I was tempted into loads of crime when I was there. You become a product of your environment; you had to become the best – at getting lasses, getting drugs, doing crimes. That’s the mentality. The only way to survive in that situation was to become the alpha male, my way to fit in.’**  
(Young man in a hostel)

<sup>92</sup> Homelessness Act 2002.

<sup>93</sup> Youth Justice Board (2006) *Suitable, sustainable, supported: A strategy to ensure provision of accommodation for children and young people who offend*. YJB, London.

<sup>94</sup> Barnardo’s North East (2010) *Homeless not voiceless. Learning from young people with experience of homelessness in the North East*. Unpublished, available on request.

‘It’s alright having a roof over your head but if support isn’t there it will just fail.’

(A case worker, secure estate)

As Chris’s story illustrates, most young people moving from the structured environment of custody, to life in the community, require significant levels of consistent support if they are to cope. As one Barnardo’s practitioner who supports young people in supported and semi-supported accommodation explained: ‘It is rare that a young person under 18 years of age released from custody could handle independent living’. Resettlement workers confirmed this and told us that a range of provision is required – including floating support, semi-supported accommodation and 24 hour supervised accommodation often including consistent mentoring – so that a young person can be placed according to their own particular support needs. Peer research carried out by the National Youth Agency found that young people want to live in a place where they have independence but access to support if they need it. They also said that they want to feel ‘safe and comfortable’.<sup>95</sup>

The (then) DCSF and DCLG guidance resulting from the Southwark

Judgement also makes clear that a range of options is desirable: ‘In order for services to work well, it is important that children’s services work closely with housing services to ensure that a range of suitable supported accommodation placements are available for young people in the area, whether or not they are looked after children’.<sup>96</sup>

Planning a range of accommodation and support for young people leaving custody in a locality is not without its challenges, not least that there is no clear picture of supply and demand. This information is not specifically asked for within the youth justice context, nor is it collected nationally in any clear or specific way for the young vulnerable population. Following an audit in 2010, the YJB reported that 61 per cent of YOT respondents had no record of how many young people on their caseloads had a housing need. Although some secure establishments record limited information about where young people go on release (usually the name of the local authority), the MOJ states that: ‘The YJB does not hold accurate data on the number of young people registered as of no fixed abode on release from custody’.<sup>97</sup>

Given the lack of data it is perhaps unsurprising that local authorities and their relevant statutory partners<sup>98</sup> are failing to systematically commission sufficient suitable accommodation for young people leaving custody. Commissioning plans that are in place

95 Youth Justice Board (2010) *Audit of accommodation provision for young people who offend*. YJB, London.

96 Department for Children, Schools and Families and Department for Communities and Local Government (2010) *Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation*. Issued April 2010, paragraph 3.1. DCSF and DCLG, London.

97 House of Commons *Hansard*, 30 November 2010: column 722W.

98 Under the ‘duty to cooperate’ to enhance the wellbeing of children and young people introduced by the Children Act 2004. It is notable that Housing is not included as a statutory relevant partner.

have usually been directed by the local housing authority, and in 2010 less than half of a random sample of 40 of their strategic housing market assessments made any reference to the needs of vulnerable people, let alone vulnerable young people.<sup>99</sup> That research also revealed that just 55 per cent of YOTs are represented on local strategic housing bodies, and only 31 per cent were on Supporting People commissioning bodies.<sup>100</sup>

With limited budgets and no ring-fenced funding for housing support, some local authorities are prioritising spending in other areas. It will be increasingly important that council executives are aware of the importance of pooling resources from a range of relevant partners with an interest in resettlement – criminal justice

agencies, children's services, housing and public health budgets – to ensure that a *range* of accommodation options are available. We also recommend that, while what is 'suitable' accommodation is dependent upon the individual needs of each young person, a set of minimum standards and a quality assurance framework – on which local authorities' performance is measured – would be a step forwards in ensuring young people are placed in accommodation that meets their needs.

In this report, there are descriptions of two services run by Barnardo's that provide supported accommodation and floating support to young people leaving custody. 'Risky' young people are often refused by many social landlords, but accepted by Barnardo's projects successfully.

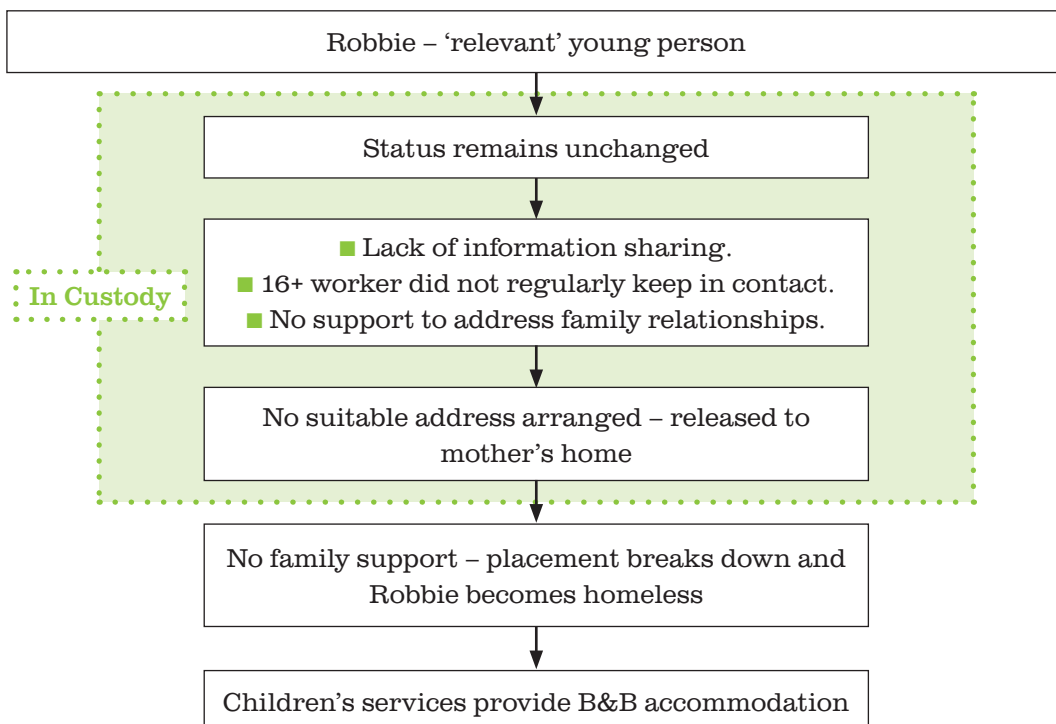
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<sup>99</sup> Youth Justice Board (2010) *Audit of accommodation provision for young people who offend*. YJB, London.

<sup>100</sup> Ibid.

# 5. Robbie's story

Robbie's story illustrates how children as young as 13 are being placed back with families unable to cope and with little support – resulting in homelessness some months after release.



## Robbie's story

Robbie was taken into care as a young child and began getting into trouble and committing petty crime from the age of 10. He was known to misuse alcohol and soft drugs as a teenager and at 17, he was sentenced to a Detention and Training Order (DTO) for burglary. Before custody, he had periods of 'sofa surfing' and stayed with his girlfriend for a few months before this arrangement broke down due to his drunken behaviour. Although he is entitled to leaving care support as a 'relevant' young person,<sup>101</sup> his support workers in the secure estate did not know this for a long time as information had never been shared between Robbie's social care team and the secure estate. Robbie had forgotten to mention that he had a 16+ worker because he did not see her very often.

### On release

Although Robbie was not living at home prior to custody, he was released to his mother's address as no other accommodation had been arranged. However, Robbie left the family home soon after his release because he and his mother were not getting on. His 16+ worker was not aware of this and the



family therefore received no support to resolve the issues.

Robbie stayed 'sofa surfing' with friends for a while before he was housed in a B&B by the local authority. While staying there he was introduced to heroin by other residents and he developed an addiction. His Youth Offending Team (YOT) worker eventually referred him to Barnardo's where he is now getting help to attend drug and alcohol support services and to apply for a supported housing placement and education and training. He has now turned 18 and has been staying in the B&B for six months.

<sup>101</sup> 'Relevant children' are 16 and 17-year-olds who have been looked after for at least 13 weeks since the age of 14, and who have left care – they are entitled to 'leaving care' provisions.

In an evaluation of the Children in Trouble Programme, a Local Government Association project (showcasing different approaches to reducing the use of custody for children), found that the most common reason for housing needs of young people in trouble was a breakdown of relationships.<sup>102</sup> The YJB states that: 'Wherever possible, additional support to a young person and his or her family, through mediation, family group conferencing, parenting support services, or the use of mentors, should be considered to help reduce pressure on family relationships and prevent a young person leaving home in an unplanned way and becoming homeless'.<sup>103</sup>

If preventing homelessness is not motivation enough to ensure family support is available, there is convincing evidence that strong family relationships play an important role in reducing reoffending. The Social Exclusion Unit found that family ties reduce the likelihood of reoffending by 39 per cent.<sup>104</sup>

Our research identified that it is not uncommon for family relationships to break down when a young person goes through a transition into or out of custody. One young person told us his sentence to custody was the final straw for his mother and she had refused to see him again. A case worker told us that she often encounters young people who have stolen from the family or have been a very negative influence on siblings and consequently the custodial sentence is 'like a breath of relief for the family'. Even in cases where relationships are strong when young people enter custody they can become

strained further down the line and may be very fragile by the time a young person is approaching release. A Nacro member of staff working in the secure estate explained: 'Young people can change from quite innocent when they enter custody, to becoming harder [and] more difficult to manage after they've spent time there toughening up'.

This research identified a significant gap in good quality family support for young people in custody. Interviews with resettlement and social workers in the secure estate revealed that family days (which allow extended visit times and in some cases, activities) were dependent on good behaviour and tended to attract 'the same five or ten families' each time. Relationship and parenting courses didn't seem to meet needs either: 'They had a programme which invited families into prison to do this course, but most families didn't come back because it wasn't individual help. They wanted to spend time with their sons. Many boys, especially on [name of YOI wing] are from far away'.

We also found that in some YOIs, the family support element of resettlement is provided by prison officers with an 'add-on' to their usual role. Barnardo's knows from experience working with very vulnerable families<sup>105</sup> that skilled family work is needed to address the complexities of their lives.

A similar picture was painted by interviewees in the community. Although all YOT workers recognised the importance of family support work, the pressure of statutory work

102 Halsey, K; Martin, K and White, R (2010) *Evaluation of the Children in Trouble Programme* (Local Government Association Research Report). National Foundation for Educational Research, Slough.

103 Youth Justice Board (2011) *Accommodation - Housing options for young people*, [www.yjb.gov.uk/en-gb/practitioners/Accommodation/Housingoptionsforyoungpeople/](http://www.yjb.gov.uk/en-gb/practitioners/Accommodation/Housingoptionsforyoungpeople/) <<http://www.yjb.gov.uk/en-gb/practitioners/Accommodation/Housingoptionsforyoungpeople/>> , accessed 23 February 2011.

104 Cabinet Office, Social Exclusion Unit (2002) *Reducing re-offending by ex-prisoners*. Cabinet Office, London.

105 Barnardo's is the largest independent provider of family group conferencing and currently runs 14 whole family support projects.

appeared to preclude working with families unless it was linked to specific parenting order provisions. In most cases family work therefore seemed to be separated from what was described as 'mainstream work'. YOT workers also reported difficulties in accessing family support from local children's services departments where child protection and younger children were reportedly a priority for limited resources.

It was acknowledged a number of times that social workers and YOTs face a difficult choice in placing a young person back with a family where there may be difficulties. One case worker said: 'It is a case of place young people with their family or into other unsuitable accommodation like a B&B'. Analysis of the cases of young people with accommodation problems who had sought support from Barnardo's advocacy service in 2010 revealed a number of cases where family placements that were initially deemed unsuitable later became the placement of choice as the young person's release date approached. This was confirmed by several interviewees, one of whom said: 'The goalposts change'.

These scenarios are particularly disconcerting when one considers the ages of the young people Barnardo's advocacy service works with. The service is provided in three STCs, where young people as young as 13 are serving custodial sentences. These young people are often very vulnerable – research by Barnardo's showed that just under half of a sample of 214 under 15-year-olds in custody had run away or gone missing at some point, 37 per cent were living

in deprived households and half had suffered some form of abuse prior to incarceration.<sup>106</sup> Returning these young people to families unable or unprepared to cope can create safeguarding concerns, and it is paramount that good quality monitoring and support are available for those families who need it.

There is some good practice in family support that can help families maintain a positive relationship. Family group conferencing has been found to be effective in supporting young people in the secure estate and their families.<sup>107</sup> There is emerging evidence that multi-systemic family therapy is successful with families where young people are in serious trouble with the law – in particular a six-year random control pilot being run by the Brandon Centre with two YOTs in London is showing very positive results.<sup>108</sup>

If, as seems possible with recent budget cuts, the range of other suitable placements for young people leaving custody shrinks further, it is crucial they and their families are supported by trained family practitioners both during custodial sentence and on release. Although this will require more investment than is currently made, significant savings could be seen if young people like Robbie are diverted out of homelessness and drugs misuse. Chapter three outlined the costs associated with positive and negative resettlement journeys. Although we do not include a costed pathway for a young person returning from custody to the family home, we do show how investment in support immediately following release produces considerable public savings three years on.

106 Barnardo's (2009) *Locking up or giving up: why custody thresholds must be changed*. Barnardo's, Barkingside.

107 See; Mutter et al (2008) Family group conferences in youth justice in *Health and Social Care in the Community*, 16(3) May 2008 pp262-270 and Baffour, T (2006) Ethnic and gender differences in offending patterns: examining family group conferencing interventions among at-risk adolescents in *Child and Adolescent Social Work Journal* 23 (5-6) Dec 2006 pp557-578.

108 More information is available by contacting the Brandon Centre [www.brandon-centre.org.uk](http://www.brandon-centre.org.uk)

### **Barnardo's North West homelessness service**

This service is based in Bury and consists of two projects; The TAP and Rachel House which provide supported and semi-supported accommodation.

- **The TAP** typically works with young people aged 16 and 17 and provides emergency supported accommodation for an average of six months. Each young person has their own room within the project building and is taught the skills that they will need to live independently.
- **Rachel House** provides short-term accommodation in individual flats for slightly older young people who already have many of the skills necessary for independent living.

In Bury, all referrals for young people that are homeless or at risk of homelessness are made through a

central access point where each case is assessed before being referred to the service that will best meet their needs.

When a young person arrives at The Tap or Rachel House, a key worker is assigned to them and a detailed assessment is carried out to ascertain current independent living capabilities and identify any additional needs. A support plan is created and reviewed every three months and the young person's progress is monitored against a number of core outcomes including whether they are in stable and secure accommodation and have access to information on housing, health and benefits.

Key workers help the young people to develop the skills needed for independent living, such as cooking and cleaning, finding and engaging in education or training and improving self-esteem. Any other needs, such



as physical and mental health issues or debt management, are met by supporting the young person to access other agencies. Key workers will often attend appointments with the young person initially, with a view to gradually increasing the range of activities that they can carry out completely independently.

As well as providing support, the projects also use discipline and structure. Upon arrival, all residents are required to sign a support agreement with their key worker which confirms that they will abide by the house rules – including curfews, avoiding use of drugs and alcohol and respecting staff and other residents. As well as ensuring that the service runs smoothly, these rules teach young people to live within boundaries and become good neighbours – valuable lessons for when they move into more independent living arrangements.

The service manager believes that the projects are so successful because:

- The service houses a **range of young people with different needs** to ensure that young people who have offended are able to mix and build relationships with young people who are homeless for other reasons.

- They have a team of **well-trained, dedicated staff** who view every young person as important and constantly strive to help them to reach their potential.
- They have **strong relationships with other local agencies**, particularly Connexions, housing services and the local YOT which allows them to access a variety of services.
- Being part of a large charitable organisation like Barnardo's gives the service access to resources and support networks they would otherwise be without. This enables them to **house the more challenging young people** that statutory services may be unable to engage or who social landlords may not be prepared to take a risk on. The projects have successfully housed young people convicted of arson and violent offences.

#### **Making a difference**

In 2009-10, 93 per cent of the young people who lived at The TAP or Rachel House showed an increase in positive attitude towards employment, education and training, 86 per cent improved their self-esteem and 87 per cent had increased access to medical care.

# Chapter five: Conclusions and recommendations

Young people in custody are extremely vulnerable and often need significant levels of support to turn their lives around. Despite long-standing government awareness of the poor accommodation pathways of young people leaving custody and significant financial investment in the youth justice system, vulnerable young people continue to follow unsettling and risky accommodation pathways from custody to the community – at significant cost to themselves, their communities and the public purse.

The Coalition Government’s approach to resettlement, as to other social issues, hinges on freeing up local authorities from central control to meet local needs. Through this method, the Government intends to enable the commissioning of integrated practice solutions such as the YJB-led Resettlement Consortia in the North West of England and innovative ‘payment by results’ models which would bring together investment from the private sector alongside an outcome-focused approach from local authority and voluntary sector partners.

While this shift to a localised approach is cautiously welcomed, we propose that it will not tackle all of the key issues highlighted in this report, and that the solution to resettlement still lies, in part, within central government control. The two main reasons are:

1. Barnardo’s works across a range of local authorities in England and we are well placed to see the impact of emerging positive practice. We are concerned that good practice pilots – such as the YJB Resettlement

Consortia – have only emerged in areas where:

- there was already a commitment to integrated practice to support young people in the criminal justice system
- there were key enthusiastic individuals who had the ambition and the authority to drive changes in practice
- there was an injection of funding to provide a ‘lead’ or project manager.

This has resulted in patchy provision with no clear strategy for a wider roll-out. The YJB has expressed an interest in developing pilots in other areas and many voluntary sector agencies are keen to support this. However, with no financial commitment from central government and limited financial incentives for local authorities to invest significantly in resettlement (while they are not obliged to pay for young people in custody), it is unclear how new, effective resettlement consortia will get off the ground.

2. A local approach to resettlement neglects to consider the unique characteristics of the secure estate. Secure establishments, although rooted in one local authority area, hold young people from across England, many of whom will return to their home local authorities significant distances away. Consequently, any localised efforts to integrate resettlement planning, commissioning and delivery between children’s services, YOTs, social housing providers and the secure establishment can only be effective for around half of the young people – those who are held locally. This is already resulting in a silo approach to resettlement

and patchy provision. Without the development of a joined-up central government strategy for resettlement, and more specifically accommodation (with national targets), or ensuring that young people are held closer to home, it is unclear how all young people leaving custody will be counted, planned for and supported through the localism agenda.

Finally, while we welcome the MOJ Green Paper<sup>109</sup> commitments to improving resettlement, we believe that achieving adequate provisions of accommodation and support for those leaving custody requires a shared commitment from ministers in the MOJ, DfE and DCLG. Currently we perceive that innovation in, drive towards, and responsibility for resettlement continues to be led by the MOJ. With numerous priorities and pressure on shrinking budgets, there is a danger that council executives may choose to invest in services that address social issues that are perceived to be a higher priority in central government departments. We would like to see clearer rhetoric from ministers in the DfE and DCLG that suitable accommodation and support for young people leaving custody is a priority.

Through a joined-up departmental approach, a range of measures could be implemented alongside the current drives towards localism and payment by results in order to address the issues highlighted in this report. In commissioning, local authorities could

invest to save by prioritising financial investment in a range of suitable accommodation for vulnerable young people, and serious consideration could be given by central government to investing for the long term in quality family interventions. In practice, the Government should consider levers to ensure that looked after young people in custody receive the same levels of provision as their counterparts in the community. And in legislation, the Government should address the inconsistencies in provision by developing a more comprehensive package of support for *all* young people leaving custody – irrespective of age or legal status.

Therefore Barnardo's recommends:

1. **A cross-government action plan** and dedicated senior officials from the MOJ, DfE and DCLG who will work with local authorities and criminal justice agencies to ensure that suitable accommodation for young people leaving custody is an issue of urgent priority.
2. A cross-government team to consider revisiting aspirations previously set out in the *Youth Crime Action Plan*<sup>110</sup> to develop a **more comprehensive statutory package of support for all young people serving a custodial sentence**, including a lead professional for each child during and after their sentence and a clear pathway for resettlement similar to the care plan<sup>111</sup> for looked after children.

109 Ministry of Justice (2010) *Breaking the cycle: effective punishment, rehabilitation and sentencing of offenders*. MOJ, London.

110 The Home Office, Department for Children, Schools and Families, Cabinet Office and Ministry of Justice (2008) *Youth Crime Action Plan 2008*. HM Government, London.

111 A looked after child's care plan determines why it is in the child's best interests to become looked after or whether other support services would be able to meet their needs; it identifies their assessed needs and the services to meet those needs, and sets the framework for the services provided to the child and family to enable the desired goals and outcomes to be achieved.

3. The Government should consider reinstating the assumption included in the *Care Matters* Green Paper<sup>112</sup> (but excluded in the White Paper<sup>113</sup> and thus the legislation<sup>114</sup>) that **former voluntarily accommodated young people will continue to be looked after on entering custody.**
4. Where temporary or emergency accommodation must be used for young people leaving custody, there should be **minimum standards and a quality assurance framework** so that housing options can be assessed and monitored against nationally agreed standards.
5. The Government should **guarantee earmarked funding for social workers' posts in YOIs** to help 'bridge the gap' between the YOI and local authorities.
6. The Government should consider **tougher, more meaningful inspection of resettlement support provided by local authorities to looked after young people** in all custodial establishments (including YOIs), which provides sufficient weight to young people's feedback.
7. The Government should consider **developing a long-term strategy to support the families** of young people in the secure estate and invest in good quality interventions such as family group conferencing and multi-systemic therapy.
8. Local authorities and statutory partners should pool budgets creatively to ensure that adequate resources are available to **commission a range of supported and semi-supported housing options for young people leaving custody.**
9. A national reporting mechanism is required that provides a **clear picture of supply and demand** of accommodation provisions for young people leaving custody.



112 Department for Education and Skills (2006) *Care Matters: Transforming the lives of children and young people in care* – Green Paper. DfES, London.

113 Department for Education and Skills (2007) *Care Matters: Time for change* – White Paper. DfES, London.

114 Children and Young Persons Act 2008.

# Glossary of terms

<b>Acronym/ Abbreviation</b>	<b>Full expression</b>	<b>Explanation</b>
	16+ worker/service	Looked after children (16+) teams are usually set up within localities to work with looked after children aged 15-18 and young people qualifying for services as care leavers under the Children (Leaving Care) Act 2000, young people qualifying for services under Section 24 of the Children Act 1989 or homeless young people.
	Breach	The failure to comply with the terms of a community licence. If young people on the community element of their DTO 'breach' they may be recalled to custody.
	Care plan	Care planning is led by Children's Services and involves planning for the welfare needs of looked after children. It determines what services are needed to meet their assessed needs and sets the framework for services to be provided.
Child in need	Child assessed as 'in need' under Section 17 of the Children Act 1989	Children 'in need' are those whose health or development is likely to be impaired or not be maintained without the help of the local authority, or they are disabled. They are not looked after, but the local authority may provide support and assistance to promote the child's health and development.
DCLG	Department for Communities and Local Government	
DfE	Department for Education	
DTO	Detention and Training Order	A DTO sentences a young person (aged 12-17) to custody. The length of sentence can be between four months and two years, where the first half of the sentence is served in custody, and the second half is served in the community under the supervision of a Youth Offending Team. Young people may be required to be on Intensive Supervision and Surveillance (ISS) for the community element of their sentence.

Eligible child	'Eligible child' under the Children (Leaving Care) Act 2000	Under the Children (Leaving Care) Act 2000 'eligible children' are those aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14, and who are still looked after. They are entitled to leaving care provisions from the local authority.
Full care order	Children and young people looked after under Section 31 of the Children Act 1989	The local authority has a care order and gains parental responsibility for these looked after children.
LAC	Looked after child	Child who is legally looked after by the local authority, and therefore subject to a care or pathway plan. The local authority may or may not have parental responsibility.
MOJ	Ministry of Justice	
	Pathway plan	Pathway planning is led by Children's Services and involves planning for the welfare needs of young people leaving care from the age of 16. It builds on and replaces the care plan.
Relevant child	'Relevant child' under the Children (Leaving Care) Act 2000	Under the Children (Leaving Care) Act 2000 'relevant children' are those aged 16-17 who have been looked after for at least 13 weeks since the age of 14, and who have left care. They are entitled to leaving care provisions from the local authority.
SCH	Secure Children's Home	These are generally used to accommodate young offenders aged 12-14, girls up to 16, and 15 to 16-year-old boys who are assessed as particularly vulnerable. These are run by the local authority, and children placed here are considered to be in local authority care.
	Sentence planning	Sentence planning is carried out by the YOT and aims to assess and address the risk of reoffending.
Southwark Judgement	House of Lords Judgement (2009) R (on the application of G) (FC) (Appellant) v London Borough of Southwark (Respondents)	This ruling clarified that it is the responsibility of Children's Services to provide suitable accommodation to a homeless young person aged 16 or 17 who is assessed as a child in need. As a result, the child will become voluntarily accommodated.
STC	Secure Training Centre	Purpose-built custodial institutions for young people aged 12-17, with a higher staff ratio than YOIs.

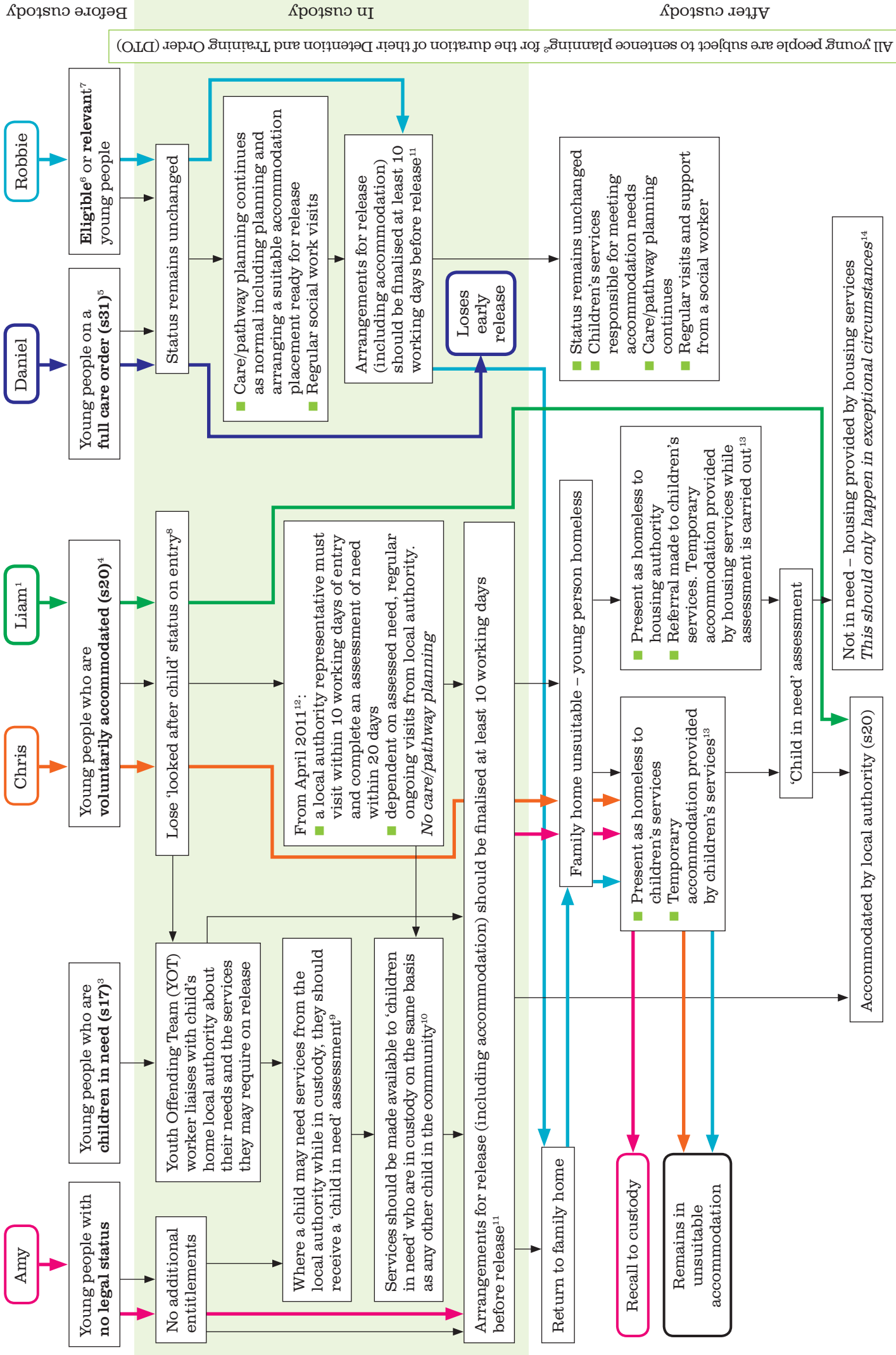
Voluntarily accommodated	Voluntarily accommodated by the local authority under Section 20 of the Children Act 1989	These children are accommodated under voluntary agreement and therefore become looked after children, but the local authority does not have parental responsibility.
YOI	Young Offender Institution	Custodial institution for young people aged 15-17.
YOT	Youth Offending Team	Multi-agency teams to address the needs of young offenders and prevent reoffending.

## Appendix

This flow chart (opposite) illustrates – in the rectangular black boxes and arrows – the legislative pathways for young people in transition into and out of custody. The care status of a young person dictates their entitlements at different stages. Coloured boxes and lines illustrate the pathways for the five young people whose stories are described in this report. They demonstrate where these young people have followed or deviated from legislative pathways, and how they have arrived in their current situation.

- 1 Liam did not need to be reassessed to become voluntarily accommodated again as he was under 16 years of age and therefore, automatically, the statutory responsibility of children's services because he could not remain in the family home.
- 2 Sentence planning occurs throughout the DTO. It is led by the Youth Offending Team (YOT) and aims to address the risk of reoffending.
- 3 Children assessed as 'in need' under Section 17 of Children Act 1989. Children 'in need' are those whose health or development is likely to be impaired or not be maintained without the help of the local authority, or they are disabled. They are not looked after, but the local authority may provide support and assistance to promote the child's health and development.
- 4 Children looked after under Section 20 of the Children Act 1989, accommodated by voluntary agreement but for whom the local authority does *not* have parental responsibility.
- 5 Children looked after under Section 31 of the Children Act 1989, on a full care order for whom the local authority has parental responsibility.
- 6 Children aged 16 and 17 who have been looked after for at least 13 weeks since the age 14 and who are still looked after.
- 7 Children aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14, and have been looked after at some time while 16 or 17, and have left care *and* those who would have been 'relevant children' but for the fact that on their 16th birthday they were detained through the criminal justice system, or in hospital *and* those who have returned to a family placement but that placement has broken down.
- 8 Some children will become 'relevant' while they are in custody on reaching the age of 16 – see footnote 7. They would therefore be entitled to services as a 'relevant child'.
- 9 It is the responsibility of the local authority where the secure establishment is located to provide an assessment in the first instance; however it is likely that they will seek to involve the home local authority. Association of Directors of Adult Social Services, Local Government Association, Youth Justice Board (2003) *The application of the Children Act (1989) to children in young offender institutions*. YJB, London.
- 10 Association of Directors of Adult Social Services, Local Government Association, Youth Justice Board (2003) *The application of the Children Act (1989) to children in young offender institutions*. YJB, London. This report followed a ruling on 29 November 2002 when Mr Justice Munby delivered his judgement in the High Court, and found unequivocally that the Children Act 1989 does apply to children in Young Offender Institutions (YOIs), subject to the requirements of imprisonment.
- 11 Ministry of Justice, Department for Children, Schools and Families and Youth Justice Board (2010) *National Standards for Youth Justice Services*. YJB, London.
- 12 Department for Education (2010) *The Children Act 1989 Guidance and Regulations: Local authority responsibilities towards former looked after children in custody*. DfE, London. Coming into force 1 April 2011.
- 13 Department for Children, Schools and Families and Department for Communities and Local Government (2010) *Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation*. DCSF and DCLG, London.
- 14 Statutory guidance from the Department for Children, Schools and Families and Department for Communities and Local Government (2010) states that: 'Where a young person is excluded from home, is sofa surfing among friends, or is sleeping in a car, it is extremely likely that they will be a child in need.'

# Support and resettlement entitlements for young people aged 16 or 17 who are sentenced to custody



Grateful thanks are due to the children and young people who agreed to share their views and experiences with us.

*No Fixed Abode:  
The housing struggle for young  
people leaving custody in England*

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Images posed by models.  
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