

Children's Care and Justice (Scotland) Bill

Meeting with people with lived experience

Wednesday 19 April 2023

Introduction

On 19 April, Members of the Committee¹ met with two people who have personal experience of being placed in secure care or held in a young offenders' institution and/or in prison as a young person earlier in their lives.

The Children and Young People's Centre for Justice (CYCJ) identified two individuals prepared to speak with the Committee about their experience. CYCJ provided support to the individuals before, during and after the meeting and advised on the best format for the session. **The Committee is grateful to CYCJ for their assistance.**

One individual was incarcerated in HMP Cornton Vale aged 16. Following this, the individual spent 7 years of her life in prison. The other individual was placed in secure care at the age of 13 and then moved into the prison estate at 18 years old.

The individuals described the impact of their experiences in secure care and the prison service, **and the Committee is extremely grateful to them for taking the time to do so.**

Views expressed to us

Members were told how traumatic their experiences had been. For example, being moved to prison on Christmas Eve and then held in isolation for days, which had a great impact on their well-being. We heard views that, in HMP Cornton Vale at the time, there was no separated provision for young people, aged 16, except being placed or mixing in a hall with other adults. This led to them being offered heroin by older prisoners, which led to problems with addiction.

For them, many of the behavioural challenges in some young people are often due to problems with communication and an inability to do so appropriately, leading to offending. Helping young people address this with this was seen as key.

When they were held for short periods on remand, the impact was a loss of their accommodation, jobs and benefits. The cycle of release-reoffend-release often involved short sentences or periods of remand which was seen as very damaging and is a cycle that must be broken.

¹ Audrey Nicoll MSP, Russell Findlay MSP, Katy Clark MSP, Jackie Dunbar MSP, Fulton MacGregor MSP, Rona Mackay MSP, and Pauline McNeill MSP

Additionally, those placed in secure care were often very scared about being returned to a young offender's institute, which manifested into behavioural issues.

One of the main problems cited was that there was little or no interventions made when a young person was transferred from the child to adult care service. This resulted in issues for the individuals and represented a missed opportunity to break the cycle of offending.

Another key challenge was aftercare upon release from prison, with the individuals being very scared upon their leaving prison and released with little or no life skills, like cooking or how to turn on the heating or use a washing machine. This led to problems after their release.

In relation to the Bill, both individuals strongly support the main provisions that are being looked at by the Committee. They described this as "an important Bill that could change lives and look after vulnerable children".

They also commented on certain issues that had been raised during the Committee's wider, public consideration of the Bill; see below.

Scottish Government's proposals that under 18s should be sent to secure care rather than a prison or a young offenders' institution.

- The individuals agreed that all children under 18 should be placed in secure care rather than a young offender's institute.
- They described being scared during their time as a young person aged under 18 and how their behaviour had deteriorated the closer the time came to their move to prison.
- They were of the view that everyone has different needs and that it would be better if these were assessed and taken into consideration when decisions on where a young person was to be held were being made.
- They wanted to see the creation of individual plans, with young people being involved in decisions that affect their lives. These should be based on the best interest of the child.

Secure care – need for change

- We heard views that each secure care home should have access to a qualified, mental health nurse, who would work there full-time as part of the staff team in each home.
- They noted that there was an increasing amount of people in secure care with mental health needs.

Police detention and alternative places of safety

- Both individuals supported the idea that young people should be put in a place of safety instead of being held in a police cell.
- They said it is a traumatic experience to be held in police custody, for an adult never mind a child. They said experience stays with you for the rest of your life.

- They said their experience was a terrifying experience and caused them to lose trust in the police and other professionals.
- This had involved being held for long periods with no access to fresh air, being strip searched and being woken repeatedly.
- There was a particular problem being detained on a Friday which meant they were not taken out of the cell until the following Monday.

Access to a solicitor as a young person in police detention

- Both agreed that a solicitor should always be present when police are questioning a young person, because there is a power imbalance.
- They thought the process of detention and what was happening must be explained to the child and that we need to protect their best interests. Their view was that children were often not aware of how they should act.
- In their view, children should be made aware of their rights when in police custody. They thought some children can feel pressured and just agree with what the police officers are saying out of fear.

Access to residential care as an alternative to secure care or prison

- Both individuals thought that access to residential care, especially trained staff, was an option that should be available to young people. One of those we met said that, if not for that environment, she would not have received an education. She was able to have schooling every day of the week.
- But it was noted that here are very limited spaces, so they were quickly moved from residential care to other centres.
- Views were expressed that they would have benefited from an individual assessment, and that this might have found that she was not ready to leave residential care.
- She was released from residential care to parental care for one night (which did not work out) and then into a hostel (which did not feel safe). Overall, she felt safer in prison than as a young person in a hostel with adults.

Interventions

- One of those we spoke to supported the idea that there should be access to specialised housing accommodation for children with trauma, for when they leave the care system.
- Transitioning from the care service and being offered only one appointment per week was not enough. They didn't feel they had the skills to navigate the world, as a lot had been done for them whilst in care/prison and now they were expected to do this themselves, and lacked the skills to do so.
- They thought a new system of aftercare was needed which better meets the need of vulnerable young people, e.g. who have never lived on their own.

Other comments

- In their view, changes should be implemented now to ensure trauma is not carried forward for people who have and will continue to carry trauma. They recognised that many people held in prison are care experienced.

- On police detention, they questioned whether it was ever appropriate for a child to be detained in a police cell.

Additional resources provided by CYCJ during the meeting

Secure care national standards

<https://www.cycj.org.uk/launching-the-standards-in-style/#:~:text=For%20the%20first%20time%2C%20the%20Secure%20Care%20Pathway,to%20all%20individuals%20and%20agencies%20supporting%20these%20children.>

Leaflet produced by CYCJ for the police to make children aware of their rights when in police custody

<https://www.cycj.org.uk/resource/know-your-rights-when-entering-custody/#:~:text=Know%20Your%20Rights%20When%20Entering%20Custody%20This%20guidance,and%20how%20to%20make%20sure%20these%20are%20met.>