

Independent Custody Visiting Association
Briefing for Independent Custody Visitors and Scheme Managers
Children and Young People in Custody – How to Engage
Aug 2020



Background

Children and young people, (those 17 and under by law) throughout the criminal justice process are recognised as having distinct needs, as evidenced by Youth Offending Teams (YOTs) specific Youth Courts and Secure Units for sentenced children. Police custody is unusual in that there are no separate buildings specifically for children, and children will be held in the same custody buildings as adults. There are, however, distinct rules for the treatment and conditions of children in police custody. Please refer to ICVA's Bitesize training on Children and the Law for more detail on this area.

Accepting the distinct needs of children and young people in custody, there is a need for a distinct approach in terms of how to communicate effectively during your monitoring visits. This briefing is a 'straight to ICVs' resource from ICVA with some hints and tips on how to engage best with this group. Throughout the briefing, children and young people will be used as a term. In law the definition of a child is anyone 17 and under. However, ICVA fully accepts that the term young people might be better for some ICVs to use.

The term children and young people is also used in this briefing on the understanding that young people do not suddenly change on their 18th birthday, and these communication hints and tips might be helpful for young adults in custody too!

Why is it important to think about how we engage with children and young people?

Children and young people in custody, by deed of their age alone (although other vulnerability factors may well also be present) are vulnerable. It may be their first time in contact with the police and in custody. If a child is in custody, whether for their first time or otherwise, it can be an overwhelming, scary experience, and not all children and young people will display their concerns in the same way.

There is a leaflet produced for the IOPC youth panel to go alongside of this briefing, which is a really useful guide produced for the police, from young people, on how they would like to be treated - please do take the time to have a read. Although not custody specific, it provides a helpful start on how to think about how young people would like to be talked to. The IOPC also had a special edition of their [learning the lessons newsletter](#) which focusses on, and was guest edited by, young people, if you would like some further reading. Just for Kids Law have produced a video for young people in police custody about what to expect, and again this

might be a useful watch as it has been co-produced with young people, you can watch this video [here](#).

Hints and Tips

Tip 1

Be authentic!

Children and young people can sniff a fake! It's really important to be who you are when you are talking to detainees. It doesn't matter if you don't sound the same as a young person, just being friendly and open will get a good interaction if the young person wants to talk to you!

Hints:

- Don't try and use the same language as the child or young person if this isn't how you usually speak, using different language to that which you would usually use can appear disingenuous.
- If the child or young person asks a question and you don't know the answer, be honest – it's ok that you might not be an expert on everything, children and young people are more likely to respect your honesty than a generic response. Let them know that you don't know the answer but that you will find out if you can.

The second hint leads neatly to...

Tip 2

Do what you say you are going to do! Young people often feedback to services that people have let them down, whether that's someone in a personal or professional capacity. Make a commitment that you won't be that person.

Hints:

- Prioritise visits to children and young people.
- It might sometimes be difficult to immediately get the feedback or answers to questions for the detainee. If this is the case, let the child or young person know that you will raise their issue/question and be clear about whether you will be able to come back to them or not.
- If you are able to check back with the child or young person at the end of the visit and see if any requests have been dealt with please do, they will appreciate that you have followed up.

Tip 3

Verbal Communication. Children and young people might use very different language to the language we see and hear during our daily lives, that doesn't mean their way of communicating is wrong, it's just different!

Hints:

- If you don't understand what a child or young person is referring to, ask them – they will more than likely be happy to explain (although do expect a grin on occasion at your lack of understanding).
- Children and young people might use language which could be considered offensive fairly frequently (this is by no means suggesting that all will) and it's important to look past the language to the substance of what they are saying. Respond to the substance.

Tip 4

Body language. We all get cues from others and the body language we see, but it's really important not to make assumptions based on a child or young person's physical presentation in this way.

Hint:

- Eye contact is often thought of as incredibly important, and some people draw inferences from a lack of eye contact from others. It's important to recognise that not all people are brought up to see eye contact as a good thing, both culturally and by experience.
- Make sure you don't jump to conclusions if a child or young person isn't making eye contact with you.
- Be mindful of your own body language, be relaxed and open to conversation.
- Consider the environment or other factors, for example the temperature of the cell, whether the detainee feels ok etc, the child or young person might not be demonstrating closed body language in response to you and your presence, they could be cold or feeling unwell but happy to talk to you.

Tip 5

Emotional presentation. Children and young people might not show that they are anxious or sad in the way we might expect them to. They might appear as aggressive or defensive but that could well be a way of hiding feelings of fear, uncertainty or emotional upset.

Hint:

- Keep calm throughout your conversation – sometimes behaviour that could be viewed as excitable or aggressive isn't aimed at you, it's just an expression of how that person is feeling.

- Have a think before admonishing anyone for their behaviour, please try and avoid sentences like 'don't shout at me'. Of course, it's really important to follow your local protocols for those times when detainees are behaving in an aggressive way, but it's also important not to issue commands if you are engaging with children and young people.

Tip 6

Empathise don't patronise. Children and young people have their own unique and distinct life experiences, and as a monitor you are unlikely to know what all, or any, of these experiences are and may not have experienced many of them yourself.

Hint:

- Ask don't assume. So instead of saying something like 'I'm sure this must all be overwhelming for you,' you might want to say something along the lines of 'how are you feeling at the moment?', and then take the conversation from there.
- Avoid saying things like 'I totally understand' or 'I'm sure things will feel better soon' and focus on, 'how can I help' type questions.

We really hope this information is helpful and assists with thinking about how to talk to children and young people in custody.