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# Youth Crime briefing

## Remand Fostering

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**Nacro Youth Crime**  
169 Clapham Road  
London SW9 0PU  
tel: 020 7582 6500  
fax: 020 7840 6420  
email: infoyc@nacro.org.uk  
www.nacro.org.uk

Nacro is a registered charity.  
Registration no. 226171  
Registered office  
169 Clapham Road London SW9 0PU

### Introduction

Finding effective ways of dealing with young people on remand is one of the most difficult challenges facing youth justice practitioners. Remand fostering, which involves the placement of young people with foster carers for the period between court appearances, can play an important part in a successful remand management strategy, including transfers from the police station under the Police and Criminal Evidence Act 1984.<sup>1</sup> With the provision and appropriate levels of support and services, foster carers can provide a caring and constructive placement within the community for young people with very diverse needs. Remand fostering is also a viable alternative to the use of secure accommodation<sup>2</sup> or a remand in prison custody.

### Legislation

Generally<sup>3</sup> where a child or young person, aged 10 to 16 years (inclusive), is charged with or convicted of an offence and is remanded or committed for trial or sentence and is refused bail, they are remanded to local authority accommodation.<sup>4</sup> The only exceptions are boys aged 15 and 16 years of age, who may meet the criteria for a remand in prison custody unless deemed by the court to be 'vulnerable'.<sup>5</sup> For those remanded to local authority accommodation the court may

impose any conditions on the individual that it is able to under the Bail Act 1976, or may impose requirements on the local authority. For young people aged 12 to 14 years (inclusive); 15 and 16 year old girls; and 15 and 16 year old boys deemed 'vulnerable', this includes the requirement that the individual must be held in certain secure accommodation, commonly known as a court ordered secure remand. Section 21 of the Children Act 1989 places a mandatory duty on local authorities to receive and provide accommodation for all young people who are remanded to local authority accommodation. The local authority has discretion, subject to any requirements imposed by the court, in deciding where a remanded young person should be placed. Placements may be:

- with a family, relative or other suitable person
- in a registered children's home or
- in other accommodation arrangements which seem appropriate and which comply with regulations as issued by the Department of Health, such as a remand foster placement.<sup>6</sup>

The issues generally relating to bail and remands to local authority accommodation have been addressed in the Nacro briefing papers, 'Bail as it affects young people in court' (March 2003) and 'Remands to local authority accommodation' (June 2003). These

provide a more detailed account of the issues surrounding bail and local authority obligations and duties in respect of remand to local authority accommodation.

### Remand period

When a young person is denied bail and remanded to local authority accommodation this can be for a period up to 8 days on their first appearance. Thereafter, the remand can be for periods up to 28 days or the date on which the court expects proceedings to progress, whichever is earlier.<sup>7</sup> There is a provision for remands ‘to appearance’, i.e. an unfixed date, where cases involving committal or transfer to crown court is involved. It is seldom that the crown court date is not fixed at the youth or magistrates’ court hearing.

### Patterns of remand and placement

The Criminal Justice Act 1991 acknowledged the need to abolish remands to prison service custody or remand centres of young people aged 17 and under. However, subsequent legislative amendments have extended the use of custodial remands for children and young people. A defendant’s right to bail has been progressively eroded by the introduction of new legislation, including the Bail (Amendment) Act 1993, the Criminal Justice and Public Order Act 1994, the Crime and Disorder Act 1998, the Youth Justice and Criminal Evidence Act 1999 and the Criminal Justice and Police Act 2001. The number of boys aged 15 and 16 remanded to prison service custody has risen from 1,097 in 1992 to 1,772 in 2002<sup>8</sup>, representing a 62% increase. At the same time, the numbers of children held on remand in local authority secure units has also increased. As measured by the remand population at 31 March of each year, this has risen from 73 in 1992 to 105 in 2002<sup>9</sup>, representing a 69.5% increase.

A report by the National Children’s Bureau (1995)<sup>10</sup> found that a substantial number of places in local authority secure units could have been freed if suitable alternative non-secure facilities were available. According to secure unit managers, 60 out of 193 children surveyed who were detained in such units, could have been safely placed in open accommodation if the necessary provision had been available.

For some time now, concern has been expressed over the holding of young people on remand in custody. In particular, increases in reports of self-harm and suicides in prison service custody have added considerable weight to calls for the abolition of custodial remands. Since 1990, at least

71 young people under the age of 21 have killed themselves while in prison on remand.<sup>11</sup> Reports of inspections of young offender institutions, conducted by HM Inspectorate of Prisons, generally conclude that custodial regimes are ill-equipped to address the needs of young people held within them. However, despite such evidence, the majority of young people remanded are held in prison service establishments. In 2002/03, 10,166 10-17 year olds were remanded to local authority accommodation and the juvenile secure estate. Of these, 26% were remanded to local authority accommodation, 10% received court ordered secure remands and 65% were remanded in custody.<sup>12</sup>

A recent report by HM Inspectorate of Prisons, based on a survey involving 1222 young people in prison service custody, found that 16% of boys and 12% of girls were being held on remand. Of the remanded boys, 13% had spent more than 6 months on remand.<sup>13</sup>

There is no available data to identify the proportion of those children remanded to local authority accommodation who are placed with foster carers. However, in 2003 68% of children ‘looked after’ by local authorities were in foster placements.<sup>14</sup>

### The development of remand foster care

Remand fostering is not a new phenomenon. Successful schemes were set up in the 1980s but were increasingly absorbed into the expanding mainstream fostering service. The provisions of the Criminal Justice Act 1991 and the recognition of the need to divert young people away from custody led to the gradual but patchy re-emergence of foster care schemes.

A survey conducted by the National Foster Care Association (NFCA)<sup>15</sup> in 1993 found that only 29 local authorities in England and Wales had developed remand foster care services, despite large-scale increases in the use of remands to secure facilities at the time.

In September 1995, the Howard League for Penal Reform published a report on the first year of its Troubleshooter project,<sup>16</sup> which had the aim of removing 15 year olds in prison service custody. It found that there was a clear correlation between the provision of comprehensive bail support packages, and particularly remand fostering schemes, and the willingness of the youth court to grant bail at an early stage. The recognition that community placements with good levels of supervision and support could positively assist

young people to stay out of trouble and be successful at diverting them from custody led to a growing number of remand fostering schemes. A further survey by the NFCA in 1997/98 showed a significant increase in remand foster care provision where 81 authorities reported they had access to such provision. However, only one-quarter stated they had access to foster carers specifically for young people on remand, while the rest had access to foster carers who did both mainstream and remand fostering.<sup>17</sup>

A survey on pre-trial accommodation for young people undertaken by University of Hull in 2001 found that 55% of the 96 Yots that responded had access to remand foster care placements.<sup>18</sup> Remand foster care schemes were mainly managed by the youth offending team (Yot) or social services, while others were run by local authorities or the voluntary sector.

More recently, proposals in the White Paper, *Justice for All (2002)*,<sup>19</sup> suggested extending the use of foster care for young people on remand and introducing the use of 'intensive fostering' for sentenced young people. The Green Paper *Every Child Matters (2003)* and the Home Office report *Youth Justice – The Next Steps (2003)*,<sup>20</sup> make a powerful case for alternatives to secure and custodial remands and remand foster care is certainly a viable alternative. Provision of such services appears to be increasingly popular. A recent survey by Nacro undertaken on behalf of the Department for Education and Skills indicated that 59 (43%) of the 138 Yots in England have access to remand foster care placements. However, the number of placements available and the way in which it is provided varies greatly between the Yots.

Schedule 2 of the Anti-Social Behaviour Act 2003 introduces a new power enabling a court to include, in a supervision order, a requirement that the child or young person reside with a local authority foster carer for a specified period of up to 12 months. The measure is designed primarily as an alternative to custody where the court considers that the young person's home circumstances have contributed to his or her offending. The requirement represents an acknowledgement of the close relationship between ensuring that welfare needs are met and effectively addressing serious or persistent offending behaviour. This type of fostering has been termed 'intensive' and the YJB is currently running a small pilot. Remand foster carers may be in a good position to fill this role. They could provide an intensive foster care placement to the same young person previously remanded into their

care, if deemed to be the most appropriate sentence, to provide continuity.

In order to assist the development of foster care services generally, the UK National Standards for Foster Care were published by the Fostering Network in 1999 to provide a blueprint on how to deliver the highest standards of foster care. In 2003, the Department of Health published the fostering services regulations and national minimum standards, which form the basis of the new regulatory framework under the Care Standards Act 2000 for the conduct of fostering services.

## Research findings

Remand foster care has the potential to provide young people on remand with a caring and constructive environment where they can build a relationship and work with carers, and Yot staff, to address their social and personal needs and their offending behaviour. Remand foster carers can help ensure that young people attend court when necessary, and contribute to reducing the opportunities to offend while on remand. Furthermore, the availability of remand foster care placements can help reduce the use of secure and custodial remands.

Utting and Vennard<sup>21</sup> have identified that fostering schemes can more successfully divert and assist in the prevention of offending when compared with custody and other community based placements. Evaluations have identified lower arrest rates amongst those who have been placed in the community as opposed to being remanded in custody. The research has also shown that a non custodial remand reduces the chances of a custodial sentence.

The effectiveness of remand fostering builds on the premise that adults who take a supportive interest, closely supervise, positively reinforce and use consistent sanctions can exert a positive influence over the behaviour of young people. Research undertaken by the Fostering Network<sup>22</sup> found that remand foster care placements provided young people with good and consistent support, enabling many of them to move back with their families once the remand period had ended and contributed towards reduced levels of offending.

Wessex Community Projects, run as a partnership between NCH Action for Children and Wessex youth offending team, is one of the longest established remand fostering schemes in England and Wales. Its aim is to prevent offending on remand and to give persistent offenders experience of a stable,

family home as a basis for changing their behaviour and planning constructively for the future. An evaluation of this scheme by Dartington Social Research Unit in 1993<sup>23</sup> identified that the strengths of the project lay in its ability to divert young people from custody, therefore providing young people with the opportunity to lead a more positive and less anti-social lifestyle. The project staff have estimated that 75% of young people in the project do not commit further offences during their placement.<sup>24</sup>

The Community Alternative Placement Scheme set up by NCH Action for Children in Scotland<sup>25</sup> was developed to provide foster placements as an alternative to secure accommodation. An evaluation concluded that the scheme provided a valuable experience for most young people and that, with appropriate remuneration and support, foster carers are willing and able to care for young people whose behaviour is very challenging and may present a risk to themselves or others. The research also highlighted that what foster care can offer and who it can effectively cater for depends crucially on the nature and availability of support services.

Research undertaken by Lipscombe<sup>26</sup> has shown that remand foster care can be relatively effective in preventing offending during the remand period. In a study involving interviews with 18 young people, 24 per cent were known to have offended while they were in the remand foster placement and of these only one was considered to have committed an offence more serious than the original charge. All of the young people who remained in their placement until they were sentenced attended all of the court appearances required of them. Furthermore, being in remand foster care was valued by the majority of young people, who appreciated the individual attention, and the chance to 'sort themselves out' away from negative pressures.

A study, backed by the Home Office and yet to be published, is to report that foster care offers marked advantages over institutional placements in rehabilitating young people who offend.<sup>27</sup> The research is based on interviews with eighteen 13-18 year olds who have extensive prior involvement with the criminal justice system. The study found that one-third of the group said they had avoided crime for several months after the foster placement. More than half said the experience had made them change for the better.<sup>28</sup>

## Models of remand foster care provision

There are several ways in which remand foster care placements are provided:

- through a specialist scheme managed by the Yot
- by accessing mainstream local authority foster care provision
- by accessing mainstream local authority foster care provision, which has been ring fenced to provide placements for young people on remand
- through a partnership between the Yot and social services, i.e. providing remand foster carers independently from mainstream fostering provision
- through a scheme developed in partnership between local authority, and/or Yot and voluntary agency
- through spot purchasing or a service level agreement with independent fostering agencies (private or voluntary).

There are advantages and disadvantages associated with each of these models. For example, where the service is provided by accessing local authority foster care provision, there tend to be difficulties keeping places specifically for remanded young people when the demand for foster care placements generally exceeds availability. Young people in the criminal justice system should not have to compete with the placement needs of other young people. However, maintaining sufficient placements for young people on remand using this model tends to be problematic due to a general lack of resources, financial constraints and being unable to accurately predict the number young people that may be remanded at any given time. On the other hand, a specialist scheme managed by the Yot or a scheme developed in partnership between a Yot and voluntary agency will have greater control over the number of placements available for remanded young people.

## Recruiting, supporting and retaining remand foster carers

There are a number of factors to consider in the development and provision of foster care placements. The recruitment and retention of remand foster carers is one of the most important factors in delivering an effective fostering service and therefore, merits some attention in this briefing paper. In the survey conducted by Nacro mentioned earlier, both these factors were frequently identified as the main barriers to providing remand foster care

placements, aside from financial constraints. The following section briefly outlines some of the issues that are relevant in this respect.

### **Recruiting remand foster carers**

The Fostering Network has demonstrated the significant difficulties faced by local authorities in recruiting foster carers.<sup>29</sup> Independent fostering agencies (IFAs) appear to recruit more easily, for example, one national study<sup>30</sup> found that five times as many foster carers were joining the 55 IFAs in the survey, as were leaving.

Considerable research knowledge exists about different recruitment methods.<sup>31</sup> A review by the Social Care Institute for Excellence found that success is often related to the use of local recruitment schemes that utilise techniques such as word of mouth and brief articles in the local press. The review also found that most agencies deploy a range of initiatives in seeking to recruit and retain their carers. Many employ a full-time worker to implement a recruitment strategy, to design marketing materials, nurture relationships with the local press, develop information packs, and follow up expressions of interest within a guaranteed time frame from the initial enquiry made. In addition, increasing numbers of agencies are paying existing carers a financial reward for introducing them to a new carer.<sup>32</sup>

In order to successfully attract carers, local authorities and Yots need to publicise the need for and effectiveness of local citizens as foster carers. Prospective applicants need to be provided with detailed information about what being a remand foster carer entails and agencies should work with applicants to identify whether their personal attributes and family circumstances correspond to the demands of the task. This will help to ensure that prospective remand foster carers are able to provide an environment where the young person is valued and supported and his or her emotional and developmental needs are met.

### **Supporting and retaining remand foster carers**

The level of support from the host agency is an important factor to consider in the retention of remand foster carers. There are a number of components that should be included in a support package, which are briefly summarised in this section.

#### **training**

The training of foster carers should be an integral part of the induction and development of

individuals as carers. In addition to the basic training foster carers are required to complete, remand foster carers should be trained and skilled in a variety of issues that relate specifically to the supervision and care of young people involved in the criminal justice system. This can comprise of managing difficult and challenging behaviour, including the prevention and handling of absconding and assisting young people to meet the requirements of the court. They should also be given specific training and guidance on practice-based issues such as acting as an appropriate adult, depending on the requirement of their role.

In addition to the training provided, remand foster carers should be given clear guidelines that define their roles and responsibilities and the support available to them.<sup>33</sup> This should include information about placement procedures; escort arrangements (e.g. clarifying who will transport the young person to and from court); when and how to inform police or out-of-hours teams if the young person breaks their curfew or absconds; and comprehensive information on household insurance arrangements, tax and benefits. The remand foster carer should also be provided with details of any arrangements that exist between the Yot, social services and the police in the event of the young person being arrested at their home.

#### **supervision**

Arrangements for supervising the remand foster carer should be in place as this is the main way through which foster carers are able to discuss and develop their practice. Establishing a clear system of line management can provide a means of allocating responsibility and ensuring a high-quality service is developed and maintained. It is important to ensure there is a separate link worker for the foster carer and the young person in order to remain objective and impartial when dealing with any issues or conflicts that may arise.

#### **24 hour support**

Remand foster carers need to have access to comprehensive emergency and out-of-hours support. A 24 hour on call system provided by those who know the carers and young people should enhance the support otherwise available. The Community Alternative Placement Scheme mentioned earlier developed such a system. Use of the service included informing the duty worker of incidents or developments, checking out planned action or asking for advice, and requesting someone to visit or take other action to help resolve a particularly difficult situation.

## remuneration

Remand foster carers should be provided with adequate financial allowances that reflect the cost of caring for each young person, taking into account the complex tasks and the possible difficulties and damage caused by a young person inside and outside the home. Adequate retainers are also necessary as there may be gaps between placements. This is particularly important in order to avoid the loss of placements earmarked for young people on remand to other young people in the local authority looked after system or foster carers being recruited by independent agencies who offer more attractive terms and conditions of employment.

The Fostering Network recommend a base line fee for foster carers for the work they do, according to their experience and training as well as an allowance to cover the expenses of looking after a child, based on age and recognising the special needs of fostered children. The government accepts the Fostering Network's recommended payment scheme<sup>34</sup> and encourages all local authorities to follow it but there is no regulation or funding to ensure that this is the case.

A survey by the Fostering Network has found that two-thirds of foster carers receive less than the recommended fees and allowances, and highlights huge national variations between agencies, both local authority and independent. More than half are paid nothing for their services and a further 20% receive less than £100 a week. It is not surprising, therefore, that there is currently an estimated shortage of 7,800 foster carers,<sup>35</sup> which has obvious repercussions on the supply of remand foster carers and the availability of placements for young people.

## respite

The retention of remand foster carers is more likely to be enhanced if respite is an element of the support package provided. Respite should allow for planned breaks when young people are not placed with carers.

## Conclusion

While there is a paucity of published research on remand fostering, the indications from what is available is that it is potentially a more beneficial way of providing for young people on remand when compared to the use of custody. Remand foster care clearly accords with the principles of the UN Convention on the Rights of the Child, by allowing children to remain within the community instead of being locked up outside it. The young person can be supported within his or her own environment rather than in an artificial, institutional setting. The flexibility of an individual placement means that, with the provision of appropriate levels of support and services, remand foster care can be utilised for young people with very diverse needs. In particular, it can provide individualised care for girls on remand who would otherwise be marginalised within residential units or prison service custody. Staff at residential or custodial institutions are unlikely to have the time to focus upon each young person's needs to the same extent as a foster carer. Remand foster care is also a cheaper option than custodial facilities,<sup>36</sup> but more importantly it has the potential to bridge the gap between the services of the child welfare system and the demands of the criminal justice process.

Useful websites for information and publications on foster care:

[www.baaf.org.uk](http://www.baaf.org.uk)

[www.thefostering.net](http://www.thefostering.net)

Nacro will be producing a good practice guide on remand fostering next year.

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- 31 Triseliotis J et al (2000) have a useful list of suggested recruitment strategies in their book, Delivering Foster Care, BAAF: London
- 32 See note 24
- 33 Nacro and the Fostering Network have jointly produced a good practice guide, More than an Address, to provide information about the remand process to enhance the skills and knowledge of foster carers. Copies can be ordered from Nacro.
- 34 The Fostering Network publishes recommended minimum weekly allowances for fostering in the UK, which can be accessed on their website: [www.thefostering.net](http://www.thefostering.net)
- 35 [www.thefostering.net](http://www.thefostering.net)
- 36 See note 2 and 22

