

Last resort or first response? Reducing custodial remand of children

MARCH 2026

Ella Thomson

Contents

3	Introduction and methodology
5	Trends in child custodial remand
9	Drivers for child custodial remand and potential solutions
12	What do the public think?
13	Conclusion

Introduction and methodology

“Every unnecessary remand to custody delivers consistently poor outcomes for the child remanded and costs the taxpayer hundreds of thousands of pounds per year for the placement. This is a tragedy for the child, the taxpayer and society.”

- A modern youth justice system: Foundations fit for the future, The Ministry of Justice

The number of children imprisoned in England and Wales has reduced considerably, but custodial remand is still being used too often, particularly for Black and Mixed Heritage children. Data shows that most remands are short remands, over a quarter are for non-violent offences and Black and Mixed Heritage children are disproportionately remanded. Moreover, two thirds of children who are remanded to custody do not go on to receive a custodial sentence. This begs the question – what are the key drivers for remand and what are the barriers to bail? And how can we go about reducing unnecessary child custodial remand?



YOI Wetherby, 2017

FIGURE 1: What are the different types of bail and remand?

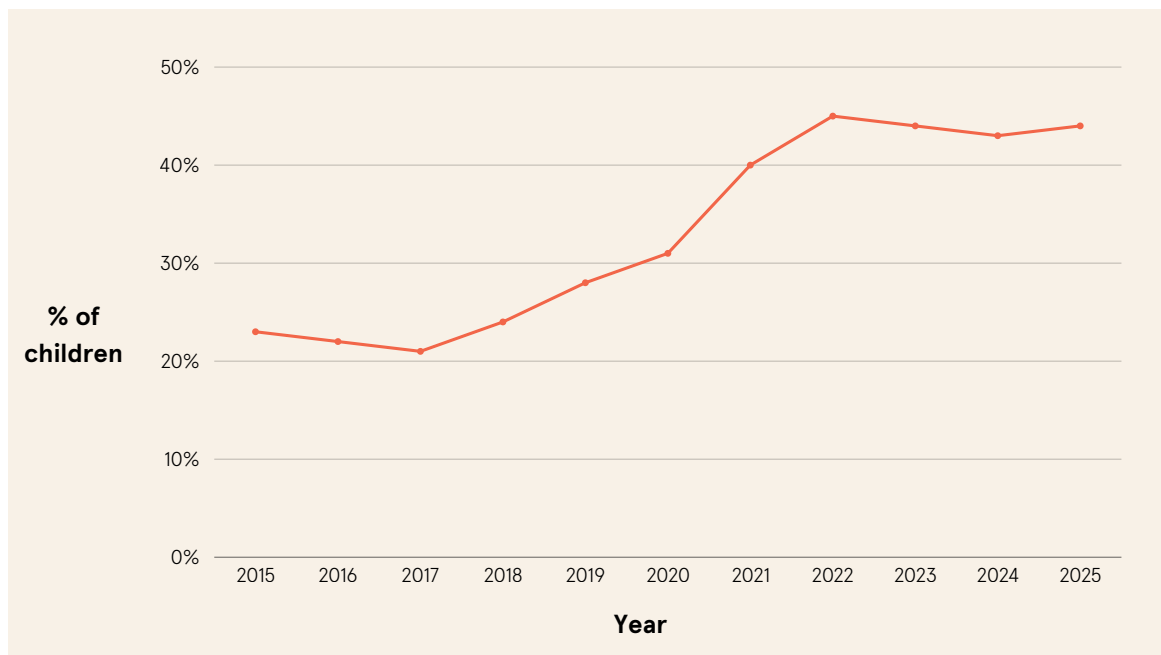
Bail: where a child is charged with an offence and the court releases them on bail while they are awaiting their trial	Unconditional bail	The court imposes no conditions on the child's bail.
	Conditional bail	The court imposes conditions on a child's bail, such as curfews, exclusion zones (areas the child cannot go) or reporting and engagement requirements with the youth justice service (YJS)
	Bail supervision and support	Provided by the YJS to help children comply with bail conditions.
	Intensive support and supervision (ISS)	An intensive bail package. Conditions are likely to include tagged curfews and voice verification.
Remand: when a child is charged with an offence and refused bail by the courts	Remand to local authority accommodation (RLAA)	A child can be remanded into the care of the local authority, who is responsible for supporting them pending trial and finding them the most appropriate accommodation. This can be living at home, with a relative, in foster care or in a children's home.
	Remand to youth detention accommodation (YDA)	A child can be remanded to YDA, which is effectively remanded to custody, if they meet certain conditions. YDA can be a secure children's home, secure training unit or a young offenders' institution (YOI).

Trends in child custodial remand

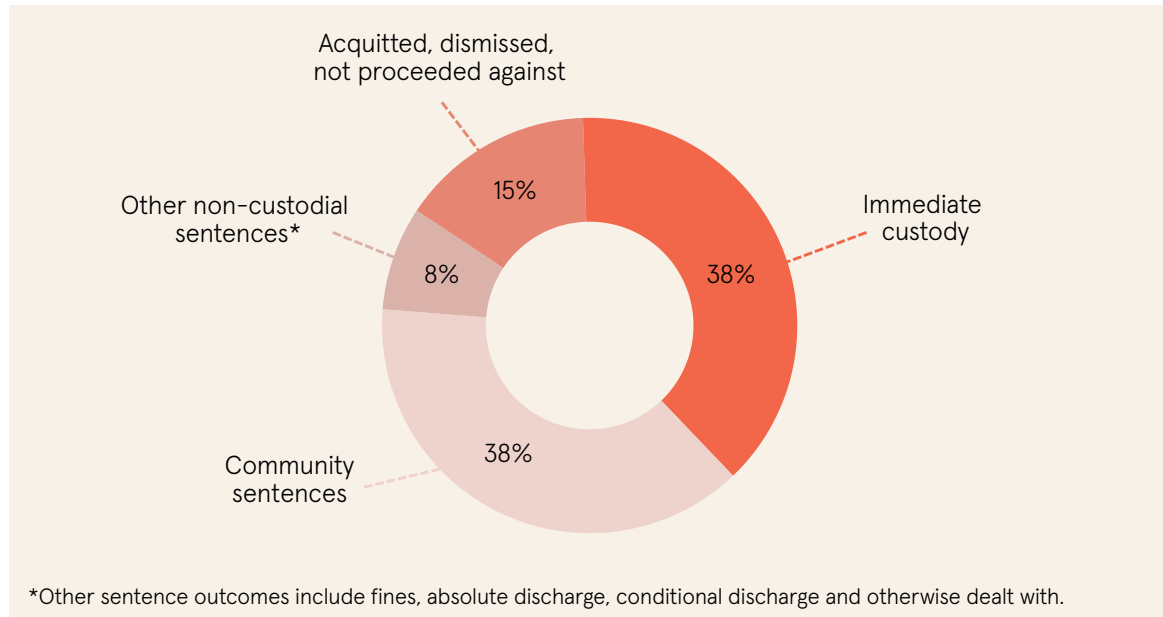
Snapshot of child custodial remand

The number of children in custody is decreasing year on year – in y/e March 2025 the average youth custody population was 420, the lowest number on record. The number of children held on remand has also decreased – in y/e March 2025 the average youth remand population was 185, marking a 24% decrease over the last 10 years. But the proportion of children in custody who are being held on remand has been increasing (see figure 2). It is currently 44%, over double the proportion of adults in custody who are held on remand.

FIGURE 2: Proportion of children in custody who are on remand

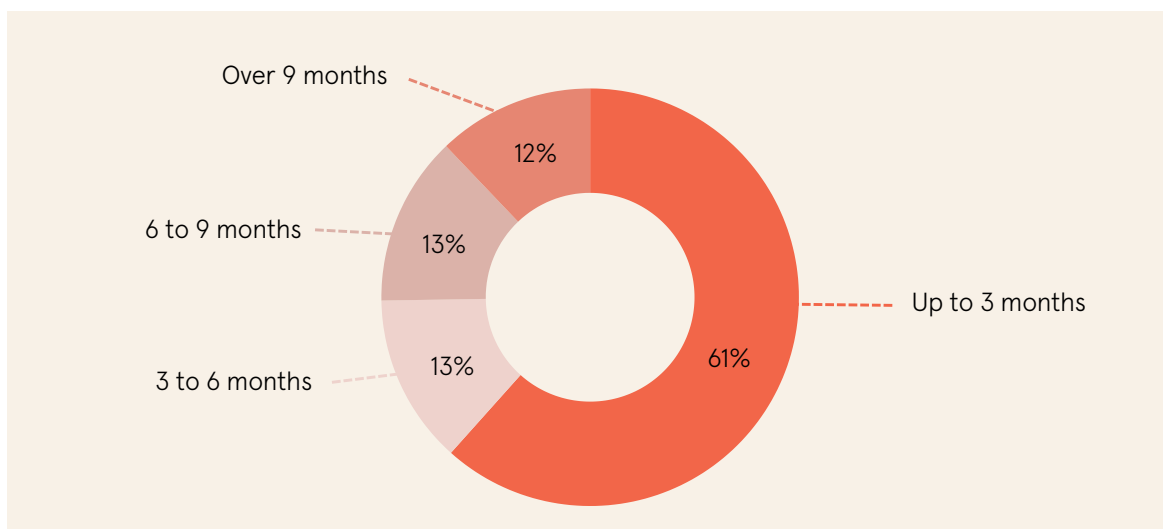


Almost two-thirds (62%, y/e 2025) of children remanded to custody did not go on to receive a custodial sentence. This 62% does not include children remanded on YDA who are given a custodial sentence on conviction, but are released. They are released as their custodial sentence is 'deemed served' due to the length of time spent on custodial remand.

FIGURE 3: Outcomes for children held on remand, y/e March 2025

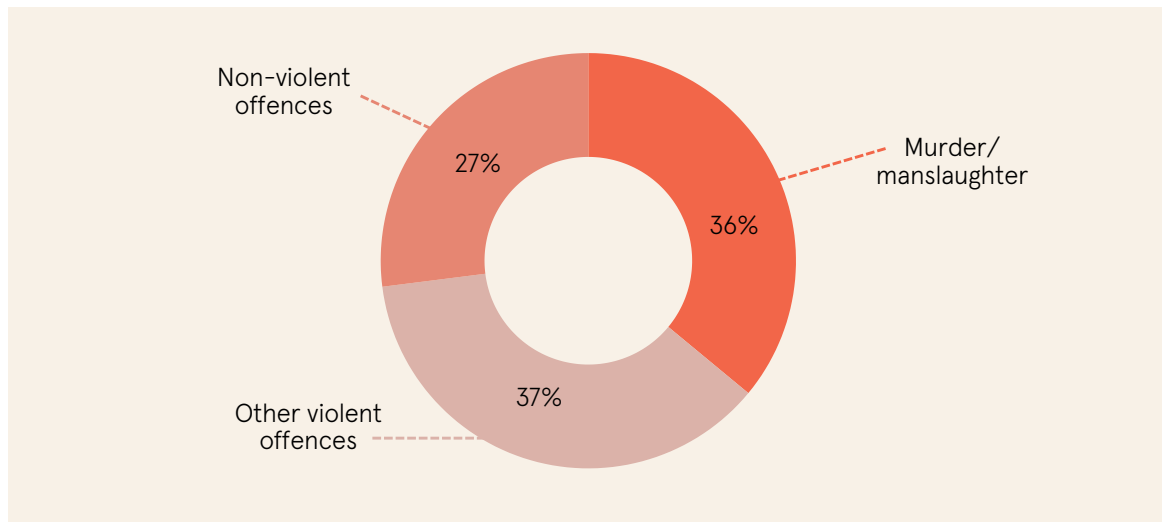
There were 11,092 remand or bail episodes in y/e March 2025. Of these 988 (9%) were remands to youth detention accommodation (or 'custodial remands'). 422 (4%) were remands to local authority accommodation (RLAA).

Well over half (61%) of remands to custody were short remands of up to three months (see figure 4). Breaking short remands down further, we found that in y/e March 2024, a third of short remands (up to 3 months) were for between 1 to 7 nights. This suggests that the child was remanded to custody for a short amount of time before either being released on bail or RLAA. Such remands are unnecessary, damaging for the child and could have been avoided if the child was bailed or RLAA'd initially.

FIGURE 4: Length of time children held on remand, y/e March 2025

Over a quarter (27%) of children on custodial remand for y/e March 2024 have been charged with a non-violent offence (see figure 5). (We define violent offences as an offence where there was actual violence against a person and do not include possession of an offensive weapon).

FIGURE 5: Length of time children held on remand, y/e March 2025



Racial disproportionality

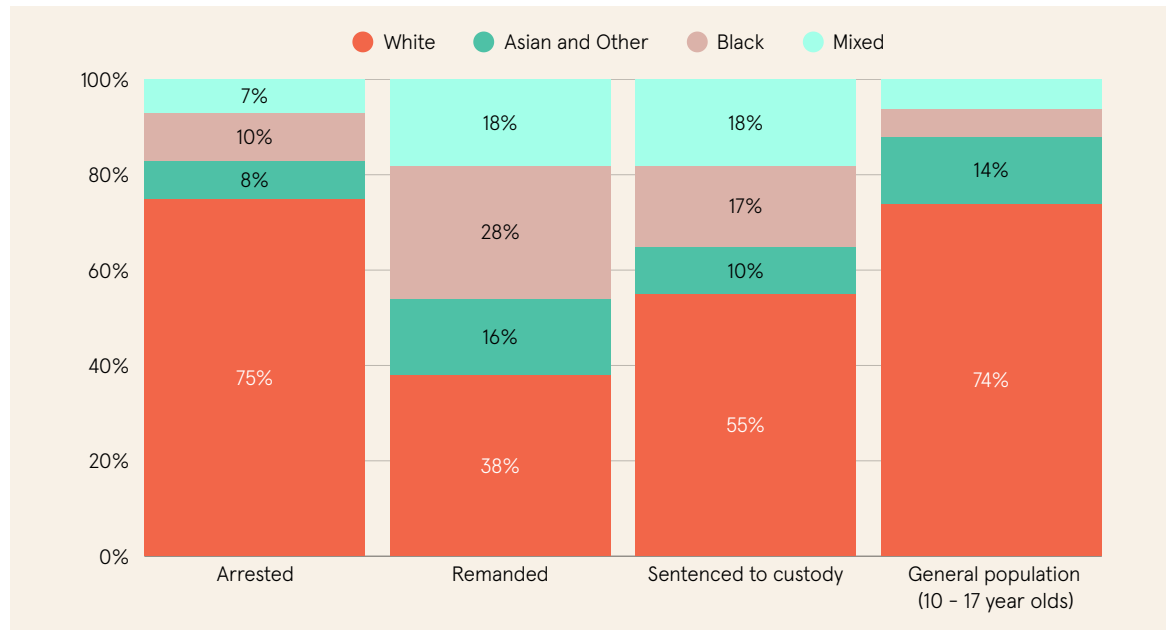
Almost two-thirds (62%) of the average youth custodial remand population are from racially minoritised groups (see figure 6). This is compared with 26% of children in the general population. The disparity is most acute for Black and Mixed Heritage children, who are remanded at around 7.5 times the rate of White children.

The proportion of Black and Mixed Heritage children (and indeed all children from racially minoritised groups) on remand is also much higher than the proportion at arrest or of those sentenced to custody. So what explains this?

We put this question to practitioners who work with children at risk of remand. They suggested that disproportionality in the child custodial remand population may be due to the racial bias of judges and magistrates, adultification of children from racially minoritised groups, and racial inequality in wider society. But despite the scale of the issue¹, only one practitioner of the 96 we surveyed knew of any initiative aimed at addressing racial disparity in child remand – Lewisham YJS’s [TIARRA](#) approach. More work needs to be done by central and local government agencies to understand and address the drivers of racial disproportionality.

¹ Some respondents said racial disproportionality in remand was not a significant issue in their area. The government should publish data on racial disproportionality in remand broken down by YJS or youth justice region, so we can understand which areas are the drivers for disproportionality.

FIGURE 6: Racial disproportionality of children arrested, remanded and sentenced to custody compared with general population, y/e March 2025.



Drivers for child custodial remand and potential solutions

Most children who are imprisoned on remand go on to either be acquitted or receive a non-custodial sentence, so why did the remand happen in the first place?? We surveyed practitioners who work with children at risk of custodial remand as to the key drivers and potential solutions. 96 practitioners filled in our survey – the majority were either youth justice workers or defence lawyers. Respondents worked across England and Wales.

Non-compliance with previous bail packages

Courts are more reluctant to bail a child if they previously failed to comply with bail conditions or offended while on bail. Practitioners told us that overly stringent and restrictive bail conditions, and limited support from children's services and/or the YJS, could make it difficult for the child to comply: "A child has to be supported to meet those conditions, it's not solely that child's responsibility." Children were also less likely to comply with bail conditions when they were placed in unsuitable accommodation far away from their family and support network.

Practitioners felt that bail packages needed to be proportionate, realistic, holistic and guided by trauma informed practice. They suggested co-producing bail packages with a child and their family.

"Speak to them, understand what they're going to comply [with], because if they feel like they have some form of control, they're more likely to abide by it."

"If the court were to work with the children and...see what they want, see what they need. Even the parents as well. Sometimes they need support and they're not getting it. I think it needs to be a wider package."

Lack of suitable accommodation

Practitioners reported that a lack of suitable and safe accommodation placements for bail/RLAA led to courts opting for YDA: "Courts are sometimes remanding children because there are no safe and viable areas that would make a community bail package feasible."

Practitioners reported that children's social services did not always act quickly enough to find a placement, given the tight timelines required to get a bail package ready for the court: "The judge made it very, very clear that the only way he would be bailing this child would be to send the child out-of-area. When that was relayed to children's services, it was 'well, we'll explore the placement,' failing to see the timeframe that we had to work to."

Practitioners called for better and more bail and RLAA accommodation options for children at risk of remand. They suggested increasing the number of specialist intensive and remand foster placements and council-owned children's homes. One practitioner felt Local Authorities should be mandated to ring-fence some accommodation placements specifically for justice-involved children.

However it can sometimes be damaging for a child to be placed in alternative accommodation, especially out-of-area. Practitioners highlighted that while courts often mandate out of area accommodation, it can negatively impact a child to be removed from their home environment and cut off from family, friends and professional support networks. Overall there is a lack of research on the impact of alternative bail/RLAA accommodation placements on children's wellbeing and reoffending.

Low court confidence in bail packages

Practitioners felt that courts resort to custodial remand when they are not confident that a child can be safely managed on bail in the community: "The court lacked faith in the YJS that we could manage them safely in the community." Courts are particularly concerned about further offending if a child were released on bail: "Courts are risk averse about the risk of further offending and the optics of releasing the child into the community."

But some YJSs are using smart approaches to build court confidence in community alternatives to remand. YJSs are engaging with the judiciary to build awareness about their work, foster good relationships, address any concerns the court has and create communication channels between the court, the YJS and other agencies. They are doing this through: court user groups; regular multiagency meetings or 'youth court panels' with senior staff; training and workshops for magistrates and judges, and a dedicated court team within the YJS.

Police remand

Transform Justice has long² been concerned that the overuse of police remand – post-charge pre-court detention – is a driver for unnecessary child custodial remand. When the police decide to detain a child on remand (after charging them with an offence), the child has to be presented in court either the same day or the next working day. (The child should also be accommodated in a 'PACE bed' by the local authority, but we think the court outcome is

2 See our previous report '[24 hours in police custody – is police detention overused?](#)'

driven by the police decision to remand, rather than where the child was accommodated). Police remand limits how long the YJS has to put together a bail package for the child, which can impact its quality, or whether one is even offered at all. Indeed, in 2023 [a joint inspection](#) of remand to YDA found that in almost three-quarters of first remand hearings the YJS did not put forward a case for the child to be bailed. Again, better and accessible data on the police's use of remand for children, broken down by force, would enable a clearer understanding of the issue.

Some practitioners also felt that the police overused remand for children: “We often see that there is no chance that the court would remand [the child] but that the police are taking the decision to remand.” Practitioners reported that police remand, particularly overnight, was traumatic for children and impacted how they presented themselves the next available day in court: “They’re going to be agitated, sleepless, scared.”

But some YJSs have initiatives in place to scrutinise police use of remand for children. One holds a monthly meeting with their police force to review remand decisions and the use of the concordat. Another YJS can refer individual cases where a child was remanded to police custody between 12am to 5am to a panel for retrospective review.

What do the public think?

There is now political momentum to reduce the unnecessary custodial remand of children. The government's recent policy paper, [A Modern Youth Justice Service: Foundations Fit for The Future](#), outlines a shake up to the system, including a focus on reducing remand. But what do the public think about the issue?

It is often assumed that the public are punitive when it comes to children in the criminal justice system. But our recent survey, commissioned by Transform Justice, AYJ and the Co-op, and conducted by More in Common, tells us otherwise. More in Common polled 3,019 people, representative of UK adults in early January 2026. A majority of the public polled (52%) thought that holding children on remand is wrong. A further 44% thought that children should only be held on custodial remand if they have been accused of very serious crimes – such as rape and murder.

FIGURE 6: Percentage of public that agree with the following statements



Members of the public in our survey were not supportive of custody being used for children in general: 55% thought that prison should be used less for children or not at all. Meanwhile, 70% supported greater use of community sentences, instead of prison.

Conclusion

The current picture of child custodial remand shows the urgent need to reduce the number of children held on it. Far too many children – especially Black and Mixed Heritage children – are unnecessarily remanded: some are held for very short periods of time, many for non-violent offences and most do not go on to receive a custodial sentence. There is good practice in driving down custodial remand across England and Wales, and we are keen to showcase this more in our upcoming regional events. While it's good to see government and policy focus on reducing unnecessary remand, we need better data and research on the following issues relating to child custodial remand:

- Reasons for remand
- Drivers for racial disparity in custodial remand – published data on racial disproportionality in remand broken down by YJS or youth justice region would be a good place to start
- Different bail and RLAA conditions, including impact of alternative and out-of-area accommodation
- Levels and impact of post-charge pre-court police remand of children, broken down by force

Appendix

Figure 3

Total remand episodes y/e March 2025 = 11,092

- Unconditional bail = 5,006 (45%),
- Conditional bail = 3,685 (33%) group with ISS & bail supervision
- Bail supervision and support = 724 (7%)
- ISS Bail = 267 (2%)
- Remand to local authority accommodation = 422 (4%)
- Youth detention accommodation remands = 988 (9%)

Figure 5

Average monthly population in youth detention accommodation on remand, by type of offence, y/e March 2024 (incorporating YJS stats and FOI data)

- Murder/manslaughter = 36%
- Wounding/GBH = 18%
- Possession of an offensive weapon = 9%
- Attempt murder = 9%
- Robbery = 5%
- Domestic Burglary = 4%
- Sexual Offences = 3%
- Drugs = 2%
- Other violent offences = 2%
- Breach of Statutory Order = 2%
- Other non-violent offences = 10%

This report has been created in partnership with
Co- Op Foundation.



Foundation

**Transform
Justice**

Transform Justice
Flat 13, 10-12 North Mews
London WC1N 2JN

policy@transformjustice.org.uk

www.transformjustice.org.uk