

# The imprisonment of children: An English perspective

National Youth Justice Conference 2019

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# What I hope to cover

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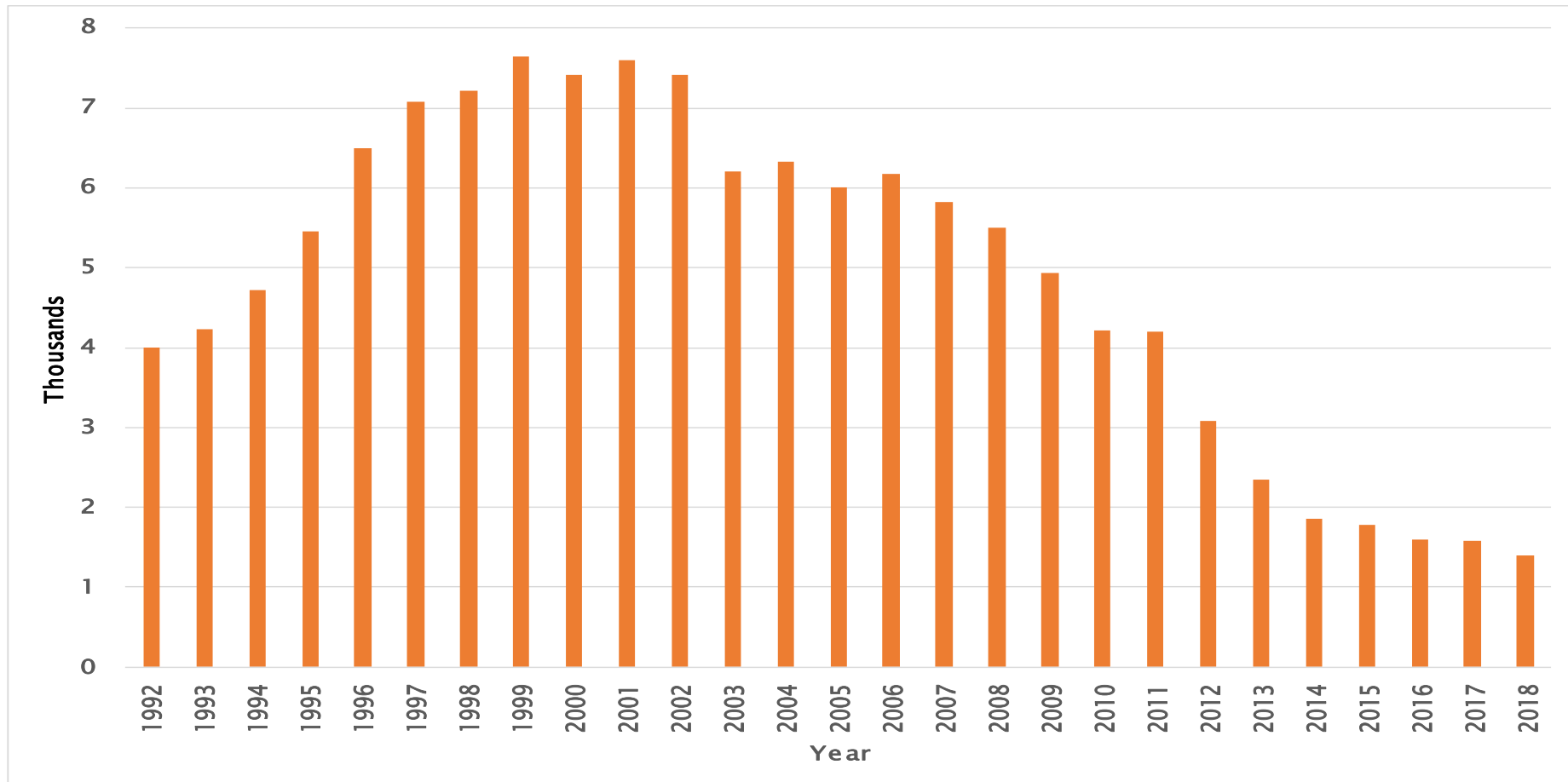
- ❖ The fall in custody in England and Wales
- ❖ The nature of the custodial estate in England and Wales
- ❖ Recent developments, potential futures and (my) dissenting voice(s)

# The view of the UN Committee on the Rights of the Child

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- ❖ 'increasing number of children who are being detained in custody at earlier ages for lesser offences and for longer sentences imposed as a result of the recently increased court powers to issue detention and restraining orders. The Committee is therefore concerned that deprivation of liberty is not being used only as a measure of last resort and for the shortest appropriate period of time, in violation of article 37 (b) of the Convention' (2002)
- ❖ 'the number of children deprived of liberty is high, which indicates that detention is not always applied as a measure of last resort' (2008)
- ❖ 'The number of children in custody remains high, with disproportionate representation of ethnic minority children, children in care, and children with psycho-social disabilities, and detention is not always applied as a measure of last resort' (2016)

# Custodial sentencing of children: England and Wales 1992-2018



# Not a unique experience

(though there are also exceptions eg China, Brazil, India)

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## **The United States:**

- The 45,567 children incarcerated in 2016 was the lowest recorded since 1975, with 2,476 fewer children detained than in that earlier year

## **Canada:**

- Between 1991/2 and 2013/14, the annual number of child custodial sentences declined from 15,016 to 3,361

## **Japan:**

- Between 2004 and 2014, the number of children in custody fell from 5,300 to 2,872

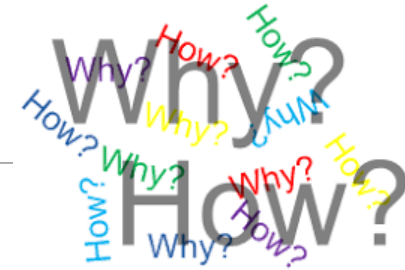
## **Northern Ireland:**

- Admissions to the Juvenile Justice Centre from 741 in 2013/14 to 443 in 2016/17



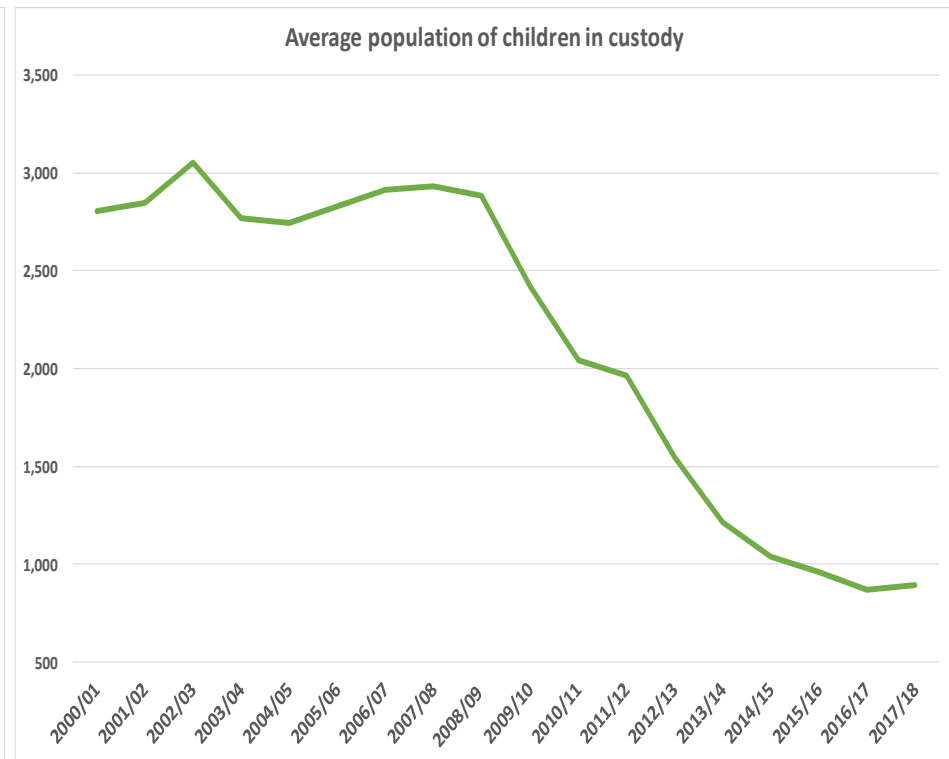
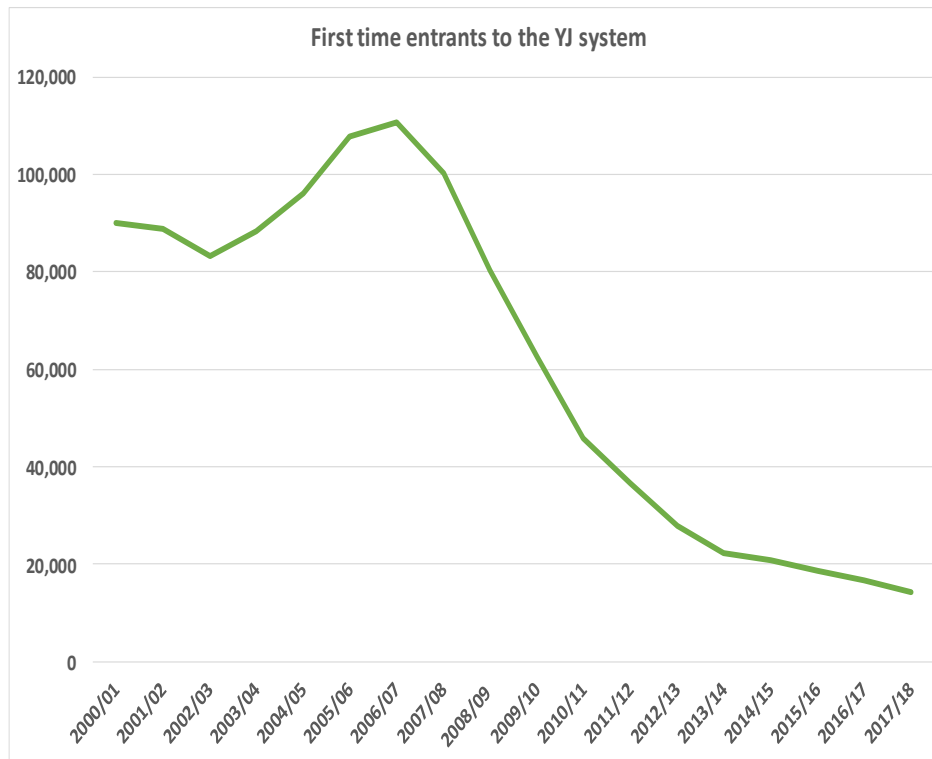
# How? Or more accurately why?

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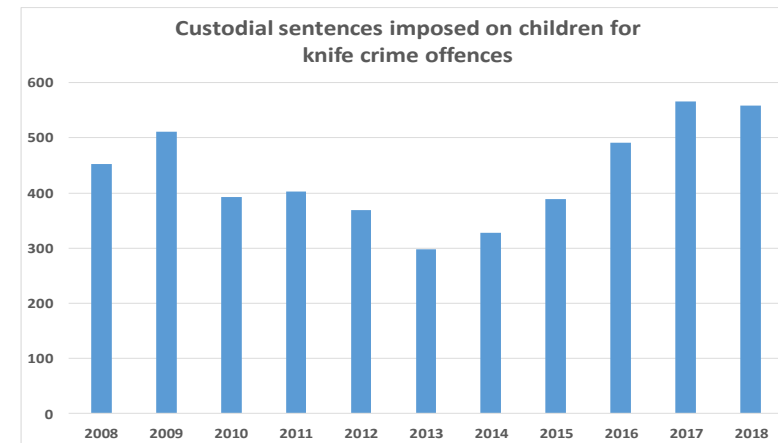
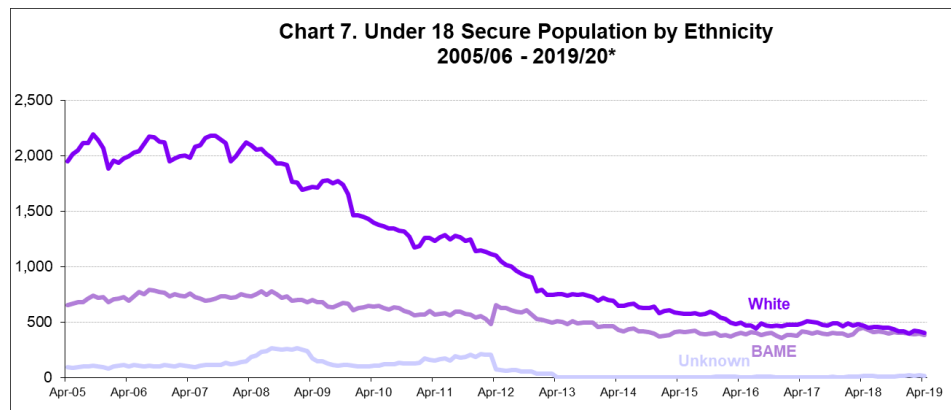
- ❖ The reduction in custody arguably has little to do with:
  - any additional restrictions on imprisonment (although there have been some – introduced 2012);
  - an expansion / improvements in alternatives to custody
  - a particular desire on the part of government to reduce incarceration of children (although since 2010 it has been a target for the youth justice system)
  
- ❖ Rather it is a by product of a dramatic rise in decriminalisation – associated with the introduction of a target to reduce ‘first time entrants’ to the youth justice system in 2008

# A similar pattern?



# Not all good news though

- ❖ Detention still not a last resort – currently only 30 girls in custody but ‘one third (34%) of girls were sentenced to custody for non-violent offences and included offences of theft, drug related offences, public order and breach of a statutory order’ (Goodfellow, 2019)
- ❖ Recent rises in custody for knife crime
- ❖ Increased disproportionality



... AND ...  
**PLACEMENT/TREATMENT**

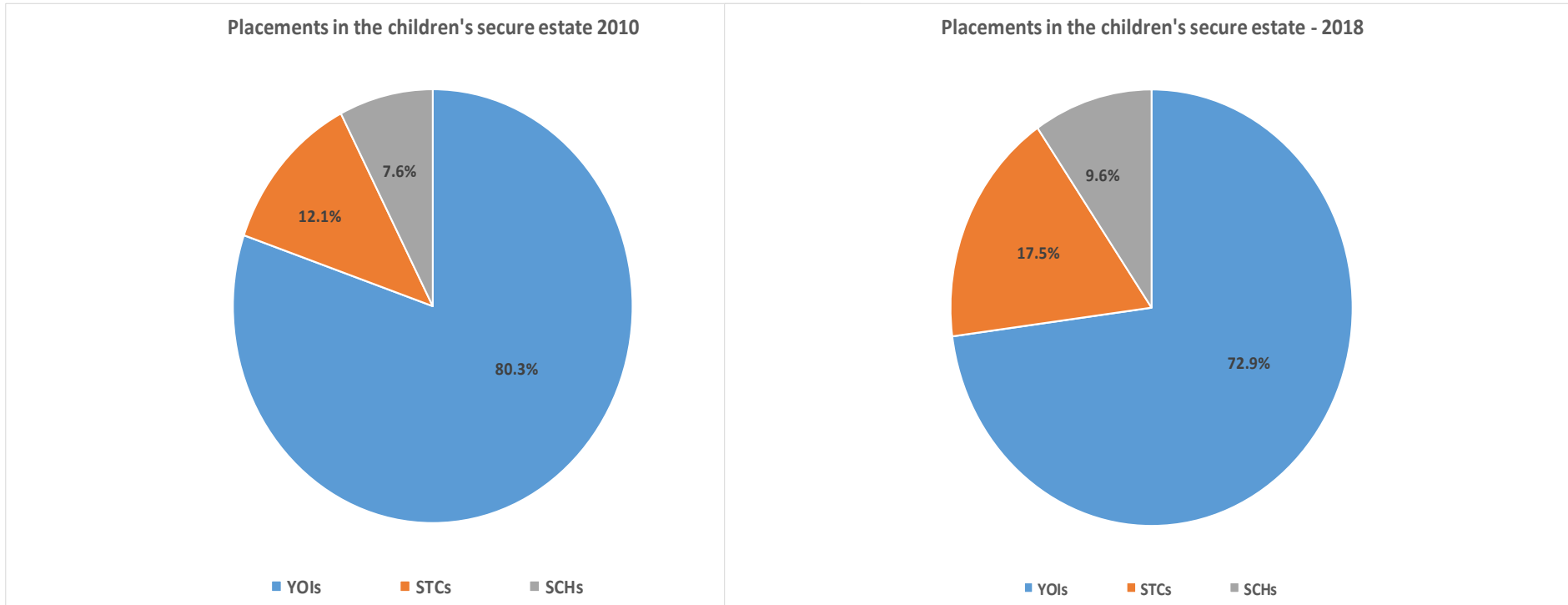


# The state of the secure estate

❖ Once children are sentenced custody – or remanded to youth detention accommodation – by the court, placement is an administrative decision taken by the Youth Custody Service in the Ministry of Justice. There are three distinct type of establishments:

Secure children's homes	Secure training centres	Young offender institutions
Child care establishments with secure provision, managed by the LA and subject to child care regulation	Purpose built, mainly privately run (for profit) originally intended for younger children	Prison service establishments, often previously used as adult prisons
Capacity: 7-38 Staff to child ratio: 1:2	Capacity: 60–80. Staff to child ratio: 3:8	Capacity: 64-300. Staff to child ratio: 1:10
Boys and girls, aged 10-17, assessed as very vulnerable	Girls and boys aged 12-17 (boys over 15 only if vulnerable)	Boys aged 15-17
No children are held with adults (since 2000). No girls are in YOIs (girls below 17 removed 2004; 17 year olds 2013)		
Annual cost per head: £210,000	Annual cost per head: £160,000	Annual cost per head: £76,000

# A continued high dependency on YOIs; expanding use of STCs



# Growing concerns: the statistical evidence: incidents per month per 100 children

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Year	Restraint	Isolation	Self harm	Assault
2012	25.1	54.7	5.1	9.8
2013	23.8	42.7	5.2	10.2
2014	28.4	39	6.6	14.4
2015	28.2	34.5	7.7	16.2
2016	27.8	52.3	8.9	19.3
2017	32.1	93.9	9	19.5
2018	37.9	94.9	12.5	24.7

# A trigger event: Medway secure training centre Panorama January 2016

<https://vimeo.com/199038379>



'The overall effectiveness of Medway secure training centre (STC) to meet the needs of young people is judged good with outstanding features' (Ofsted, September 2014)

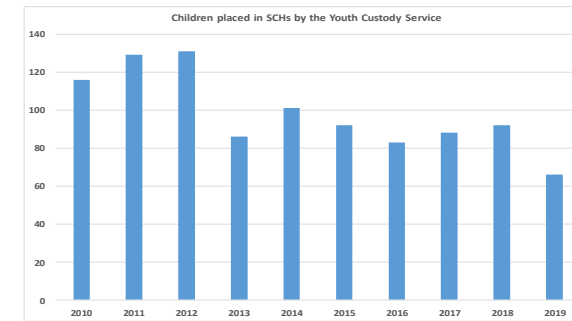


# Reactions – but not much action

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- ❖ The ‘current youth custody system’ requires ‘fundamental change’ (Taylor, 2016)
- ❖ ‘... the culture across the youth secure estate tolerates a much harsher and punitive approach to children than would be tolerated in other settings’. The culture within STCs prioritise ‘control and contract compliance over rehabilitation’ and ‘too little emphasis was given to safeguarding’. This was contrasted with the ethos in SCHs which was characterised as being ‘driven by moral purpose’ and focused on creating a ‘nurturing, family atmosphere’ (Medway Improvement Board, 2016)
- ❖ ‘The [Youth Justice Board] itself has acknowledged that the YSE is not fit for the purpose of caring for or rehabilitating children and young people. The [Youth Custody Improvement Board] believe this is correct, and is an astonishing analysis by the YJB, given that it has been in operation for over a decade.... The one thing that is not needed is further analysis and diagnosis of what is going on in each of the 8 establishments. The picture could not be clearer and improvement will not arise simply because a further report on an STC or YOI indicates things are getting worse there (Youth Custody Improvement Board, 2017)
- ❖ ‘By February 2017, we concluded that there was not a single establishment that we inspected in England and Wales in which it was safe to hold children and young people’ (Her Majesty’s Chief Inspector of Prisons, 2017)

# Current plans



- ❖ *'I believe that the government must reconceive youth prisons as schools. I propose the creation of Secure Schools. These will be smaller custodial establishments up to 60-70 places which are located in the regions they serve'* (Taylor, 2016)
- ❖ *'The Taylor Review proposes that YOIs and STCs should be replaced in the longer term by smaller secure schools ... We agree with this vision'* (Government response to the Taylor review, 2016)
- ❖ To date, the government has announced that one secure school will be piloted on the site of Medway secure training centre
- ❖ The government has also introduced a youth 'custody reform programme' *'designed to ensure that young people's needs are properly addressed in our current establishments'* (Ministry of Justice, 2018).
- ❖ In the meantime, there has been a further reduction in the number of youth justice placements in secure children's homes

# Some problems with secure schools as a panacea?

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- ❖ 90% of boys in YOIs said they had been excluded and more than one in four had been younger than 14 when they last attended education so a focus on education is not unreasonable but ...
- ❖ We have been here before: approved schools, borstals and most tellingly, secure training centres
- ❖ Many children in custody are damaged and their needs are extensive, going way beyond formal education
- ❖ Children who have already been failed by the educational system in the community, who have a deep antipathy towards formal learning and resent being deprived of their liberty, are unlikely to respond positively to education as a central part of the punishment
- ❖ The kind of care required, cannot be delivered in establishments of 60