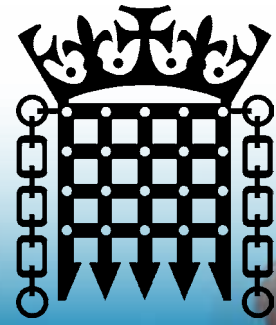


# All Party Parliamentary Group on Women in the Penal System



## Keeping girls out of the penal system

### Key points

- Girls in England and Wales can enter the penal system from the age of 10. This is one of the lowest ages of criminal responsibility in Western Europe
- Girls are brought into the penal system because of unaddressed welfare needs including neglect, abuse and poverty
- The provision of gender specific services for girls in need is patchy
- Evidence from the YJB (2011) shows that the number of offences committed by girls has fallen, as has the number of violent offences committed by girls. Common perceptions that girls are committing more crime and are more violent are not borne out by the evidence
- The majority of girls in the penal system have committed low level misdemeanours
- The police are the first point of contact for girls entering the penal system. Resolving problems at this point would avoid the negative consequences of penal interventions
- There are examples of good policing practices which are resolving issues without the use of formal sanctions in the criminal justice system. Public safety has been maintained and arrest figures for girls have fallen
- Inappropriate criminal justice interventions are expensive and counterproductive.

## Introduction

The All Party Parliamentary Group on Women in the Penal System was set up in July 2009 and is chaired by Baroness Corston, author of the Corston Report: a report by Baroness Jean Corston of a review of women with particular vulnerabilities in the criminal justice system (Home Office, 2007).

In October 2011, the All Party Parliamentary Group on Women in the Penal System launched a year-long inquiry on girls. The aims of the inquiry were:

- To investigate the decisions that route girls into or out of the penal system
- To look at provision for and the treatment of girls in the penal system
- To make recommendations for reform across the social and penal systems regarding the treatment of girls.

In response to our call for evidence following the launch of the inquiry, the APPG received written evidence from a wide range of organisations including voluntary and statutory agencies, local authority children's services, youth offending teams and others who worked with girls.

The APPG conducted a series of oral hearings in the House of Lords to investigate the issue. Witnesses at the first two hearings in October and November 2011 included the Chief Constables of Hampshire and Gloucestershire, the Chief Executive of Platform 51 and the head of the children and young people's service at Gateshead Council. Girls and young women gave evidence, based on their personal experiences of the penal system.

This briefing paper is the first in a series of papers outlining the findings of the inquiry on keeping girls out of the penal system.

## Girls and crime

Most girls do not commit crimes. A study by the Home Office (2005) found that girls are much less likely than boys to be involved in offending and more likely than boys to desist from offending. They are more likely than boys to gain five or more good GCSEs (A\* to C) (DfE, 2010a) and less likely to truant from school (DCSF, 2010) or be permanently excluded (DfE, 2010b). Of the 6,747 anti-social behaviour orders received by children between June 2000 and December 2008, fewer than one in ten were given to girls (Home Office, 2010).

The number of girls arrested each year has been falling since 2008. The number of disposals given to girls for offences has fallen from 59,236 in 2006/07 to 43,186 in 2009/10. Girls are not becoming more violent. The number of violent offences committed by girls has fallen from 17,415 offences in 2006/07 to 12,291 offences in 2009/10, a fall of 29 per cent (YJB, 2011).

Statistics published by the YJB (2011) showed that most youth offending in England and Wales was committed by boys; girls accounted for just 22 per cent of the offences committed by children and a quarter of the cases under

the supervision of youth offending teams in 2009-2010. Of those girls who are convicted of offences, the majority commit less serious offences, are less likely to be reconvicted and more likely to stop offending at an earlier age than boys.

There have been a number of empirical studies on the protective factors associated with females and offending including research published by the Cabinet Office (2009) which identified:

- High self-esteem
- Assertiveness
- Healthy lifestyles
- Supportive and enduring relationships with families and peers
- Access to services
- Positive female role models
- Alternative education provision.

The same study found the risk factors associated with teenage girls and offending included poverty, abuse, truancy, drug and alcohol use, parental conflict, poor parental supervision, victimisation and living in a high crime area.

Under the Children Act 1989, local authorities have a duty to safeguard and promote the welfare of children in their area who are in need and to provide a range of services in order to meet those needs. For those girls who lack parental support or who are subject to poor parenting, the local authority has a key role to play in ensuring that support is available and if necessary, to intervene to enable girls to lead crime free lives and prevent them from becoming caught up in the penal system.

## Why are girls coming into contact with the penal system?

In England and Wales, girls and boys can come into contact with the penal system from the age of 10. This low age of criminal responsibility has been criticised by the United Nations Committee on the Rights of the Child (2008) and the Children's Commissioner for England (2010).

Girls can be drawn into the penal system at a much earlier point in their lives than is the case in many other countries. This increases their chances of coming into contact with the penal system again, thus increasing the penalties they are likely to incur for their behaviour and drawing them further and further into the penal system. The decisions made by local authorities as to how to respond to girls has led to an increase in number of girls brought into contact with criminal justice agencies such as youth offending services.

Written evidence submitted to the inquiry by Hertfordshire youth justice service stated, *"more girls have been drawn into the formal youth justice system in the last decade. Once in the system, girls often escalate through it more rapidly than boys, despite their relatively minor offending."*

In written evidence to the inquiry, Platform 51 stated, *"there is frequently an over-punitive response to girls offending, rather than a supportive response. Girls tend to be treated more severely than boys by the youth justice system and tend to*

experience greater intervention on the part of the criminal justice system earlier in the development of their offending behaviour”.

Girls’ problematic behaviour is often a signifier that they have welfare needs which need addressing, including poverty, substance misuse or domestic violence and abuse. The argument that criminal justice agencies are best placed to support these girls however is misguided. The outcomes for children brought into contact with the penal system, however well-meaning, are poor.

Girls’ first point of contact with the penal system is via the police. However, the inquiry found that thousands of girls were coming into contact with the police for behaviour which did not result in a criminal conviction.

**Table 1: Number of girls arrested each year**

Police Service	2008	2009	2010	Total
Avon and Somerset	1999	1725	1483	5207
Bedfordshire	*	*	*	*
Cambridgeshire	910	898	807	2615
Cheshire	557	411	341	1309
City of London	22	28	40	90
Cleveland	837	748	709	2294
Cumbria	528	444	325	1297
Derbyshire	1058	903	741	2702
Devon and Cornwall	1247	1044	905	3196
Dorset	805	788	758	2351
Durham	1010	908	740	2658
Dyfed Powys	641	541	476	1658
Essex	2494	2270	1750	6514
Gloucestershire	798	633	322	1753
Greater Manchester	*	*	*	*
Gwent	590	547	472	1609
Hampshire	2170	2153	1755	6078
Hertfordshire	1178	1099	701	2978
Humberside	5315	5116	4865	15296
Kent	2110	2176	1531	5817
Lancashire	2034	2001	1582	5617
Leicestershire	595	592	512	1699
Lincolnshire	*	*	*	*
Merseyside	2127	1923	1708	5758
Metropolitan	7694	7698	7475	22867
Norfolk	671	576	485	1732
North Wales	1109	952	729	2790
North Yorkshire	1463	1287	999	3749
Northamptonshire	535	460	447	1442
Northumbria	3998	3183	2459	9640
Nottinghamshire	1453	1262	1104	3819
South Wales	723	555	857	2135
South Yorkshire	1828	1488	1238	4554
Staffordshire	983	977	735	2695
Suffolk	1009	886	723	2618
Surrey	585	477	443	1505
Sussex	1691	1711	1276	4678
Thames Valley	2527	2200	1453	6180
Warwickshire	407	351	286	1044
West Mercia	*	*	*	*
West Midlands	4515	3368	2688	10571
West Yorkshire	4357	3532	2440	10329
Wiltshire	*	*	*	*
Total	64573	57911	48360	170844

The Howard League for Penal Reform obtained evidence under the Freedom of Information Act to show that 170,000 girls aged 10-17 were arrested within the last three years,

an average of 50,000 a year (Table 1). Girls account for around a fifth of the children arrested by the police each year. In 2010, there were 48,360 arrests of girls by the police. However, less than a third of these resulted in a court conviction. The number of sentences given to girls by the courts in 2010 was 14,993. This suggests that girls are being arrested needlessly.

The Howard League for Penal Reform found that girls were being arrested and detained in police custody overnight, sometimes for welfare reasons. Research published by the Howard League for Penal Reform (2011) found that in 2008/2009, 10,845 girls under the age of 16 were held overnight in police custody. Children were more likely to be held overnight for low level disorder offences and at the weekend.

At the oral hearing on girls and policing, Chief Constable Alex Marshall of Hampshire stated that custody sergeants had experienced cases where parents refused to come and collect their child from police custody. It was difficult to obtain local authority accommodation for girls after 5pm on a Friday night, resulting in girls being held in police custody. In his view, this was not an appropriate environment for young girls.

Evidence from Hampshire and Gloucestershire constabularies showed that the crimes for which the majority of girls came into contact with the police were shop theft, low level violent offences and public order offences, usually involving the use of alcohol.

Concerns have been raised that once a girl has been arrested, they are more likely to be drawn into the penal system. Evidence submitted to the inquiry by Derbyshire County Council stated,

*“the increasing criminalisation of children for minor offences in the period 2004-2007 had a disproportionate effect on girls ie as the overall numbers of young people in the justice system increased, girls made up a larger proportion of the share. As the number of female first time entrants rose the number receiving custodial sentences also rose”.*

Being drawn into the penal system in this way is often inappropriate and unnecessary for girls whose offending is primarily an outcome of neglect, poor parenting, or other welfare needs and problems.

## How should we respond to girls who are being troublesome?

### 1. Resolve

For some girls, their troublesome behaviour may be a one-off or an example of normal teenage behaviour which can include testing boundaries and taking risks. The arresting and charging of teenage girls for challenging behaviour is disproportionate, expensive and is likely to be detrimental in the long term. It is also inappropriate for police services to be picking up girls for what essentially are welfare issues rather than criminal behaviour, such as being drunk.

Research conducted as part of the Edinburgh Study of Youth Transitions and Crime found evidence that when criminal justice agencies formally intervened with young people, it increased the risk of repeat interaction and offending in the future. McAra and McVie (2010) found that repeated contact with youth justice agencies was damaging to children in the long term and argued that the key to reducing youth crime lay with *'maximum diversion and minimum intervention'*.

The use of restorative policing should be adopted by all police services and the aim should be to keep children out of the penal system. Too often the penal system is regarded by some as the only way of curbing children's troublesome behaviour. The use of informal methods which resolve potential issues of conflict between girls and the public should always be explored first and foremost.

The inquiry found examples of policing practices that were keeping girls out of the penal system. Some police services such as Hampshire and Gloucestershire were implementing a cultural change, whereby police officers were encouraged to use their professional discretion and resolve matters informally in the community.

The Chief Constables of Hampshire and Gloucestershire encouraged police officers to adopt a restorative approach to dealing with girls' behaviour, rather than resorting to arrest and police detention, resulting in significant reductions in the number of girls arrested and charged.

Alex Marshall, Chief Constable of Hampshire Constabulary told the inquiry,

*"Our Community Resolution (CR) and Youth Restorative Disposals (YRD) pre-court options encourage resolution including restorative work as an option for low level offences where a sanction disposal is considered disproportionate. Increased discretion and a more proportionate approach to dealing with offences has been welcomed by officers and in general, victims of low level minor crime are favourably disposed to apology where this is genuine."*

Gloucestershire Constabulary has introduced Community Oriented Policing or COP resolutions and encourages the use of restorative justice. The use of COP has led to a significant fall in the number of girls arrested by Gloucestershire Constabulary from 773 arrests in 2008/09 to 257 arrests in 2010/11.

Both Hampshire Constabulary and Gloucestershire Constabulary managed to reduce the number of girls arrested, whilst at the same time maintaining public safety and enhancing confidence in the police service.

Chief constables told the inquiry that it was a challenge to change the culture of a police service when there were external targets on the number of sanction detections. Informal sanctions such as COP resolutions were not recorded on the police national computer (PNC) and would therefore not be counted towards such targets. Recent changes in policing targets should enable more services to follow suit and adopt the use of informal pre-arrest resolutions.

The introduction of directly elected police and crime commissioners in November 2012 to oversee policing could prove a challenge to the gains that have been made in changing this culture if police services come under pressure to increase the use of sanction detections.

A report by the New Economics Foundation (2010) found that although the police and YOTs had the option of diversionary procedures including restorative justice interventions, these were not applied consistently.

Police services should not be expected to act as a welfare service for girls. Whilst the police may be the first point of contact with girls who are drunk, the local authority, not the police, should provide a temporary place of safety for girls until their parents can be contacted. If parents abdicate their responsibilities then the local authority has obligations under the Children Act 1989 to protect a child in need until the issue can be resolved. Police custody suites should not be considered as safe and suitable environments for teenage girls.

The sharing of information on girls who come into contact with the police needs to be carefully managed and should not be routine or automatic. There is a danger that what may be regarded as police good intentions will create a net widening effect and could lead to children being labelled by other services or receiving interventions when in fact they do not have a need for them. Very few girls who come into contact with the police will require intervention and when inappropriately applied it is expensive and counterproductive.

## 2. Support

In the course of our inquiry, the APPG found evidence of gender specific projects for girls. These projects were targeted at girls facing disadvantage or in need but not specifically at girls who had come into contact with the penal system. They did however address many of the protective and risk factors associated with girls and offending behaviour such as poverty, low self-esteem and disengagement from education. For example:

### Getaway Girls

Getaway Girls is a charity based in Leeds which supports girls and young women aged from 11 to 25. It runs support groups for girls facing disadvantage, as well as delivering workshops in schools and the local community. The charity aims to enable girls to build confidence, develop new skills, make positive choices and achieve their full potential.

Girls are referred to Getaway Girls from local agencies including schools, the health service or social services. Others attend because they have heard about the project via word of mouth. Attendance at Getaway Girls is voluntary.

Getaway Girls works with girls who have been excluded from or are struggling at school, are in care or leaving care, who are living in chaotic families and who are vulnerable.

The charity works in partnership with the local authority and other voluntary organisations and receives core funding from Leeds City Council.

## **Gateshead Young Women's Outreach Project**

Gateshead Young Women's Outreach Project provides support for girls in need including those who have disengaged from school, are in care, have low self-esteem or are young mothers. It runs sessions for girls on a range of issues such as sexual health and well-being, financial awareness, managing relationships, healthy living and lifestyles and independent living skills. The project aims to increase girls' self-confidence to enable them to achieve their full potential.

Workers at Gateshead Young Women's Outreach Project can advocate on behalf of girls, providing them with support and advice and attending meetings with them or giving them one to one support.

## **Platform 51**

Platform 51 provides a range of gender-specific services and activities for girls and women, some of whom have had experience of the penal system.

The On Track programme works with girls under 16 in West Kent who have disengaged from statutory education or who have been excluded from school. Many of the girls have experienced family breakdown, been in care, had contact with the police or lack stable accommodation. The project receives referrals from the local authority and other agencies working with children.

Platform 51 works holistically with the girls and their parents to improve outcomes for them. The project provides an alternative education which aims to develop the girls' skills, improve their self-esteem and self-worth and help them to see their own potential rather than just addressing their problems.

The APPG heard evidence that girls felt more confident and less threatened in a female only environment particularly if they had experienced abuse. The value of single gender work is often underestimated and provision appears to be patchy. Securing ongoing funding for single gender projects can be a challenge.

The holistic approach adopted by these projects meant that girls were able to gain advice and support on a wide range of issues without the fear of being labelled as troubled or troublesome. One-stop-shop services for teenage girls and the flexibility of support on offer were valued by girls and workers.

The APPG heard that some girls were not offered appropriate support until after they had come into contact with the penal system. The New Economics Foundation (2010) found that public resources and supportive attention from practitioners often became available only after a child had committed a crime. The criminal justice system functioned like a 'gateway to social spending' when it should be the last resort.

In written evidence to the inquiry, Barnardo's stated:

*"Focusing on behavioural symptoms rather than the underlying causes of girls offending behaviour could be missing an opportunity to identify and respond to the needs of this group."*

There has been an increased focus in recent years on the youth justice system, and alongside this, increased investment in preventative work and targeting of children 'at risk' of offending. This approach risks labelling children as troublemakers and could be counter-productive. Services should not be limited to girls who have already entered the penal system or are considered 'at risk of offending'. Instead, public resources should be invested generally in resolving social problems.

Girls' behaviour can be an indicator of welfare issues such as poverty, physical, emotional or sexual abuse, truancy or domestic violence. It is often a result of a lack of parenting and may signify that they are in need of protection. In its evidence to the inquiry, Platform 51 stated:

*"While girls and boys experience similar factors relating to their offending, girls' offending is more strongly associated with: low self-esteem; the influence of boys in risky situations; personal relationships, including problems with parents and family, neglect and conflict; and socio-economic indicators such as poverty, large family size, poor housing and educational problems."*

Platform 51 recommended, "far greater effort should be directed towards diverting vulnerable girls away from the penal system in the first place".

The NSPCC stated:

*"the evidence shows that experiences much earlier in childhood, including experiences of abuse and maltreatment are linked to offending behaviour. We recommend that the [inquiry] should explicitly consider opportunities for much earlier intervention – long before cases are put before the courts and decisions about sentencing options are considered."*

## **Conclusions**

An overly punitive and disproportionate response to teenage girls' behaviour can make it more, rather than less likely that they will be drawn further into the penal system leading to poorer outcomes.

Many of the girls who enter the penal system will not end up with a criminal conviction. Every effort should be made at the earliest point of contact to resolve issues in the community and if necessary to refer girls to more appropriate services that can support them and meet their needs.

## Recommendations for ministers

- Raise the age of criminal responsibility in England and Wales in line with the European average age of 14 years. The United Nations Committee on the Rights of the Child has stated that an age of criminal responsibility below 12 is not acceptable
- In accordance with the United Nations Convention on the Rights of the Child article 3, the best interests of the child should be the paramount consideration in all matters concerning girls
- Children should be kept out of the penal system and all agencies that come into contact with children should be judged on how they are achieving this.

## Recommendations for local authorities

- Local authorities should recognise that girls have specific needs
- All local authorities should provide services that meet the needs of girls and these should be widely available and accessible, not limited to girls who have entered the penal system
- Local authorities should recognise the importance of offering single-gender services for girls
- Girls should be able to access services easily and in confidence. The provision of one-stop-shop services for girls would help prevent the labelling of girls with specific needs as troubled or troublemakers
- Local authorities should be wary of net-widening and drawing girls into the welfare or social care system unnecessarily
- Local authorities must ensure there is suitable provision in place for children in need of a temporary place of safety and should not expect police custody suites to fulfil this role.

## Recommendations for police

- Chief Constables should encourage a policing culture which keeps girls away from penal system. They should encourage officers to use their discretion and resolve matters informally without resorting to arrest
- Policing targets should reflect this change in culture and reward police services for keeping girls out of the penal system. It is disproportionate and inappropriate to arrest children for minor misdemeanours and targets must not encourage the use of sanction detections
- The police should not be expected to deal with child welfare issues that are the responsibility of parents or carers and in extremis, the local authority.

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