the **Howard League** for **Penal Reform**

# Future insecure

Secure children's homes in England and Wales

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# 01/ Introduction

**'If we look at how it works in the future, you start off and you invest in young people with the best resources, you will have the best outcomes and young people will cost you less in the future.' Manager, secure children's home**

The Howard League for Penal Reform is the oldest penal reform charity in the world and campaigns for less crime, safer communities and fewer people in prison.

In 2009, the Howard League launched U R Boss, a unique national participation project for children and young people in custody and those who have recently been released into the community. This is one of a series of briefings on issues that young people themselves have raised and accompanies a short film, Secure Futures, made by children in a secure children's home, which can be viewed at: http://www.urboss.org.uk/in-your-words/cinema

Secure children's homes provide the highest standards of care and rehabilitation for the few children in trouble with the law who have to be detained in custody. Yet they have been the victim of a decade of closures: in 2003 the Youth Justice Board (YJB) contracted with 22 secure children's homes to provide 297 places in England and Wales. There are now just 183 places left in 10 secure children's homes for over 2,000 children who are imprisoned. At the time of publication, the YJB announced a reduction of 17 further places.

The youth justice system is not working: the majority of children are incarcerated in prisons and 72 per cent are reconvicted within a year of their release (Ministry of Justice, 2011).

The recent reduction in the number of children in custody has not been used as an opportunity to invest into the best option in the most challenging circumstances for the very few children who do require a period in a secure environment. The YJB has instead decided to cut this sector further to save money in the short term. However, this will incur long term costs of unacceptably high reconviction rates, more crimes, more damage to children and higher long term financial costs to the public purse: an investment in little other than creating the adult criminals of tomorrow.

**No winners: secure children's homes that have lost their YJB contracts since 2003**

- Atkinson Unit, Devon
- Brunel Unit, Derby
- Clare Lodge, Peterborough
- Dales House, Lancashire
- Dyson Hall, Liverpool
- Kyloe House, Northumberland
- Orchard Lodge, London
- Redsands, Cheshire
- St John's Tiffield, Northampton
- Stamford House, London
- Sutton Place, Hull
- Thornbury House, Oxfordshire

# 02/ Types of secure provision

**Despite the recent reduction in the number of children in custody, this 'achievement' needs to be viewed in the context that the child custody population increased by 795 per cent from 1989 to 2009.England and Wales still has the lowest age of criminal responsibility and highest levels of child incarceration in Western Europe. Children are detained in three distinct types of secure establishment:**

- Secure children's homes are small local authority run units with high ratios of well-trained staff, with education, therapeutic and behavioural provision tailored to children's needs. Children are held in small units within each home, where relationships built with staff and high levels of interventions enable children to make positive changes to overcome the barriers to leading positive lives when they are released.
- Secure training centres (STCs) are purpose built child prisons run by private companies for profit. They have a more punitive ethos than secure children's homes and from the outset have been characterised by being staffed by proportionately fewer, less well-trained staff, which has resulted in an over reliance on restraint. They provide 301 places holding boys and girls across four establishments.
- Young offender institutions (YOIs) are part of the main prison system and are large with the lowest staff ratios: there are as few as four prison officers on a wing of 60 young teenage boys. Children spend the majority of their days locked in their cells and are under the control of staff who have not chosen, and have little training, to work with children. YOIs are wholly unsuitable for children, yet four in five children who are in custody are imprisoned in them. Over 1,500 children are held in 11 YOIs in England and Wales.

**HM Chief Inspector of Prison's view of YOIs**

- Just under a third of boys and over a fifth of girls reported that they had felt unsafe at some point in prison
- Routine strip-searching marred efforts to reassure new arrivals
- In most establishments the use of force remained high
- Few establishments holding boys met the expectation to provide 10 hours out of cell each day
- The coordination of a wide range of assessments and care plans for different purposes was poor, resulting in a disjointed approach to caring for the most challenging young people (including those who self-harmed or were segregated)
- Although 91 per cent of boys and 97 per cent of girls said that they wanted to stop offending on release, fewer than half felt that they had done something in custody to make them less likely to offend in future

(HMCIP 2011)

# 03/ The child behind the crime

**The evidence shows that children who end up in the justice system come in the main from the most disadvantaged families and communities, whose lives are frequently characterised by social deprivation, neglect and abuse:**

- 71 per cent of children in custody have been involved with, or in the care of social services (YJB, 2007) compared to three per cent of the general population (National Census, 2001)
- One in four boys report suffering violence at home, and one in 20 report having been sexually abused (YJB, 2007)
- 31 per cent have a recognised mental health disorder (YJB, 2005) compared to 10 per cent of the general population (ONS, 2005)
- 19 per cent suffer from depression, 11 per cent anxiety, 11 per cent post-traumatic stress disorder and five per cent psychotic symptoms (Chitsabesan et al, 2006)
- 15 per cent have a statement of special educational needs (YJB, 2003)
- 86 per cent of boys and 82 per cent of girls have been excluded from school (Summerfield, 2011)

Children exposed to the most acute combination of risk factors are up to 20 times more likely to offend than those who are not (Home Affairs Committee, 2010). It is clear that to reduce offending and reoffending these needs have to be addressed. Secure children's homes do not just address the crime, they can provide a structured and nurturing environment with boundaries, keeping children safer, fed and housed. For many of these children it will be their first experience of proper relationships with adults, of being taught how to use a knife and fork, or achieving in education for the first time.

In contrast, prisons fail children and it seems nonsensical to attempt to fix something that is broken beyond repair. It is the Howard League's recommendation that the failing prisons should be decommissioned instead of the current policy of shutting down success. It has been argued that in effect each society gets the youth justice system it deserves, as how a society defines and reacts to the behaviour of children 'ultimately tells us more about social order, the state and political decision-making than it does about the nature of youth offending and the most effective ways to respond to it' (Muncie, 2004). Until children are invested in through the provision that secure children's homes can provide, the youth justice system will continue to fail us all.

# 04/ Dying for justice

**The European Convention on Human Rights protects children in detention from inhuman or degrading treatment or punishment.**

The UNCRC requires governments to ensure that for every child deprived of their liberty they shall be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of the persons of his or her age.

Every child has the right to feel and be kept safe. Yet sadly dead and injured 'criminal children' do not seize the public imagination during elections or inspire widespread media outrage. 33 children have died in STCs and YOIs since 1990 — two within the space of a week in January 2012, just days before the YJB announced that it intends to cut the secure children's home sector further — and the routine practices of strip-searching, restraint and solitary confinement remain. There have been no deaths in secure children's homes since 2000 and only one in the last 20 years.

For the few children who do require a period in a secure environment, punishment itself is the loss of liberty. Time incarcerated should not provide a period for further punishment(s) to be laboured on a child. Rather it should provide an opportunity to address the underlying needs of each child, in a therapeutic environment, with high staff ratios, that tailors provision to children's development.

The deaths of two of the youngest children to die in custody were in the STCs, purpose built child jails with less well-trained staff which has resulted in an over reliance on restraint. Gareth Myatt was killed at Rainsbrook STC, when he was suffocated whilst being restrained for reasons of 'Good Order and Discipline'. A recent inquest into the suicide of 14 year old Adam Rickwood in Hassockfield STC, found that being subject to a restraint was a contributing factor to his decision to take his own life.

There has never been a large-scale public inquiry into how such deaths of children in custody could be prevented. However, it has been argued that when the collective issues and common characteristics of these cases are collated, it is no longer possible to conceive of these deaths as isolated and unconnected aberrations. Rather the consistent features of such cases reveal 'systemic problems' and 'institutionalised failings' (Coles and Goldson, 2009).

Recent figures released by the Ministry of Justice have shown that serious or other life-threatening warning signs have occurred 285 times when children have been restrained in STCs over the past five years, including hospitalisation, loss of consciousness and damage to internal organs. Despite their institutionalised failings and the risks that they pose to the safety of children, no places have been decommissioned in STCs since they opened.

In fact, the YJB have increased the numbers of places that they commission in the STC sector from 130 to 301 since 2002 (Hansard, 2010). Despite their questionable record, STCs are protected by PFI contracts of up to 25 years. The YJB's recent contention that they view 'STCs and secure children's homes as broadly interchangeable' (MoJ/YJB, 2011) poses a direct threat to the secure children's homes, which are subjected to the instability of short contracts and continuous lengthy retendering exercises, the last of which they were subjected to in 2009 and resulted in the loss of YJB contracts at four homes.

The fundamental purpose of a secure environment is that it keeps children safe. Secure children's homes ensure the safety of children most effectively of all secure environments, including the prevention of the death of children. Rather than respecting this basic right, upheld in international law and obligations, the YJB continues to close them down, preferring instead to send children to prisons where they are routinely exposed to inhuman and degrading treatment, at the cost to their physical and mental health and sometimes to their lives.

# 05/ Decisions made in the dark

**The principal purpose of the youth justice system in England and Wales is the prevention of offending and reoffending (Crime and Disorder Act, 1998). Therefore, it would seem to make sense to make policy decisions on the basis of evidence of 'what works'.**

However, closure of secure children's homes has been made in isolation of a needs analysis of children in the criminal justice system, population projections, or evidence of outcomes of 'what works' to address the underlying needs of children in trouble with the law. Particularly concerning is the lack of research into the effectiveness of different types of secure provision for children to inform commissioning decisions.

The YJB has commissioned a large scale research project that is looking at interventions and regimes across the children's secure estate but this is not due for publication until 2013. The commissioning of this research in itself shows that the YJB acknowledges the need to know more, but are making decisions in the meantime regardless. It is unclear on what evidence the decision to decommission further places in secure children's homes has been based. The decision appears to have been made on the basis of short term cost savings, with little consideration given to the needs of children or the long term costs to the public purse of the unacceptably high reconviction rate of children leaving custody.

The research that does exist weighs heavily in support of the secure children's home sector. In 1992 Ditchfield and Catan compared the regimes of secure children's homes and YOIs. They found that children in secure children's homes had lower reconviction rates and attributed this directly to the focus on care and treatment compared with the security and control ethos in YOIs.

The persistent decommissioning of the secure children's home sector contradicts research the YJB has itself commissioned. A review of safeguarding in the secure estate (NCB, 2008) found that children feel safest in secure children's homes and least safe in YOIs. Key findings in this research included:

- A major reason that children felt safer was the size of the establishments and the relative staffing ratios – the smaller the establishment the better the staff could get to know the young people in their care, making it easier to care for them in a holistic way
- The factors that contributed to a sense of safety were based primarily on the presence and attitudes of staff. The best relationships with staff were in the secure children's homes, where the culture and ethos of the staff was child-centred
- The physical environment also contributes to a sense of safety and YOIs are made up of inadequate buildings.

The report recommended three major actions to improve children's sense of safety:

- The message that children feel much safer in small units with adequate staffing levels needs to be heard and used to inform the strategic development of the secure estate
- All establishments should ensure a culture amongst staff whereby they see the young people in their care as children first, offenders second
- There should be a review of the impact of the built environment, drawing on expert advice about the most suitable conditions in which to care for young people

The YJB also ignores wider concern and criticism of its continued approach to secure children's homes. In November 2011 the Howard League worked to secure a debate in the House of Lords after the YJB announced its intention to decommission further from the secure children's home sector. Similar debates and criticism from throughout the children's sector also took place in 2009 when the YJB closed down four secure children's homes.

## The parliamentary view

### Baroness Linklater of Butterstone

'Failure to respond effectively today will result inevitably in continued reoffending and far greater and far more expensive long-term problems tomorrow….False economies are not what these children, or the country, need.'

### Lord Judd of Portsea

'Any tendency to move still further away from secure homes of this kind is calamitous, not just because of the consequences for the children and the dangers of reoffending…but because it makes for economic nonsense.'

'We can get no satisfaction simply from punishing the young. We have to prevent them reoffending. If they are to stop reoffending, we have to get close to them in an environment that can ensure that they get back into a constructive role in society. The evidence is that in larger young offender institutions and other institutions of that kind this does not happen.'

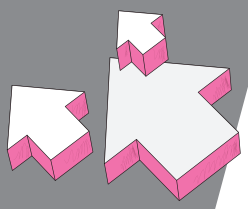
### Lord Carlile of Berriew

'I believe that the kind of regime provided in local authority secure children's homes has been far better designed to reform than anything provided in secure training centres or young offender institutions.'

### Lord McNally of Blackpool

'Secure children's homes play a key role in the provision of suitable secure accommodation for young people on remand or serving custodial sentences. I have a long-standing admiration for the way in which they look after those placed in their care.'

(Hansard, 2011)



# 06/ Investment or cost

**The current policy of incarcerating children is at a huge cost to the public purse: the YJB spends £268.9 million a year locking up children, some 59 per cent of its overall expenditure (YJB, 2011).**

The three sectors of the secure estate for children have varying costs per place per year:

- YOIs - £55,000
- STCs - £203,000[1]
- Secure children's home – £211,000

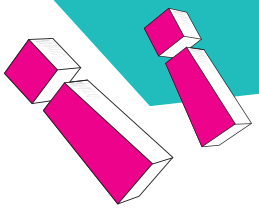
The majority of children currently incarcerated should be diverted from the criminal justice system or dealt with using more effective and cheaper community sentences. The few children who do require a period in a secure environment have the most complex needs which incur costs to address.

Although secure children's homes are the most expensive type of accommodation of the three sectors that comprise the secure estate for children, they are an investment in rehabilitating children and preventing them from becoming the adult criminals of the future. In contrast, prisons are a cost, not an investment as they are not equipped to address the underlying causes of children's behaviour.

[1] This figure includes VAT, which is paid by the Youth Justice Board to private providers of secure services. VAT is not payable on publically run services.

Locking up a small minority of children may protect the public in the short-term, but if the risk is to be permanently removed then the child has to change and that takes investment.

# 07/ References and bibliography

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ISBN 978-1-905994-43-4

9 781905 994434 >

**ISBN 978-1-905994-43-4**