

**Howard League for Penal Reform's Response to the Ministry of Justice 'Secure Schools: How to Apply Guide' Consultation**

**30 July 2018**

**Executive summary**

1. The Howard League does not doubt the well-intended vision behind secure schools but considers that they will only achieve that vision if key requirements are implemented at the same time.
2. Secure schools must not inflate the secure estate for children: they must replace prisons and secure training centres. While education and therapy of the highest quality must be available to children sent to secure schools, there must be an acknowledgement that they are fundamentally not schools but penal establishments to be used as an absolute last resort by the courts.
3. Secure schools must be small and comparable in size to current secure children's homes.
4. Secure schools must be purpose built to the highest standards so as to create establishments that provide excellent schooling and care, with experienced and qualified adults from both education and care backgrounds supporting and advocating for the child.
5. Secure schools must be adequately monitored as well as inspected and operate within a children's rights framework to guard against the risk of abuse.

## **1. About the Howard League for Penal Reform**

- 1.1 Founded in 1866, the Howard League is the oldest penal reform charity in the world. The Howard League has some 13,000 members, including prisoners and their families, lawyers, criminal justice professionals and academics. The Howard League has consultative status with both the United Nations and the Council of Europe. It is an independent charity and accepts no grant funding from the UK government.
- 1.2 The Howard League works for less crime, safer communities and fewer people in prison. We achieve these objectives through conducting and commissioning research and policy work aimed at revealing underlying problems and discovering new solutions to issues of public concern, as well as through direct legal and participation work.
- 1.3 Our legal team works directly with children and young adults in prison and we represent young people before the parole board. We have drawn on our policy and legal work in preparing this response.

## **2. Secure schools will only work if they replace prisons and secure training centres**

- 2.1 The Howard League does not doubt the well-intended vision behind secure schools. The ethos set out by Charlie Taylor in his original report and echoed in the draft guidance is positive. The Howard League has worked directly with hundreds of children in prison, secure training centres and local authority units who have told us time and again that they want better education and support. Children also tell us that they want to feel as homely as possible (More than a roof overhead, Howard League, 2018).
- 2.2 The notion that children in trouble require a different and more compassionate approach has been repeated time and again. The Children's Act 1908 - colloquially known as the Children's Charter – was one such reforming measure that was to provide "special treatment for child offenders, with the emphasis more on treatment and care than on punishment" (Aikin, *The Last Years of Liberal England*, p 81). The intention of Parliament in the 1908 Act was, in the words of the government's representative, the Lord Advocate, "to shut the prison door and open the door of hope". History has shown that the many attempts to create a child focused system of penal detention, from Approved Schools to Borstals and Secure Training Centres, have failed. Secure training centres were established based on much of the same rhetoric that is being employed to justify the secure schools. The abuse in Medway shocked the nation, but was only revealed when undercover journalists filmed the violence and fraud, not by inspectors or monitors. A police inquiry has elicited over 1,000 men who have come forward claiming to have been physically and sexually abused in Medomsley detention centre. It is essential that robust safeguards are put in place simultaneously to prevent secure schools from adding to that litany of failure.
- 2.3 Secure schools must not inflate the secure estate for children: they must replace prisons and secure training centres. The reduction in the number of children in penal custody over the past few years is welcome and must be protected. New institutions that can be promoted by ambitious politicians could be seductive to sentencers looking for a way to respond to challenging children. The number of places in the secure estate must be reduced not increased.

- 2.4 It is positive that the guidance states at paragraph 1.10 that “staff will never give up on the students in their care.” If that is to ring true, it will be essential that children in secure schools are not transferred to secure training centres or prisons when they are perceived as becoming too difficult to manage.
- 2.5 It is equally important that secure schools are not seen by the courts as a panacea that suck children into the most serious form of punishment that our system has to offer in the hope that they will benefit from this provision. That is exactly what happened when the Detention and Training Order came into force with the number of children sent to prisons exploded, with disastrous consequences. The child prison population is now at its lowest in decades and it must remain that way. While education and therapy of the highest quality must be available to children sent to secure schools, there must be an acknowledgement that they are fundamentally not schools but penal establishments to be used as an absolute last resort by the courts in line with international conventions.

### **3. Size**

- 3.1 Secure schools should be small and comparable in size to current secure children’s homes. The Howard League is concerned that the guidance envisages that each site will have “around 60 to 70 places” (paragraph 1.13). It is well established that children do better in smaller establishments, this is after all, their home, and should be comparable to secure children’s homes that hold less than a quarter of that number. Given the small number of children in the secure estate, schools of that size will mean that for many children they are not placed near their community and the problems arising from that in the current system will be replicated.

### **4. The highest standards and purpose built**

- 4.1 Secure schools must be purpose built to the highest standards so as to create establishments that feel like a home, and conform to the best architectural standards. The schools should provide appropriate exercise and recreational facilities and have bedrooms that are rooms, not cells. They must provide excellent schooling with qualified teachers and full opportunities for academic, art, music and science education. Staff should be from both education and care backgrounds supporting and advocating for the child. The atmosphere should be that of home and school, not prison.
- 4.2 Secure schools must not be sited in young offender institutions or secure training centres, all of which are built with physical security as a priority over and above relational security or care and provide totally inappropriate surroundings for a pedagogic and child focussed ethos.

### **5. Robust monitoring and inspection arrangements, alongside a children’s rights framework, to safeguard against abuse**

- 5.1 The guidance states that the inspection arrangements will follow. Yet monitoring is not mentioned.
- 5.2 The vulnerability of children in the secure estate and the gross over representation of children from minority backgrounds and care are mentioned but there is nothing in the guidance that will require contenders to demonstrate how they will counter such bias. The guidance only states that providers will need to “enable all students,

including those from BAME backgrounds, to have trust in the youth justice system”. It is accepted that secure schools will not be able to influence the courts who send children to them. However, there is much that can be done to support children, especially those on remand, to obtain the right support to get bail and avoid a custodial sentence, obtain early release or be provided with the right support and encouragement to prevent the likelihood of their return. A commitment to a more diverse workforce and a better understanding of the needs of children in care and from BAME communities would be a good start.

- 5.3 The isolation, in effect the use of solitary confinement of children in envisaged, albeit that it is said it should be kept to a “minimum”. This contradicts the claims that the schools will be child focussed and will set the schools up to be centres of failure from the start.
- 5.4 Children’s rights are mentioned just once in the entire document, and that is in respect of managing incidents (page 17). The Howard League suggests that children’s rights are put at the heart of the educational focus in the school so that the children are empowered.
- 5.5 Secure schools must be fully monitored as well as inspected to guard against the risk of abuse. If secure schools are to have a child focused ethos, they should operate within a children’s rights framework.

## **6. Conclusion**

- 6.1 The current guidance is not sufficient to ensure that the vision of secure schools will be achieved and in the meantime hundreds of children continue to suffer in appalling conditions in secure training centres and young offender institutions. If secure schools are to achieve their purpose, considerable revision of the proposals is required.