

The Howard

● Less crime ● Safer communities ● Fewer people in prison ● 2018: 2

YOU MAKE A DIFFERENCE



Andrew Aitchison Photography

MEMBERS of the Howard League for Penal Reform have boosted the charity to secure three important successes that will help reduce crime and make communities safer.

After months of hard work by the Howard League behind the scenes, ministers have scrapped plans for new women's prisons – and announced that they want to see fewer people sent to prison on short sentences.

Meanwhile, the prison population in England and Wales has fallen by more than 2,500 in 12 months.

It shows how supporters, like these pictured at a Howard League event, can help deliver lasting change.

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The Howard

How our work has made an impact

SUCCESS is the theme of this edition of *The Howard*, as we look back on a year of progress for the Howard League for Penal Reform.

The last 12 months have seen a significant fall in the prison population and calls from ministers to curb the use of short sentences, as well as the government's decision to scrap plans to build new jails for women (page 2).

Another key success has been the Howard League's drive to reduce child arrests in England and Wales. The number of arrests has reduced by 68 per cent in seven years, which means that tens of thousands of children now have a brighter future (page 3).

The centre pages reveal the latest findings from the Howard League's programme to end the criminalisation of children in residential care. The charity has published research, setting out core principles for children's homes to help protect children from criminalisation. There is also a blog, featuring contributions from children in residential care, which provides a deeper insight into the issues (pages 4 and 5).

The back pages focus on the Howard League legal team – the only frontline national legal team specialising in the legal rights and entitlements of children and young people in custody.

Read about the team's work to help children who have been held in conditions of solitary confinement, and find out more about a successful legal challenge that has brought an end to the routine use of adult restraint techniques on children in a London prison (pages 7 and 8).

But there is a long way to go. Official statistics on prisons – showing a continued rise in assaults, incidents of self-injury and additional days of imprisonment – reveal that further reform of the criminal justice system is urgently needed (page 6).

This is why the Howard League will keep working for a fairer society with less crime, safer communities and fewer people in prison.



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Prison population falls by over 2,500

THE number of people in prison in England and Wales has fallen by more than 2,500 in 12 months, after a focused campaign by the Howard League for Penal Reform called on ministers to ease pressure on the criminal justice system.

Figures published by the Ministry of Justice showed that the prison population stood at 82,839 at the end of August 2018 – down from 85,356 at the end of August 2017.

It comes after the Howard League launched a campaign, aimed at ministers and officials, to reduce the number of people behind bars by reforming the '3 Rs' – rules in prison, recall to prison, and release from prison.

In another positive move, the government has indicated that it wants to curb the imposition of

short prison sentences.

The Secretary of State for Justice, David Gauke, told the *Daily Telegraph*: "In some cases, particularly for short sentences, I really think prison should be used as a last resort, because it doesn't help reduce reoffending."

"It's disruptive for the offenders but not in a way that helps them to rehabilitate. And it's disruptive to prisons, it takes huge amounts of prison officer time to deal with people coming in and out of prison when that time would be better devoted to rehabilitating those who have to be in prison for a longer period of time."

The government's position was also welcomed by the *Sun* newspaper, which ran an editorial stating that too many people "are pointlessly given short stretches" and "too many

women are jailed, full stop".

Frances Crook, Chief Executive of the Howard League for Penal Reform, said that the government had appreciated that a commitment to public protection means not using short prison sentences.

She added: "David Gauke's call for less use of prison is politically brave but absolutely right. The evidence shows that short bursts of imprisonment lead to greater offending and more victims."

"The failed policy of allowing the number of people behind bars to grow unchecked while starving prisons of resources has fed more crime and led to record levels of violence and self-injury."

"Bold but sensible steps to ease pressure on prisons will make people safer, not only in the jails themselves but also in the community."

The Howard League's '3 Rs' campaign has highlighted the need for reform of rules, recall and release.

On rules, the government has announced plans to change the incentives and earned privileges scheme in prisons. The Howard League has also raised awareness about the imposition of additional days of imprisonment, which have rocketed as prison conditions have deteriorated.

The Howard League has advised ministers to take action on recalls to custody – after the number of people in prison due to recall rose by 4,300 per cent in 20 years.

The charity has also called for prisoners to be given more opportunities to earn their return to the community through temporary release and parole.

Howard League success as ministers scrap plans to build women's jails

MINISTERS have decided not to pursue plans to build new prisons for women – a policy that had been strongly opposed by the Howard League for the Penal Reform.

The government will announce pilots for five residential women's centres, with greater focus on innovative community provisions to keep women away from prison.

About 3,800 women are in prison today – representing less than 5 per cent of the total prison population – but many more are affected. Prisons are like revolving doors; as some women leave, others are sent in to take their place.

Seven in 10 women entering prison are sent there to serve sentences of six months or less. Last year, one in four was sentenced to 30 days or less. Almost 300 women were given sentences of two weeks or less – a short period of time, but potentially so disruptive that a woman can lose her job, her home and contact with her children.

One in five women in prison is released without somewhere to live.

More than 8,300 incidents of self-injury were recorded in women's prisons last year – at a rate of one every hour.

Frances Crook, Chief Executive at the Howard League for Penal Reform, said that the charity would be happy to work with the government to identify prisons that should be closed.

She added: "Ministers



REVOLVING DOORS: Seven in 10 women sent to prison last year were sentenced to six months or less, and 300 received terms of two weeks or less

deserve real praise for the broad direction of travel this strategy for women outlines. It is particularly encouraging that the government has listened to experts and decided not to proceed with building oxymoronic community prisons – a policy that was strongly opposed by the Howard League and members of the All Party Parliamentary Group for Women in the Penal System (APPG).

"Women's centres can achieve what prisons cannot – working with other organisations in the community to turn lives

around and reduce crime. It is essential that they are properly funded to continue this success."

"The government should now follow this with a commitment to close women's prisons. Building more centres without closing jails would undermine what the government is trying to achieve."

"Combined with the Secretary of State for Justice's strong condemnation of short prison sentences, this strategy for women should result in an end to women being sent to prison for just a few weeks and investment in

community responses instead.

"I hope that the new residential units will be used for more problematic women who would otherwise be getting mid-range prison terms. In a few years we could be looking at a completely new landscape for women, dealing with their needs, reducing the number of victims and saving the public money."

The Howard League provides administrative support to the APPG, which is conducting an inquiry into the sentencing of women.

Brighter future for tens of thousands of children after reduction in arrests

ARRESTS of children in England and Wales have been reduced by more than two-thirds in the last seven years, thanks to a successful campaign by the Howard League for Penal Reform.

The charity has been working with police forces to keep as many boys and girls as possible out of the criminal justice system.

Research by the charity, compiled from responses to Freedom of Information requests, shows that police made 79,012 arrests of children aged 17 and under last year, down by 68 per cent from almost 250,000 in 2010.

The total number of arrests has been reduced every year since the Howard League campaign began in 2010, and the impact can be seen in every police force area in the country.

The charity's research briefing, *Child arrests in England and Wales 2017*, explores some of the changes that police forces have made to reduce arrest numbers, while also shining new light on areas where further progress can be achieved.

In particular, it identifies the criminalisation of children in residential care, the criminalisation of children who are being exploited by county lines gangs, and the disproportionate levels of criminalisation of children from black, Asian and minority ethnic backgrounds as key areas that all forces should be aware of and actively seek to address.

Keeping children out of the criminal justice system helps prevent crime. Academic research has shown that the more contact a child has with the system, the more entrenched they are likely to become, which increases offending rates.

The number of children in prison was reduced by more than 60 per cent between 2010 and 2017, as fewer boys and girls were drawn into the penal system.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: "This is the seventh year in a row that we have seen a significant reduction in the number of child arrests.

"It is a phenomenal achievement by the police and the Howard



David Smith/Alamy

PHENOMENAL: The total number of child arrests has been reduced every year since the campaign began in 2010

League, and it means that tens of thousands of children will have a brighter future without their life chances being blighted by unnecessary police contact and criminal records.

"Police forces across England and Wales have adopted a positive approach that will make our communities safer, and the Howard League is proud to have played its part in that transformation.

"We have come a long way, but there is still more work to do.

"The Howard League has launched a programme to end the criminalisation of children in residential care, and our research

also highlights the need for better understanding of child criminal exploitation.

"Children who have been trafficked to commit crime should be seen as victims first and foremost."

Every police force in England and Wales made fewer child arrests in 2017 than in 2010.

The number of arrests by the largest force, the Metropolitan Police Service, was reduced by 62 per cent.

The research briefing reveals that there were 12,495 recorded arrests of girls in 2017. Arrests of girls have been reduced at a faster rate than arrests of boys since 2010.

Arrests of primary school-age children have also been reduced. There were 616 arrests of 10- and 11-year-olds in 2017, a reduction of 12 per cent from the previous year.

The research briefing states: "There is a tangible change in police culture as well as a better understanding of vulnerability and trauma, which is undoubtedly driving many of the initiatives we have heard about that are helping to keep children out of the criminal justice system."

The briefing adds that the shift in culture and awareness is most in evidence among senior officers and specialist staff.

It states: "More work needs to

be done to educate all officers and to embed child-centred policing throughout forces."

The Howard League is aware that some forces are increasing their use of voluntary attendance whereby children are interviewed at a pre-arranged time.

This can lead to no further action or an out-of-court disposal.

The briefing states: "We welcome efforts to reduce the severity of contact between police and children, but we urge forces to ensure that all children receive legal advice from a youth justice specialist lawyer and support from a suitable appropriate adult."

Home Secretary challenged on death penalty

THE Howard League for Penal Reform has written to the Home Secretary, Sajid Javid, expressing concern that the UK government is watering down its commitment to oppose the death penalty worldwide.

The charity was founded more than 150 years ago when public executions were abolished, and it has campaigned unrelentingly to oppose the death penalty ever since.

In the letter, Frances Crook, Chief Executive of the Howard League for Penal Reform, wrote: "You will know that in the 1980s Parliament considered various possible suggestions for allowing the return of capital punishment for particularly heinous crimes. Parliament rejected all of them, overwhelmingly. The

position of this country in opposing capital punishment is clear, principled and often repeated.

"It is extraordinary that you appear to have taken the decision to reverse this principled policy and to have tried to keep it secret."

The issue will be covered in the 2018 Howard League Lecture, which is to be delivered by Ben Emmerson QC, a former UN Special Rapporteur on Human Rights and Counter-Terrorism.

The lecture will have the title, 'In the Shadow of the Noose: Attempts to Undermine the United Kingdom's Principled Opposition to the Death Penalty'.

Ben Emmerson QC, who was a Special Rapporteur from 2011 until 2017, will examine the government's

recent record in death penalty cases and ask whether it has fatally compromised the UK's international reputation for promoting the progressive abolition of the death penalty around the world.

Ben Emmerson QC is an international lawyer, specialising in European human rights law, public international law and international criminal law.

He has 25 years' experience litigating before international courts and tribunals.

The Howard League Lecture is held annually in memory of Lord Parmoor, Howard League supporter and donor.

This year's lecture will be held at 6pm on Monday 15 October, at Clifford Chance LLP, 10 Upper Bank Street, London, E14 5JJ.



LECTURE: Ben Emmerson QC will speak on 15 October

It's time to use our

CORE principles, which should be applied in all children's homes to help protect children from being criminalised, are set out in research published by the Howard League for Penal Reform.

The charity's report, *'Hearts and heads' – Good practice in children's homes*, recommends that local authorities and companies that own children's homes should review their practices and ask themselves a simple question: "Would this be good enough for my child?"

Drawing on extensive qualitative research conducted over the last two years, the report explores factors that can contribute to the criminalisation of children and suggests ways in which it can be prevented.

It comes after the Howard League found that children living in residential care were at least 13 times more likely to be criminalised than all other children.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: "Providing the very best care for children in children's homes requires hearts and heads."

"Local authorities and children's home owners must first consider the emotional needs of children – the 'hearts' principles such as good parenting, providing a homely environment, listening to children and treating them with dignity and respect."

"Next come the 'heads' principles, which deal with the business side of running a home. Good management is needed to provide stable placements for children, to value, train and support staff, and to set up proper protocols to prevent unnecessary calls to the police."

"The best scenario for a child living in a children's home is to not have any contact with the police at all, just like any child living in a family home. Instead of being criminalised, children in good homes are being loved, cared for, nurtured and supported."

The report states that some of the responsibility for putting the principles into effect will lie with children's home managers and their staff – but the power to implement ultimately rests with the owners of the homes rather than the people working in them.

Private companies own almost three-quarters of the children's homes in England, with the remainder run by the voluntary sector and local authorities. Demand is outstripping supply and, as the number of local authority-run homes continues to fall, private companies are gaining a greater share of the market.

At the end of August last year, 43 private companies ran 41 per cent of all children's homes in England, with the five largest companies accounting for about 17 per cent of all homes.

Only 14 per cent of privately-owned homes were judged to be 'outstanding' overall by Ofsted in 2016-17, compared to 25 per cent of homes run by local authorities and 19 per cent of homes run by voluntary organisations.



PRINCIPLES: Local authorities and private companies that own children's homes should review their practices

The report states that local authorities, as corporate parents, are legally required to ensure that the homes they are placing children in are complying with their obligations. It recommends that local authorities should be routinely asking for balance sheets from providers, which clearly show how the money they have received for each child has been spent and how much profit has been made.

The Howard League's research reveals that children's homes are only part of a bigger picture, however, and there are broader systemic issues that contribute to criminalisation. They include the market forces that lead to children's homes opening in disadvantaged areas; the number of children being placed out-of-area; frequent changes of social workers; and a lack of support from statutory services, particularly Child and Adolescent Mental Health Services.

These issues affect children's emotional well-being and make it easier for people involved in crime, including county lines gangs, to target and exploit children in residential care.

While Ofsted regulates standards of service provision, there is no national lead or direction on how the sector develops or operates as a whole, and there is a worrying lack of oversight and transparency. The report calls on the government to take more interest in how perverse outcomes develop when the market in residential care is not properly regulated.

'Hearts and Heads' is the third briefing paper to be published as part of the Howard

League's programme to end the criminalisation of children in residential care.

Earlier research by the charity revealed that police forces were receiving a high number of call-outs from some children's homes, which drain their resources and increase the risk of children in care being criminalised.

The Howard League found that

police took their safeguarding duties extremely seriously, but forces were also spending considerable time and resources dealing with minor issues in children's homes that should not be brought to their attention.

One force told the charity that it had been called because a child had squirted a member of staff with water. Another force was called

by a home about a boy who had pulled down a curtain.

One police officer said that he felt on occasion that homes called the police to help them 'tuck up' teenagers who refused to go to bed. More than one officer said that they sometimes felt that the police were being used as a 'taxi service' to pick children up and take them back to homes.

Children say 'home' means more than a roof overhead

THE Howard League for Penal Reform has worked with children to find out their views of what home means to them.

They told the charity that it means love, happiness, caring, safety, food and drink, warmth and comfort.

In short, for children and young people in custody, 'home' means much more than just a roof over their head.

It is essential that more care is taken to understand and meet their needs.

The findings have been published in a Howard League report, *More than a roof overhead*.

The Howard League legal team is the only frontline national legal

team specialising in the rights and entitlements of children and young people in custody.

Its advice line receives calls from children and young people who do not have plans in place for release, despite the clear legal duties on local authorities.

Laura Janes, Legal Director at the Howard League for Penal Reform, said: "Too often, lawyers and social workers are desperately scrapping around to find shelter for young people and failing to ensure they get a home."

"We hope our briefing will contribute to raising aspirations for children and young people in need of a home."



Howard League for Penal Reform

Key points

- Children leaving custody need more than just a roof over their heads.
- Almost 100 children and young people in prison or at risk of criminalisation told the Howard League for Penal Reform what they thought a home should be like.
- Children said they wanted to feel loved, be cared for and feel happy and safe. They rarely mentioned material goods.
- There are clear legal duties on statutory services to ensure children leaving prison have suitable accommodation and support that takes into account their wishes and feelings.
- Effective resettlement is key to reducing the risk of reoffending.
- Evidence gathered by the Howard League and independent reports shows that too often resettlement planning is wholly inadequate.
- Listening to what children want and making sure children leaving custody have a home to go to where they feel safe and cared for is essential if they are to settle into communities successfully and lead crime-free lives.

hearts and heads

THE Howard League for Penal Reform has launched a new blog to provide a deeper insight into the issues uncovered in its programme to end the criminalisation of children in residential care.

The *Criminal Care?* blog, which is hosted on the Howard League website, includes contributions from children who have lived in children's homes, as well as analysis by researchers.

Andrew Neilson, Director of Campaigns at the Howard League for Penal Reform, said: "We have started this blog because of the sheer wealth of evidence we are collecting through our work.

"We have met with and heard from senior police officers and their staff in over half of the 43 police forces in England and Wales.

"We are seeking the views of children and young people with experience of residential care and have been speaking to children's homes to learn more about their practice.

"We have also heard from charities, local authorities and other stakeholders in the sector.

"There is much more – particularly in the stories of the children and young people we have spoken to – than could ever fit into our publications.

"This blog will provide an opportunity to dive much deeper into the project and its findings."

The first blogpost was written by youth justice researcher Claire Sands, who wrote that the Howard League began investigating the criminalisation of children in residential care after police raised the issue.

She wrote: "When the Howard League visited forces to talk to them about reducing the numbers of child arrests, time and again we heard about high levels of call-outs from children's homes, inappropriate call-outs over incidents the police felt a parent would have dealt with in a family home, and concerns about children from children's homes being left in police custody for long periods of time, often overnight.

"On the latter issue, the police felt they were sometimes being used as respite care by homes that could not, or would not, cope.



UNDERSTANDING: A former looked-after child blogged that police should be trained to "see us as people, not a problem"

"We started to look into it and we were shocked by what we found. The police were right; children in children's homes were being formally criminalised at excessively high rates compared to other children, including children in other forms of care.

"Government figures showed that a child in a children's home was at least 14 times more likely than a child who wasn't in care to be convicted or subject to a final warning or reprimand."

In another post, blogger Ella

Dhillon wrote: "I am a care leaver but I am so fed up of saying that because I am more than that. I am a university student, I am an advisor on my local council's fostering panel and I am a campaigner for children's rights."

Ella Dhillon suggested ways to solve the problem, including more training for teachers so they are able to spot signs of abuse and neglect earlier. She wrote that more foster carers with specific behaviour management training were needed, added that "looked-after children should be getting an equal education

to those who live at home", and called for police officers to receive more training "so that they see us as people, not a problem".

The blog also features an account from a child who was arrested while living in a children's home.

The girl, who the Howard League is calling 'Maia' to protect her anonymity, wrote: "I'm sure you're wondering what had led up to this incident with the police turning up on sirens and searching the surroundings for me.

"Believe it or not, I had stolen a

packet of £1 pens from the staff room as I had my first day of sixth form the next day and, having had all pocket money taken away for the preceding six months, I could not afford to pay for a single pen. This was the sort of absurdity that went on every single day.

"I had been moved to this residential home having made the three-hour trip away from friends I loved, a school I loved and a foster family who I was devastated to leave behind."

To read the blog, visit: www.howardleague.org/criminal-care

Justice Committee Chair to be guest speaker at Howard League meeting

THE Chair of the Justice Committee, Bob Neill MP, is to be the guest speaker at the Howard League for Penal Reform's 2018 AGM and Public Meeting.

The event will be held at the King's Fund in London on the evening of Wednesday 14 November.

Bob Neill has chaired the Justice Committee since 2015, during which time its work has included inquiries into prisons, probation, restorative justice, the role of the magistracy and the treatment of young adults in

the criminal justice system.

His speech will come at the end of a busy day of activities for the Howard League, including a major policing conference and the presentation of national awards to projects that have helped guide people away from crime.

The conference will provide an opportunity for delegates to explore best practice in policing and diversion from crime and custody.

The Howard League remains concerned that too many people are being brought into conflict with the

criminal justice system.

The conference will explore innovations in policy and practice in relation to child arrests and 'looked after' children, policing and adults, and race and the criminal justice system.

Speakers and contributors will include Ann Coffey MP, Chair of the All-Party Parliamentary Group on Runaway and Missing Children and Adults; Frances Crook, Chief Executive of the Howard League; Kathy Evans, Chief Executive of

Children England; Katie Kempen, Chief Executive of the Independent Custody Visiting Association; and Lord Paddick, Liberal Democrat Home Affairs spokesperson in the House of Lords.

The conference will also feature the Howard League Community Awards, which recognise dozens of schemes from across the country that reduce crime and transform lives for the better.

Awards will be presented to successful entrants in the following

categories: women; policing and adults; policing and children; restorative approaches; liaison and diversion; residential care; Criminal Justice Champion; and Organisation of the Year.

Catryn Yousefi, Programme Manager at the Howard League, said: "Evidence shows that projects which help to keep people out of the criminal justice system, by providing alternative, proportionate, effective and targeted interventions, will reduce the risk of reoffending."

Violent assaults in jails recorded every 17 minutes

THE shocking rise in violence and self-injury in prisons in England and Wales has been even worse than previously recorded, figures seen by the Howard League for Penal Reform reveal.

A statistical bulletin published by the Ministry of Justice shows that assaults and incidents of self-injury have been under-reported by about 10 per cent in the last year – and assaults to an even greater extent previously.

The best measure available is a batch of figures published by the Ministry of Justice in July, which show that prisons recorded 46,859 incidents of self-injury in the 12 months to the end of March 2018 – a 16 per cent increase on the previous year.

Recorded assaults also rose by 16 per cent – to 31,025 – over the same period.

They included 9,003 assaults on prison staff – a 26 per cent rise compared to the figure recorded for the 12 months to the end of March 2017. The Ministry of Justice says that a change in the way these incidents are recorded may have contributed to the increase.

The figures show that 310 people died in prison custody in the 12 months to the end of June 2018, including 77 people who lost their lives through suicide.

Andrew Neilson, Director of Campaigns at the Howard League for Penal Reform, said: “The disclosure that assaults and incidents of self-injury have been under-reported further illustrates the chaos that we have seen in our overcrowded and under-resourced prison system in recent years.

“With incidents of self-injury happening every 11 minutes, with assaults occurring every 17 minutes and with six people dying in prison every week, the government must act boldly and decisively to prevent more bloodshed behind bars.

“Reducing the number of people in prison would save lives, protect staff and prevent more people being swept into deeper currents of crime, violence and despair.”



If you would like a large print version of this newspaper, please contact the Howard League for Penal Reform on 020 7249 7373.

Additional days pile pressure on troubled prisons

ENGLAND and Wales should follow Scotland's lead and scrap the imposition of additional imprisonment for rule-breaking in prisons, a report by the Howard League for Penal Reform recommends as figures show that punishments totalling almost 1,000 years were handed down in 2017.

The rising tide: Additional days for rule-breaking in prison reveals how the disciplinary system in prisons has become unsustainable, with the total number of additional days of imprisonment handed down nationwide more than doubling in three years.

The use of additional days has increased as prisons have been brought to breaking point by overcrowding and staff shortages – soaring from fewer than 160,000 in 2014 to almost 360,000 last year. This has coincided with rising levels of self-injury behind bars.

The Howard League's report breaks down the figures for each prison in England and Wales, revealing the hotspots where adjudicators are resorting to draconian measures most often.

It also highlights good practice at prisons that have managed to buck the trend – either by using restorative approaches or by training and empowering staff to respond to conflict in other ways.

Additional days contribute to the deterioration of the prison system by exacerbating overcrowding and producing a sense of unfairness among prisoners. Abolishing them, as was done in Scottish prisons more



EXAMPLE: Frances Crook called on England and Wales to follow Scotland's lead

than 16 years ago, would help to address these problems.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: “The explosion in the use of additional days of imprisonment has been a catastrophe for the prison system.

“Rather than solving problems, it has created new ones – piling more pressure on the prison population and worsening overcrowding, which in turn leads to more drug

abuse and violence.

“These figures illustrate the urgent need for reform. We need to see a culture change in jails, from top to bottom. A prison that resorts again and again to further punishment is an unhealthy prison.

“Scrapping the imposition of additional days would make prisons safer, fairer and less likely to churn out people who go on to reoffend in the community. It has worked in Scotland and, with

the right approach, it would work here, too.”

The report reveals vast disparities in how frequently additional days are imposed at different prisons. Between 2016 and 2017, the number of additional days rose in 85 prisons and fell in 30.

The Howard League found that the differences between prisons could not be explained in terms of their size, populations or locations.

Case study: Durham

THE Howard League visited Durham prison, where a relatively low number of additional days have been imposed.

In the event of fights or disputes, officers have been trained to facilitate conferences in which prisoners can discuss what happened, what they were thinking and feeling, who has been affected, and what they should do as a result.

Officers and prisoners draw up behavioural compacts and prisoners keep copies so they have their own record and gain agency over the process.

The programme at Durham has been so successful that the regional custody team has picked it up, with courses to be rolled out elsewhere in the region.

Case study: Guys Marsh

THE number of additional days handed down to men in Guys Marsh prison has fallen by 23 per cent in 12 months.

The Howard League visited the prison to find out more about the Growth Project, a whole-prison, research-informed programme involved training officers on relationships and how to deal with conflict.

Wellbeing days were organised on the wing for prisoners to provide an incentive for good behaviour.

The prison has introduced ‘rehabilitative adjudications’ aimed at understanding the reasons for people’s behaviour and referring them to support services.

Court of Appeal to rule on boy's isolation in prison

The Court of Appeal is to consider the case of a boy who was locked in his prison cell for more than 22 hours per day, without access to education. **Dr Laura Janes**, Legal Director of the Howard League for Penal Reform, explains why the case is so important.

WHEN my client, 'AB', called the Howard League for Penal Reform's legal advice line last year, it was immediately clear from his voice that he was miserable.

At the time, he was 15. He has attention deficit hyperactivity disorder (ADHD). And he was locked alone in his cell in Feltham prison for more than 22 hours a day. That lasted for 55 days.

During this time AB received no education and had no access to gym, psychological intervention or any purposeful activity. He was not allowed to have contact with other children. He was only allowed out of his cell each day for a call, shower and exercise – alone.

The Howard League is aware of many more children like AB who spend periods of isolation in prison. We received more than 40 such calls in the 12 months to March this year.

A prison inspection report on Feltham, at the time that AB was held there in these conditions, found that a quarter of boys were on a restricted regime that meant they were unlocked from their cells for less than an hour each day.

The European Committee for the

Prevention of Torture, in a report published last year, had this to say about children in Cookham Wood prison, in Kent: "The delegation interviewed one juvenile who spent 23.5 hours a day lying on his bed, under his covers, blankly looking at a TV screen, talking and meeting no one."

"It also met a 15-year-old who had been held in these conditions for several weeks and he had no information about how much longer he would be held under such a restricted regime."

The watchdog concluded that holding children in such conditions amounted to "inhuman and degrading treatment". The British courts, however, are yet to accept this. That will be put to the test in November, when the Howard League's case of AB returns to the Court of Appeal.

The "physical isolation of individuals who are confined to their cells for 22 or more hours a day without meaningful human contact" is internationally accepted as "solitary confinement".

This definition is found in the Istanbul Statement on the Use and Effects of Solitary Confinement, adopted by the International Psychological

Trauma Symposium in 2007.

It was applied by the UK Supreme Court in the leading case on the use of segregation on prisoners. It appears in the 'Mandela Rules', the United Nations' minimum standards for the treatment of prisoners.

It is also used by the National Preventive Mechanism, which was set up to prevent ill-treatment in custody and is made up of 21 statutory bodies including Her Majesty's Inspectorate of Prisons, Ofsted, the Care Quality Commission and the Independent Custody Visiting Association.

The government, however, refuses to acknowledge that keeping children in isolation for 22 hours or more a day amounts to solitary confinement.

In spite of clear rulings from the courts, children continue to experience unlawful isolation, routinely accompanied by exclusion from education. Better support for prison staff is needed to ensure this does not happen.

A parent who failed to send their child to school but locked them in their room for hours on end would expect to be subject to a child protection investigation at the very least.



DR LAURA JANES: "In spite of clear rulings from the courts, children continue to experience unlawful isolation."

Howard League provides evidence as High Court considers state's ability to monitor private prisons and hold to account the companies that run them

THE Howard League for Penal Reform has provided evidence concerning the state's failure to monitor the practices of private companies in the criminal justice system, in a case heard by the High Court.

A witness statement by the charity's Chief Executive, Frances Crook, was prepared to assist the court in the case of *R (Faulder and others) v Sodexo Limited and the Secretary of State for Justice*.

The judicial review claim relates to a series of unlawful strip-searches in a private prison.

The case is focused on the failure by the Ministry of Justice to ensure adequate systems were in place in the private prison to prevent breaches of the positive obligations owed to prisoners under Articles 3 and 8 of the European Convention on Human Rights.

The case raises concerns about the state's ability to monitor private prisons and hold to account the companies that run them.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: "As more and more state functions in the criminal justice sector are delegated to private companies, this important case raises pressing questions about the state's ability to spot damaging and unlawful practices and stop them happening."

"The consequences of these failures of oversight include serious problems in secure training centres designed to hold vulnerable children, an investigation by the Serious Fraud Office into the management of electronic tagging, privatised probation services that have been criticised by the National Audit Office, and the failure of

private companies to adequately maintain prisons."

The case concerns a series of unlawful strip-searches that took place in Sodexo-run Peterborough prison in July and September 2017.

In her witness statement, Frances Crook considers the monitoring of private prisons by Independent Monitoring Boards (IMBs), whose members are volunteers, and the official watchdog, Her Majesty's Inspectorate of Prisons (HMIP).

The statement says that IMB reports often do not pick up on pressing issues.

The annual IMB reports from Peterborough prison for the last four years do not mention strip-searching at all. Nor do the annual IMB reports from Bronzefield, a prison operated by the same company.

IMBs across England and Wales are experiencing difficulties in recruitment.

In May 2018, the government revealed that one-third of IMB posts were vacant.

Frances Crook's statement outlines two key weaknesses in the system by which HMIP monitors prisons – the watchdog visits prisons infrequently, which means that problems can go unchecked for years at a time; and there is no obligation on the State to implement its recommendations.

All prisons are audited in a three-year cycle by Her Majesty's Prison and Probation Service, formerly known as the National Offender Management Service.

In her statement, Frances Crook suggests that, without some idea of the criteria prisons are being measured against, it is difficult to have faith in the audit's positive conclusions.

The statement also considers

the role of controllers, who are largely responsible for contractual compliance. Frances Crook suggests that, as they work in private prisons, alongside the employees of the private contractors, controllers may not be best placed to hold their colleagues and the management of the prison to account in a meaningful way.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: "In my experience, when effective, these mechanisms can shine a light in dark corners."

"However, in my view, they are less effective in leading to meaningful and urgent change than is required to safeguard the fundamental rights of prisoners, and ensure that prisons comply with the United Kingdom's human rights obligations."

Legal challenge stops routine use of adult restraint on children

THE Howard League for Penal Reform's legal challenge to stop adult restraint techniques being used routinely on children at a prison in west London has been successful.

The case was brought by the Howard League on behalf of a boy who had a background of abuse, mental health problems and complex needs.

The boy was 16 years old when he was restrained on several occasions in the segregation unit in the adult part of the prison by staff without appropriate training on restraint of children.

The High Court has approved an order setting out what the Secretary of State for Justice will do to ensure that children in Feltham prison are no longer at risk of being restrained by officers only trained in adult restraint techniques. The action points include a timetable for arrangements to be put in place.

The plan includes ceasing to hold children alongside young adults in the segregation unit, a practice which has been repeatedly criticised by Her Majesty's Chief Inspector of Prisons. The Secretary of State for Justice has agreed that a reprofiling exercise will be carried out as soon as possible and be completed within one year, and that the adult segregation unit will no longer be used for children by 10 December.

The court gave the Howard League permission to judicially review practices at Feltham in June. The case was due to be heard in November.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: "This case is illustrative of endemic problems at Feltham.

"As the Chief Inspector pointed out earlier this year, the segregation unit at Feltham is grim and unsuitable for children. It is wholly unacceptable that children detained there, and elsewhere in Feltham, are at risk of being physically restrained by officers using techniques designed to manhandle grown men.

"It is therefore absolutely right that the Secretary of State has agreed to bring these practices to an end instead of defending this case in court, although it is deplorable that it has taken a legal challenge to secure these changes."

Feltham is the only prison in England and Wales that routinely permits officers who are trained only in adult restraint techniques to restrain children – in spite of the fact that doing so is potentially dangerous and in breach of the Secretary of State for Justice's policies.

The system of restraint for children in custody is known as Minimisation and Management of Physical Restraint (MMPR). It emphasises the importance of using de-escalation strategies and only permits restraint using specifically approved 'holds'.

MMPR was introduced following an extensive review of the use of force against children, which came after one boy aged 15 died while being restrained and a 14-year-old took his own



SUCCESS: The case had been due to be heard in the High Court in November

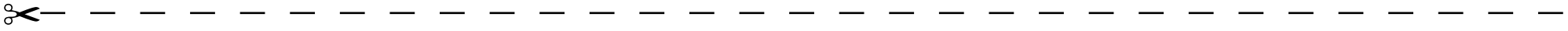
life following restraint in 2004.

An independent review in 2008 had raised serious concerns about the use of adult restraint techniques – known as control and restraint – on children, concluding that "with its emphasis on coercion and pain compliance, [it] reinforces the very culture of danger and violence in YOIs in which it operates".

A three-year implementation period for introducing MMPR in prisons began in 2012. Training in MMPR began at Feltham in July 2015 and it was supposed to 'go live' in February 2016. More than two years later, not all staff who may be called upon to restrain children are trained in MMPR.

Feltham prison is a 'split site',

accommodating children on one side (the 'A' side) and young adults on the other ('B'). The segregation unit is currently used to accommodate both adults and children, and is located in Feltham B, the adult site. Staff working in the segregation unit are not all trained in MMPR, despite it holding some of the most vulnerable children at Feltham.



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By becoming a member, you add your voice to our movement and help ensure its success. Our members are our strength, our advocates and our most important source of knowledge and financial support.

With your help, we can continue to achieve real and lasting change in the criminal justice system. Please join today.

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