

**A CRITICAL ANALYSIS OF THE  
EFFECTIVENESS OF SECURE  
TRAINING CENTRES:  
CONCEPTUALISING POLICY INTENT  
AND OUTCOMES FOR CHILDREN**

**By**

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## ABSTRACT

This thesis addresses the effectiveness of Secure Training Centres (STCs) in the rehabilitation of young offenders considered too vulnerable for prison. The notion of incarcerating children is a controversial issue and has been criticised on the grounds that there are concerns about the vulnerability of children, suffering and abuse during detention, societal implications and disregard for children's rights. They have been accused for depriving detainees of justice, fairness and redress and even of inhumane and degrading treatment. There have been attempts to analyse the experience of custody in STCs. However these do not relate directly to the expressed aims of education and rehabilitation, protection from harm, the opportunity for the development of individuals and the prevention of reoffending.

Previous analysis has been used as secondary sources of data to consider the ways in which STCs meet the needs of young vulnerable offenders in the ways that were intended. The approach to this analysis is based on the six principles of immanent critique as the basis of a structured critical analysis of this model of custody. Two important contributions to the discourse on STCs are brought to light within the thesis. Firstly, it highlights the deficiencies in these institutions and secondly, it considers the implications of them for rehabilitation and the prevention of youth reoffending, currently standing at 75%. STCs emerge as lacking penal legitimacy and their implementation is not in keeping with the STC Rules 1998. Furthermore, when the administration of welfare and the outcomes of custody are examined, STCs are in breach of Articles 3(3), 6(2), 19(1), 25, 37(b) and 39 of the 54 articles of the United Nations Convention on the Rights of the Child (UNCRC) 1989.

In conclusion this thesis suggests that STCs are the latest in a sequence of initiatives that have failed when addressing youth offending; that there is a need for policy reform and finally that, wherever possible, the smallest minority of young offenders possible should be subject to custody.

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## ACROYNYS AND ABBREVIATIONS

|        |   |
|--------|---|
| ASBO   | Anti-Social Behaviour Order   |
| CDA    | Crime and Disorder Act  |
| CJA    | Criminal Justice Act  |
| CJPOA  | Criminal Justice and Public Order Act   |
| CRAE   | Children's Rights Alliance England  |
| DFE    | Department for Education  |
| DTO    | Detention and Training Order  |
| ECM    | Every Child Matters   |
| HLPR   | Howard League for Penal Reform  |
| HMCIP  | Her Majesty's Chief Prison Inspector of Prisons                                   |
| MACR   | Minimum Age of Criminal Responsibility  |
| NACRO  | National Association for the Care and Resettlement of Offenders                   |
| OFSTED | Office for Standards in Education, Children's Services and Skills                 |
| PCC    | Physical Control in Care  |
| PRT    | Prison Reform Trust   |
| SCH    | Secure Children's Home, formerly known as Local Authority Secure Children's Homes |
| STC    | Secure Training Centre  |
| STO    | Secure Training Order   |
| YOI    | Young Offender Institution  |
| YOT    | Youth Offending Team  |
| YJB    | Youth Justice Board   |
| YJS    | Youth Justice System  |
| UNCRC  | United Nations Convention on the Rights of the Child                              |

## CHAPTER ONE

### INTRODUCTION

This chapter introduces the concept of Secure Training Centres (STCs) and the debate concerning their effectiveness, which is at the heart of this thesis. It sets out the research question and objectives that are related to this question. The substantive element of this chapter is the description of the nature of STCs, which are the focus of this research, thus establishing the background and context of the study.

#### 1.1 Context

The incarceration of offending youths is controversial and it has even been suggested that STCs, the penal detention facilities for children aged between 10 and 16, are a potential source of institutional harm to children. Though most penological research has focused mainly on adult prisons or Young Offender Institutions (YOI) there is a developing body of literature on the experiences of children and young adults in custody (Muncie 2009; Goldson 2000; 2002; 2005a; 2005b, 2011; Scott and Codd, 2010). Child care agencies and others concerned with the Youth Justice System (YJS) believe that STCs are not an original concept and that there is *prima-facie* evidence that STCs mimic a prison environment which has harmful effects on children. This thesis is concerned with the effectiveness of the four STCs in England: Medway, Rainsbrook, Hassockfield and Oakhill. Specifically, it addresses if their statements of purpose meet the criteria specified by the SCT Rules 1998. Thus the research question central to this thesis is: *Are the policies of Secure Training Centres effective in rehabilitating children and protecting them from harm and are they legitimate penal institutions?*

To answer these research questions the research considers the legislative underpinnings of the STC system and the lived experiences of children in them. The underlying principle of the research approach is to account for the enactment of STCs in the context of the policies that defined them and their own deployment of the implementation of the facilities. In this sense this research looks at the notion of STCs in their own context, seeking to identify anomalies and contradictions between their intent and implementation. Thus, this can be seen as an immanent approach in the established tradition of sociological research. The research method comprises an analysis of policy documents, STC strategies and evaluations of STCs, which form the body of secondary evidence as the basis for this analysis. Scrutiny and comparison of these documentary sources will identify any contradictions between policy along with the stated aims of STCs and their implementation - thus providing the basis for a critical appraisal of their effectiveness.

The research also explores social and political inequalities, 'official knowledge' and policy. Specifically, policy documents comprise the legislative creation and definition of STCs; their strategies are provided by the STCs. Previous evaluations have been undertaken by the Youth Justice Board (YJB), Office for Standards in Education, Children's Services and Skills (OFSTED), local authorities and parliamentary debates, the Howard League for Penal Reform (HLPR), the Prison Reform Trust (PRT), National Association for the Care and Resettlement of Offenders (NACRO) and INQUEST. The high profile cases of Adam Rickwood, Joseph Scholes and Gareth Myatt will also be used as critical incidents to provide further material for evaluation of the principles of STCs. These data sources will be the subject of critical analysis to understand the relationship between the official policies and the actual outcomes for children.

## **1.2 Research Question and Objectives**

This thesis is concerned with the effectiveness of the four English STCs (Medway, Rainsbrook, Hassockfield and Oakhill) in meeting the criteria specified by OFSTED.

The research question that this addresses is:

*Are the policies of Secure Training Centres effective in rehabilitating children and protecting them from harm and are they legitimate penal institutions?*

To answer this research question, four objectives have been formulated:

- 1) To understand the underlying purposes of STCs as an approach to youth offending;
- 2) Synthesise evidence of STCs effectiveness;
- 3) Construct a critical evaluation of STCs;
- 4) Conclude an agenda for the future development of the STCs.

## **1.3 Origin, Nature and the Development of Secure Training Centres**

This section provides a narrative introduction to the historical, political and environmental factors that have influenced the emergence of STCs and the justifications of their need. An in-depth review of context and background forms the underpinnings of the research, which is the focus of the thesis and analysis of the genesis of STCs is the foundation for the subsequent evaluation of the effectiveness of STCs

The narrative is derived from documentation relating to the establishment, implementation and evaluation of STCs and how the YJB has conceptualised and enacted them. Also included is an analysis of how STCs were formulated, from their historical origins in 1838 when the first penal institution for children emerged to the

present, where STCs are now the focus of attention and scrutiny. An overview of the philosophy behind STCs and what government agencies aimed to achieve through their creation is also provided within this section.

During the past two centuries England and Wales has experienced many developments in penal reform and the juvenile secure estate. Since the opening of the first penal institution for young offenders at Parkhurst Prison for boys in 1838 there have been notable historical landmarks. These are important in understanding the development of new ideas, theories and experiments, along with the opening of new penal establishments and ultimately our contemporary legislative and policy environment (Muncie, Hughes, and McLaughlin, 2002).

Following the establishment of Parkhurst Prison for boys in 1838, the Juvenile Offences Act was introduced eleven years later in 1847. It stated that children under the age of 14 should be tried in a special court rather than an adult court. The Young Offenders Act 1854 introduced Reformatories for Young Offenders (both boys and girls) under 16 years old. These were institutions in which youths could be sent for long periods of time to break away from bad influences and to which parents were expected to contribute up to five shillings per week. In 1857 the Industrial Schools Act provided an alternative to reformatories with the opening of industrial schools for children aged 7-15 who were convicted mainly of vagrancy, begging and wandering the streets. In 1927 reformatories and industrial schools were later forced to close in 1927 following investigations and bad press revealing that children were brutally tortured leading to several deaths (Higginbotham, 2012).

In 1908 the Children's Act abolished custodial punishment for children under 14 years old and in the same year the Prevention of Crime Act introduced Borstals. This provided the separation of under 21s from adults and was considered a major step away from punishment and towards training through regimes based on hard physical work, education and rehabilitation over a course of one to three years (Muncie, 2009). In 1933 the Young Persons Act introduced Approved Schools that were to replace reformatories and industrial schools. These new approved schools were intended to provide for all types of neglected and delinquent children as not every child sent to an approved school was an offender. Offenders received education as well as trade skills i.e. carpentry and brick laying; in addition the schools were known for corporal punishment initially use of a cane extended in 1948 to whipping (Higginbotham, 2012). The schools were also known for administering corporal punishment initially in the form of the cane, which was extended in 1948 to whipping (Higginbotham, 2012)

In addition the Criminal Justice Act (CJA) 1948 incorporated Remand Centres which accommodated youths who were provisionally held in custody awaiting trial and Detention Centres, which held sentenced juveniles aged between 14-21 years for short periods of time. Initially the detention centre was introduced as an experimental establishment designed to deliver a short, sharp shock regime that actually continued for 40 years. These overtly penalizing regimes were justified as an alternative to longer sentences which could serve to cement their criminal careers (Muncie, 2009).

Through the Young Persons Act 1969 approved schools were replaced by Community Homes with Education for 8-19 year olds. These new community homes with education promoted education, training and character building (Hyland, 2011) and were

located regionally rather than nationally. The labelling of the residents also changed from ‘delinquents’ to children who ‘demonstrated anti-social and aggressive behaviour’.

#### **1.4 The Current Profile of the Secure Estate**

There are currently three types of accommodation for young offenders: Secure Children’s Homes (SCH); Young Offender Institutions (YOI); followed by SCTs. Community Homes with Education (formerly known as Local Authority Secure Children’s Home) became known as Secure Children’s Homes (SCHs). These were small establishments run by local authorities taking care of the youngest offenders aged 10-17. They were also for children who have been in care; have a mental health condition; or have been assessed as vulnerable children. In contrast with the alternative available provisions for children receiving custodial sentences the SCHs are the smallest, typically holding between eight and forty children at any one time (Directgov, 2012). Originally there were 32 SCHs situated around England and Wales providing 450 places for children. However the capacity was cut in 2003 when the YJB renewed only 22 of the 32 contracts with SCHs therefore reducing the number of places to 297. Since 2003 a further 12 SCHs have been closed leaving a total of 183 places in the remaining 10 SCHs

A SCH is the preferred option for custodial sentences for children as they receive individual attention and support due to the high ratios of well-trained staff; there is one member of staff for every two young persons. Moreover, children are given the time to build effective relationships with staff, which essentially leads to overcoming communication barriers and hence enabling the staff to give children tailored provisions such as therapeutic and behavioural programmes alongside classes that follow a school

day timetable. This allows children the potential to have more positive outcomes in their lives when they leave the SCH (HLPR, 2012a).

Criticisms or problems identified by resident children are that routines did not suit everyone and that smoking and bedtime rules were unwelcome. Others disliked the lack of freedom, being locked up and the deprivation of normal activities with family and friends. On the other hand the positive elements of residency were feeling safe and being kept away from criminal behaviour. Additionally, they felt supported through the education and rehabilitation programmes and supported in preparation for release (OFSTED, 2009).

In 1982 the CJA established Youth Custody Centres to replace Borstals and represented a move from rehabilitation to correctional reformation (Smith, 2007). These along with Detention Centres and Youth Custody Centres were replaced by the CJA 1988 with YOIs. YOIs are renowned as large prisons, managed by the prison service and private companies and accommodate and control different types of young offenders between the ages of 15-21. Consequently staffing and accommodation provisions are somewhat diverse with some young offenders having to share the site with an adult prisoner (Neustatter, 2002).

There are 19 YOIs across England and Wales, 11 of which are contracted through the YJB and range in occupancy from 60 - 400 residents. Larger YOIs comprise wings that each accommodates 30-60 youths. The 11 YOIs have capacity to contain over 1,500 young offenders (HLPR, 2012a). Those younger than 18 are held in separate units, YOIs have low staff ratios, even as few as four per wing of 60 youths and therefore staff are less likely to be available to spare time for individual support (Directgov, 2012). In

short, YOIs are different to SCHs and STCs in that they concentrate on incarceration rather than care and rehabilitation.

A young person carrying out their sentence in a YOI can expect to receive up to 25 hours of education, skills and other activities such as behavioural programmes and drug intervention schemes every week. Outside of these 25 hours children are entitled to association time, however they spend their days locked in their cell under the control of staff who did not choose to work with or indeed have very little or no training on how to work with children, let alone those who are vulnerable and/or troubled. YOIs have been criticized by reformers, abolitionists and inspectors as they found the environment to be unsuitable for young people. Indeed the HLPR has reported and labelled the experience of YOIs as 'beyond terrible'. Despite this, four out of five children who are sentenced to custody are sent to them.

Finally we come to the present conundrum and the foundation for this thesis. The Criminal Justice and Public Order Act (CJPOA) 1994 proposed the concept of opening STCs, currently of which there are four in operation: Medway in Kent, the first STC, opened in 1998; Rainsbrook in Rugby opened in 1999; Hassockfield in Durham also opened in 1999; and Oakhill situated in Milton Keynes opened in 2004 (Neustatter, 2002).

The original Statement of Purpose for Secure Training Centres was:

3. (1) the aims of a centre shall be:

(a) To accommodate trainees in a safe environment within secure conditions;

and

(b) To help trainees prepare for their return to the outside community.

- (2) The aim mentioned in paragraph (1) (b) above shall be achieved, in particular, by:
- (a) Providing a positive regime offering high standards of education and training;
  - (b) Establishing a program designed to tackle the offending behaviour of each trainee and to assist in his development;
  - (c) Fostering links between the trainee and the outside community; and
  - (d) Co-operating with the services responsible for the trainee's supervision after release.

*(Source: Secure Training Centre Rules, 1998).*

STCs are run by privately owned companies contracted by the YJB. G4S manage Medway, Rainsbrook and Oakhill, whilst Serco operates Hassockfield. STCs accommodate 12 to 14 year olds, though the Detention and Training Order (DTO) has extended the age range to 10 to 17 year olds. Orders can vary from four months to two years (Pitts, 2001). Each STC is designed to accommodate 50 – 80 children, they are split into units each containing between five eight people and all four STCs combined can accommodate 301 places/beds holding both boys and girls (Directgov, 2012)

There are key advantages claimed for STCs. First is that each young offender can expect to receive up to 30 timetabled hours of education and training every week. Second is that each young person can obtain more individual support than a YOI as there are three members of staff to every eight young offenders (Directgov, 2012). However, a criticism is that staff have not been trained well enough to enable them to cope with the children within their care and statistics have shown that there has been an over dependence on using restraint mechanisms (The HLPR, 2012a). The Crime and Disorder Act (CDA) 1998 has presented a fresh notion to the secure estate by re-

branding Young Offenders Institutions and Secure Training Centres as Detention and Training Centres (Muncie *et al.*, 2002).

Table 1 presents a summary of the characteristics of these three types of accommodation analysed by regime, purpose, staff ratio and who bears the responsibility for managing inspections and the effectiveness of the establishments.

**Table 1: Characteristics of Establishments in the Juvenile Secure Estate.**

|  | <b>STC</b>                         | <b>SCH</b>   | <b>YOI</b>                                   |
|--|------------------------------------|--|--|
| <b>Type of Facility</b>                    | Constructive & Educational Focused | Supportive of Individual Needs                             | Secure Accommodation                         |
| <b>Nature of Purpose</b>                   | Educational & Rehabilitation       | Attention to Physical, Environmental and Behavioural Needs | Youth Custody                                |
| <b>Average Staff: Young Offender Ratio</b> | 1:2.66                             | 1:2  | 1:15   |
| <b>Core Focus</b>                          | Care                               | Care   | Contain & Control                            |
| <b>Responsibility of Inspections</b>       | OFSTED                             | Social Services  | Her Majesty's Inspectorate of Prisons (HMIP) |
| <b>No: of Establishments</b>               | 4                                  | 10   | 19   |

*Source: Direct Gov (2012)*

Figure 1 illustrates the geographic spread of the juvenile secure estate since 2012; presenting the locations across England and Wales of the four STCs, 11 YOIs and 10 SCHs. This geographical spread also highlights the visiting access issues discussed in Section 2.4 of this thesis.

**Figure 1:** Map of England and Wales, displaying the locations of secure training centres, young offender institutions and secure children’s homes.

Youth Justice Board  
Bwrdd Cyfiawnder Ieuencid



## The secure estate for children and young people



*Source: Public Health England (2013)*

This chapter has identified an evolution of institutions adding to the penal reform timeline from their genesis in 1838 through different approaches to custody and rehabilitation. The current secure estate comprising of SCHs, YOIs, and STCs provide the context for this research which is concerned with the effectiveness of the newest of those initiations, the STCs.

## CHAPTER TWO

### LITERATURE REVIEW

This chapter reviews the extant knowledge on youth offending and rehabilitation and the nature of childhood offenders. Youth offending and rehabilitation research underpinned the creation of STCs whilst the notion of childhood is relevant to this thesis as it informs the argument of treating younger offenders differently to adult offenders. Rather than an arbitrary cut-off childhood youth and adulthood is determined by psychological, physiological, cultural and social factors. This chapter also considers the ways in which offending and rehabilitation are understood and then reviews the profiles of young offenders.

The first part of this chapter presents the current thinking on penal reductionism, prison reform and selective abolitionism as the theoretical underpinnings that inform this research. The review of previous research leads to the choice of liberal penal ideology focused on penal reductionism as the conceptual framework used to guide this thesis. It takes the view that people (in this case juveniles) are sent to prison *as* punishment, not *for* punishment, and is concerned with the conditions of incarceration; specifically inadequate living conditions, overcrowding, high prison populations and denial of prisoner legal rights. Previous research concerning youth offending is important as this is the basis on which STCs were introduced.

The second element of this chapter reveals the current status of the use of disposals for young offenders and reviews research that explores the socio-demographic profiles of young offenders and factors that are prominent for initiating criminal behaviour. Finally, this chapter presents the current understanding of the financial and political

implications that impact on the effectiveness of the juvenile secure estate. Effectiveness is addressed through consideration of the analysis by, and experiences of, child advocates. It draws on academic research and reviews by penal pressure groups including; including Goldson (1999; 2000; 2002; 2005a; 2005b; 2001), Muncie (2009), Smith (2007), Scott and Codd (2010), Glover and Hibbert (2009), Prison Reform Trust (PRT) (2012a; 2012b), NACRO, (*n.d.*; 2006; 2011), Children's Rights Alliance for England (CRAE) (2010) and HLPR (2006; 2012a; 2012b) This literature provides a basis for the critical analysis of the thinking behind the concept of STCs and the likely outcomes of their implementation.

## **2.1 Political and Environmental Influences that have had an Impact for the Genesis of a Secure Training Centre**

The 1990s saw legislation and events that impacted significantly on the management of young offenders. The CJA 1991 systematically guided custodial punishment towards more punitive sentencing within the community and was amended by the CJA 1993 which recognised that administering custodial sentencing for juveniles became easier. This followed a decade of reluctance to imprison young people as the 1980s have been dubbed the 'decade of diversion' (Scott and Codd, 2010) during which the number of children sentenced to custody decreased from 7,900 in 1981 to 1,700 in 1990. However this was a short-lived trend. By 2002 the number of children sentenced to custody had risen by almost 90% over a 10 year period (Goldson and Coles, 2005; NACRO, 2006; Muncie, 2009) as it had once again become a relatively favoured option for punishment, encouraged further by the CJPOA in 1994 and the CDA in 1998.

In parallel with these legislative developments two specific events are worthy of note: the murder of James Bulger and the 'Prison Works' speech by Home Secretary Michael

Howard, both in 1993. These two events had a prominent effect on public opinion and perceptions of young offenders.

Perceptions of children and changes to the YJS were greatly influenced by the prosecution of John Venables and Robert Thompson in 1993 in the James Bulger murder trial. In February 1993 the two boys, both 10 years of age, kidnapped two-year-old James Bulger and tortured him extensively before killing him (T v United Kingdom, 1999a; T v United Kingdom, 1999b; V v United Kingdom 1999). Because the defendants were under 14 years of age the prosecution were challenged to prove *Doli Incapax*. However it was argued and upheld in court that both defendants understood the severity of their actions (Brown, 2009). The media labelled the defendants as ‘evil’, ‘animals’, ‘spawn of Satan’, and ‘monsters’; and the Daily Mirror (25<sup>th</sup> November, 1993) portrayed the boys as ‘Freaks of Nature’ (Muncie, 2009:6). This exposure of the case, possibly because it was heard in an adult court and resulted in public outcry, led the Prime Minister, John Major, to proclaim we should understand a little less and condemn a little more’ cited in Burke (2008:74).

In July 1993 Michael Howard was appointed as Home Secretary and in October he declared a range of ‘tough’ policies to cut crime by proposing an increase in custodial sentences. At the Conservative Party Conference Howard most memorably argued that ‘Prison works: it protects the public from murderers, muggers and rapists, and in addition it acts as a deterrent’ (Smith, 2007:33). This thinking was inspired by his visit to military boot camps in the United States after which he disputed ‘Your first chance should be your last’ (Brown, 2005:91). This was a turn around from the unsuccessful short, sharp shock experiment led by William Whitelaw in the 1980’s, which resulted in more than half of imprisoned young offenders being reconvicted within a year (Brown,

2005:91). In 1995 Howard continued to strongly campaign for ‘tougher and more demanding house of pain regimes that will knock criminal tendencies out of young offenders’ (Pitts, 2001:15). He had ideas of more punitive custodial sentencing and harsher regimes. Such ideas intended to act as a deterrent, which have subsequently been shown as unsuccessful.

In November 1996 the Audit Commission heavily criticized the YJS as expensive, inefficient, inconsistent and ineffective (Muncie *et al.*, 2002:320). Kenneth Clarke, Howard’s predecessor, was somewhat more realistic and cut government expenditure promising to create 200 places in new STCs for persistent and serious juvenile offenders (Pitts, 2001). In 1994 the CJPOA provided a new Secure Training Order (STO) for 12 to 14 year olds in response to the problem of persistent offending by juveniles. This included the future planning of five STCs to hold 200 persistent delinquents for up to a maximum of two years confinement (Goldson and Muncie, 2006). In addition, the Act changed the age at which long term custodial sentences could be from 14 to 10 year olds, which meant that the maximum sentence of 14 years or more in the case of an adult was also now available to children. Additionally, the CJPOA doubled the duration of the maximum determinate sentence of incarceration in a YOI for 15-17 year old juveniles from 12 to 24 months. Subsequently, the CJPOA reversed these provisions, originally dating back to the Children’s Act 1908 and the CJA 1991, in order to reduce the population of confined children aged between 12 and 14.

In a similar vein, the CJPOA 1994 has made it easier for the courts to incarcerate more children for longer periods of time (Brown, 2005). It could be argued that STCs are evidence for a renewed commitment to incarcerating children. Moreover, it has created arguments and penological concerns over the discrepancies for Article 37(b) of the

United Nations Convention on the Rights of the Child (UNCRC): ‘No child shall be deprived of his or her liberty unlawfully or arbitrarily. The detention or imprisonment of a child shall be used only as a measure of a last resort and for the shortest appropriate period of time’. In addition the concept of STCs has cause for concern with Article 40 of the UNCRC: ‘alternatives to institutional care ... to ensure that children are dealt with in a manner appropriate to their wellbeing’ (United Nations, 1989). Equally importantly, the CJPOA has caused concerns by conflicting with Article 17(1)(c) of the Beijing Rules 1985: ‘deprivation of liberty shall not be imposed unless the juvenile is adjudicated of a serious act involving violence against another person or of a persistence in committing other serious offences and unless there is no other appropriate response’ (Goldson, 1999:20).

This has implications for political popularity expressing:

‘...a new relationship between politicians, the public and the penal experts ... in which politicians are more directive, penal experts are less influential, and public opinion becomes key reference point for evaluating options. Criminal Justice is now more vulnerable to shifts of public mood and political reaction ... Almost inevitably the demand is for more effective penal control...Its chief aims are to assuage popular outrage, reassure the public, and restore credibility of the system, all of which are political rather than penological concerns’

(Source: *Garland, 2001:172-173*).

On 1 May 1997 the Conservative Government was replaced by a Labour one. The Labour party were quick to reform the YJS after the Audit Commission published their report in 1996 (Muncie. *et al.*, 2002). New Labour legislation was the CDA 1998, which was influenced primarily by the White Paper ‘*No More Excuses 1996*’ devised by the Labour government upon taking office in November 1997 which aimed to promote social inclusion and tackle causes of crime as a result (Smith, 2007). The CDA 1998 states, under Article 37 (1) that it shall be the principle aim of the YJS to prevent offending by children and young people.

The enactment of the CDA 1998 marked the start of a new YJS by initiating significant changes. A fundamental change was Section 34, the abolition of rebuttable presumption that a child is *doli incapax*. This can be interpreted as the removal of legal safeguards and that children could be judged as culpable in the same way as adults (Muncie and Goldson, 2006:36). Prior to 1998 a child aged between 10 and 14 was presumed to be incapable of committing an offence unless the prosecution was able to prove that the child knew the difference between right and wrong.

Another important change which the CDA 1998 introduced following *No More Excuses* was the new disposal available for 10-17 year olds, the DTO. This replaced the STO (Goldson, 2000). The use of the DTO would be determined by the courts where the offence(s) committed are considered to be so serious that there is no alternative to custodial punishment. The DTO gave the courts power over 10-17 year olds if they were considered persistent offenders and the public needed protecting from them. A DTO would distribute half the sentence in custody and half the sentence under community supervision, orders ranged in length from a minimum of four months to a maximum of two years (Muncie, 2009:332). The key feature for a young person sentenced to a DTO is the importance of the continuance of working with each young person after transfer to the community.

Furthermore, under the CDA 1998 there was a substantial amount of new legal orders put in place for the YJS. For example: Reparation Orders; Action Plan Orders; Final Warning Schemes and Local Child Curfew Schemes; Parenting Orders; Child Safety Orders and most significantly the Anti-Social Behaviour Order (ASBO). Although an ASBO is a civil measure applied by local authorities and the police, disobedience and

non-cooperation is considered a criminal offence. As a consequence this can result in obtaining a custodial punishment up to the maximum of five years (Brown, 2005).

The debate surrounding ASBO's dates back to 1997/8 and amongst the debaters was Frank Field. He argued that the design and distribution of an ASBO acted as a fast-track pathway for relatively mild offenders into the CJS. This concern is still expressed today with statistics showing that from 1998 to 2010 there were 20,000 ASBO's applied in England and Wales, 57% of these were breached and 42% breached more than once. In addition more than half of those breaching the order were sent to prison (Economist, 2012).

Another addition to the YJS - initiated by the CDA 1998 - was the establishment of the Youth Justice Board for England and Wales (YJB). The YJB is a non-departmental public body which receives funding and sponsorship by the Home Office and Ministry of Justice. The YJB influences and provides guidance throughout the YJS to ensure that children receive the support they need to live successful lives and become law-abiding citizens. It is also for the benefit of the public in that it provides protection and efficient support for victims. The YJB has the responsibility to allocate young offenders effectively within the YJS, to suit their individual needs and vulnerable status, to account for their behaviour and crime and provide rehabilitation programmes with the aim of preventing recidivism in addition to promoting their safety and welfare whilst they are within the YJS (YJB, 2012 a).

At the same time as the YJB was established the White Paper '*No More Excuses*' introduced Youth Offending Teams (YOTs). It is the duty of local authority social services and education departments to set up one or more YOTs in their area. YOTs

work as a multi-disciplinary team with other relevant agencies such as the police, health authorities, Crown Prosecution Service, the courts, probation officers, Prison Service - secure accommodation providers i.e. YOI, STC and SCH, other agencies and organisations including those in the voluntary sector (Home Office, 1997). The main functions set out for a YOT include: court work and the preparation of reports; supervision of community punishments for young offenders; working with parents; providing school reports to the courts; throughcare and supervision of young offenders who have been released from custody; preventive work taking into account the work of local authority youth services such as child safety orders and supervision orders; organising reparation and curfews; and providing careers advice in addition to drug and alcohol advice (Goldson, 2000).

Ultimately, YOTs are also responsible for placing young offenders in secure accommodation and delivering community intervention programmes to make children face up to the consequences of their crimes and to adopt a life of no crime. This may be facilitated through group work, one to one work, family group conferencing or mentoring (Home Office, 1997:29). Whilst the CDA 1998 set its aims to prevent offending by children; the costs for this have arguably been high and led to low benefits and thus can be considered unsuccessful (Scott and Codd, 2010).

Legislative changes since the 1990's, have led to a demonstrable increase in the ease with which courts can imprison more children for longer periods. In conjunction with the murder of James Bulger and the resultant public out-cry, along with concerns surrounding this incident, political resolve hardened leading to the Prime Minister John Major's assertion that 'we should understand a little less and condemn a little more' and

the Home Secretary Michael Howard's 'prison works' speech, all of which have aggregated as contributing factors to the rise in youth custody.

This situation was further amplified through the CJPOA 1994 which decreased the age of long-term custodial sentences from age 14 to 10, doubled the maximum sentence for 15-17 year olds held in YOIs to 24 months and created 200 places in four new STCs for persistent and serious juvenile offenders. Moreover, alongside abolishing the *doli incapax*, the CDA 1998 allowed for new placements to be made available for 10-17 year olds; the DTO replaced the STO, Final Warning Schemes, Local Child Curfew Schemes, Reparation Orders, Action Plan Orders, Parenting Orders, Child Safety Orders and most particularly the Anti-Social Behaviour Order. In addition the establishment of the YJB and YOT's also had a major impact. These are predominantly the significant contributions that have led to the increase in prison populations and demand for new places to confine children; whether as a result of existing or new legislation, new government bodies, abolished legislation, public opinion or breaching law orders, custody has yet again become a comparatively preferred option for punishment of juvenile delinquents.

In the 1930's capital punishment was abolished for those aged below 18 and the juvenile court took responsibility over the welfare of children. Since then there have been countless efforts to inflict measures of punitive control over children ranging from: borstals, short sharp shock, detention centres, youth custody centres, SCHs, YOIs and now STCs. It is continuously argued that children who commit offences are seen as offenders first and children second. In other words the concern, well-being and best interests of the child are secondary to punishment. This welfare of the child has never

superseded the punitive imperative and the assortment of disposals accessible to the courts has expanded in keeping with this interpretation (Muncie and Goldson, 2006).

This consideration of the development of legislation indicates that detaining children in institutions is not new. Evidence from this historical perspective suggests each 'new' institution is merely another facility for containing young offenders, branded with a new label. Each institution has not been any more effective than the last, only contributing to a history of failure, human suffering, consistent modifying and renovating the previous institution and furthermore, causing ineffectiveness within the YJS (Muncie, *et al.*, 2002). Rehabilitating children within a penal setting appears to be an oxymoron (Scott and Codd, 2010). There appears to be little or no evidence which implies that policies, practices and procedures designed to provide safe environments for children in penal custody have succeeded and more extensively, when principles are applied the evidence found shows routine psychological and physical damage and to the extreme of child deaths (Goldson and Coles, 2005:61).

Miller (1991:18) cited in Muncie *et al.*, (2002:387) incisively argued that:

‘Reformers come and reformers go. State institutions carry on. Nothing in their history suggests that they can sustain reform, no matter what money, staff, and programs are pumped into them. The same crises that have plagued them for 150 years intrude today. Though the casts may change the players go on producing failure’.

## **2.2 The Construction of Childhood**

Historically there has been much debate around the question of what constitutes a child (childhood), in particular the topic of when does a child become an adult (adulthood). This controversial concept of what 'childhood' is has attracted much research interest. It is not within the aim of this thesis to solve the issue but rather this debate provides part

of the conceptual underpinnings for the analysis. The point of maturing from childhood to adulthood has been deemed an individual perception as everyone has been a child, known children, had children, nurtured or even educated them (Davin, 1999:15). As part of these events everyone is born, grows older and dies and in this process there are notions of infancy, childhood, teenager and youth, adolescent, middle-aged and elderly, which are key communal terms applied between birth and death (Brown, 2005:5). Although each individual proceeds through these processes of the life-cycle, the term 'child' is still elastic and vague as there is no universal classification for childhood that can be used and applied to every young person. There are a variety of factors effecting each person's duration of childhood of which the leading factors are: cultural, biological, psychological, economic and historical. Smith and Utting (2011) identified that there have been fundamental changes since the Second World War in the perception of the transition from childhood to adulthood. The transition has become longer due to puberty and earlier development of sexual activity, while life progressions such as work, leaving home, marriage and childbearing have become delayed processes.

England and Wales appear to use the term 'childhood' loosely, especially when viewing the legislative framework for children's rights and responsibilities which constitute age-related safeguards and limitations. The term 'child' is often ambiguous. For example, only when a person becomes 18 are they deemed 'adult' enough to consume alcohol, buy cigarettes, vote or gamble, yet they can drive a car at the age of 17. Moreover, sexual intercourse is only considered consensual at the age of 16, which is the same age that a person can buy a pet or have a full-time job (Childline, n.d). These ages of consent represent the ages that people are considered mature enough to make responsible decisions and be held accountable for their actions. It seems, however, that these ages of consent contradict the age at which it has been decided that a young

person is legally accountable for their criminal behaviour. It is at 10 years of age that the law regards children as being as equally responsible as adults and can be dealt with by the courts in the same way (Scott and Codd, 2010:53). Understandably there is potential for debate concerning the moral legitimacy of the establishment of any age threshold in which there is a clear difference to the assigned adult-type. It is evident that social policy allows adults to make informed choices differently to children and adolescents, but social policy appears to be illogical around the concerns of when children attain rights comparable to those of an adult (Bateman, 2012).

Childhood is a lived experience defined in cultural and economic contexts. It is difficult to assess the properties that define childhood when considering the numerous and varied experiences each child, boy or girl, face within different contexts (Davin, 1999:15). The ideology of childhood is thus a universally controversial topic. What is known about a child is that they are at a certain point in their life-cycle and their childhood is socially constructed and while all societies recognize that children are different from adults, how they are different and what expectations are placed on them change according to the society in which they grow up. In accordance with Article 1 of the UNCRC and Section 105 (1) of the Children Act 1989, the term 'child' or 'children' refers to every individual less than 18 years old (Goldson, 2002:8). This is 8 years older than the 10 years that has been prescribed by the Court of England and Wales in regards to the juvenile justice system.

Over time government policies and legislations have promoted what is considered to contribute the well-being of a child. The UNCRC was the first legally binding international agreement signed by world leaders in 1989. Leaders identified that children needed a special convention because children under 18 years old have human

rights and regularly need support, care and protection that adults do not. The convention has 54 Articles detailing the basic human rights that all children everywhere have. These include: surviving childhood; to develop to the fullest; to have protection from harmful influences such as abuse and exploitation; and to participate fully in family, cultural and social life. The convention protects children's rights by promoting and setting standards through health care, education and legal, civil and social services (United Nations, 1989). Every Child Matters (ECM) is a similar agreement made by the Government of the United Kingdom. This legislation enabled all care professionals working with children to work as a multi-disciplinary team to promote five key elements of the welfare of all children, which are: being healthy; staying safe; enjoying and achieving; making a positive contribution; and achieving economic well-being. These principles are to be applied to all children including young offenders who are under the care of the state (DFE and Skills, 2003) as young offenders who have been detained are often in need of help and support from multiple care professionals. A child who has entered the juvenile secure estate has often received little or no help from their family, the state, trained professionals or parental figures, whose responsibility is to promote welfare to vulnerable children.

It has been a concept for years to label children's behaviours as 'mad', 'bad' or 'sad'. Hutson and Myers (2006) cited in Scott and Codd (2010:36) suggest that views on female young offenders are old-fashioned; they are still seen as 'mad' rather than 'bad'. Young female offenders are stereotyped as 'doubly deviant' as they have not only violated the law but they have also defiled and insulted society's perceptions of femininity (Carlen, 1983). Customarily public and professional debates compare delinquent children to what constitutes 'acceptable' behaviour and 'normality', yet this had caused further debates as to 'what is classified as normal'. Through events dating

from the 1800's and 1880, Hendrick (1997:25) suggests that numerous versions of childhood emerged: the Romantic child; the Evangelical child; the Factory child; the Delinquent child and the Schooled child. These were followed by the Psycho-medical child and the Welfare child as life moved from the Victorian era into the twentieth century. All these different versions of childhood can be identified as being reflective of the norms and social conditions of the time. Public and professional debaters who label children's challenging behaviour as 'mad', 'bad' or 'sad' are in fact ignoring the bigger picture in which delinquent behaviour is influenced by overlooking factors such as cultural, social and environmental, historical, ideological, socio-economic, medical and political contingencies (Coppock, 1997:146). Scott and Codd suggested that, because of these misunderstandings and lack of appreciation of the vulnerabilities of offending children, two very different constructions of children have emerged: 'innocent' or 'evil'. Following from this, they suggest society believes there are either respectable children - who we should protect - or those undesirables who we should punish. But it is the undesirables who are in fact the most vulnerable in our society and their lives are often at a disadvantage (Scott and Codd, 2010:53). It is these children that lack one or more principles from 'ECM' and the 'UNCRC' and are in need of help and support from professions responsible for and delivering children's rights.

The age of which a young person makes the transition to maturity remains a problematic and contested issue amongst the public and professions. Public opinion favours the 'mad, bad or sad' interpretation of challenging behaviours. Similarly expressions such as 'normal' and 'acceptable behaviour' appear to be accepted societal and political judgements on the poor and disadvantaged, subsequently dividing people within a community. Hendrick, (1997:57) highlighted that different constructions of childhood over time have moved towards three paralleling objectives. Firstly,

uniformity and coherence is necessary to unite different social classes to focus on the natural state of childhood. Secondly, the foundation of uniformity and coherence is to be family, sanctioned by religion with an emphasis on order, love, respect, duty and clearly defined age and gender distinctions in order for a child to live out a proper childhood in a natural environment. Thirdly, a natural childhood should be experienced through education, socialisation and the culture of independence built upon a relationship with family, the State and public health and welfare services. To explore this further the socio-demographic profiles of young offenders and factors affecting youth crime are discussed in the next section.

### **2.3 Socio-demographic Profiles of Young Offenders and Factors Influencing Youth Crime**

Just as there is no single universal definition of a child, there is also no single significant factor that causes a child to commit a crime. Each child is different to the next, especially when considering upbringing, life experiences, coping mechanisms, mentality and sense of morality and an individual's concept of self-worth. Although there is no singular factor that contributes to youth crime there has been extensive research addressing 'the causes of youth crime'. The White Paper '*No More Excuses*' (1997) verified that key factors relating to youth criminality were: being male, being brought up by criminal parents, living within a family with multiple problems, experiencing poor parenting and lack of supervision. Furthermore, poor discipline in the family and at school (including truancy and exclusion), associating with delinquent friends and having siblings who offended were also key indicators.

In July 2013 there were 1,290 young offenders incarcerated in England according to the YJB statistics for May 2013. This is a decrease of two from the previous month and a

decrease of 454 from the previous year. Within this number 1,240 young offenders were male and 50 female. Additionally, 121 young offenders were placed in SCHs, 255 children were located in STCs and 914 young offenders had been designated to YOIs (YJB, 2012c). On 30<sup>th</sup> June 2013 it was reported by Berman and Dar (29.07.2013) that there were 83,842 prisoners confined in England and Wales of which 2% were under 18. Furthermore, in 2011 9% of children who were in the juvenile secure estate had no previous convictions, over half were held in prison for non-violent offences and 41% of young offenders were sentenced to six months or less (PRT, 2012a). The highest reported crimes for young offenders were repeatedly theft and handling, violence against a person, criminal damage and public orders. First-time juvenile offenders are reported to commit less serious offences than repeat offenders suggesting that the seriousness of reoffending escalates. It has been documented that young offenders who exhibit indicators of vulnerability had higher re-offending levels when compared with those who were not considered as vulnerable (Natale, 2010). In 2009 it was noted that the percentage of children re-offending once leaving SCH's was 79%. Similarly, children re-offending after released from STCs was 69.2% and children leaving YOIs showed a 70% of re-offending behaviour. However, these statistics cannot be directly compared as each establishment has different roles and the characteristics of children differ across each establishment. Moreover, it is apparent that the velocity of reoffending increases over time. For example in 2009 those with no previous convictions had a 19.9% rate of re-offending in contrast to those with 25 or more previous convictions which represented a rate of 77.5% (YJB, 2012 b).

Goldson (2002:57) and Goldson and Coles (2005:24) observed in Lader *et al.*, (2000) that there is evidence of 'psychiatric morbidity' among children in the juvenile secure estate. Research found that 84% of the children had a personality disorder, 8% had a

psychotic disorder, 60% had difficulty sleeping, 70% had drinking problems and 93% reported drug use prior to their imprisonment. It was also apparent that children may experience further psychological problems once incarcerated due to the stress of separation of their family and additional psychological and physical intimidation (Burke, 2008). It has also been found that children who are incarcerated are three times as likely to experience mental health problems when compared to children in the general population (PRT, 2012b). In addition some children's mental health goes undiagnosed or can develop once incarcerated as increased psychological conditions are apparent with the increase of negative coping mechanisms. It has been reported that females are considered to be of a higher risk of self-harm or suicide (15% compared with 8% for males) (YJB, 2003) and plus there is harrowing evidence that 11% of children in custody at any one time have attempted to take their own lives (PRT, 2012a).

Existing risk factors in schools and education, which have been observed to have a significant impact on children who offend, are: low academic achievers; attend a high delinquency school; bullying; truancy; being labelled as failures; negative reinforcement from teachers and parents; and exclusion. The Social Exclusion Unit (2002) reported that of those in custody of school age, nearly half had literacy and numeracy levels below those of the average 11-year-old and over a quarter were equivalent to those of the average 7-year-old or younger. It was also reported that between a quarter and a third of juveniles incarcerated had no education or training before custody and of those who were released after a month, 58% had no education or training. It is complex to determine the relationship between school experiences and juvenile offending, but it is clear that there is some correlation between low academic achievement and higher delinquency rates; 90% of young men and 74% of young women have been excluded

from school at some point and almost half stated they were under 14 when they last attended school (PRT, 2012a). Graef (1995) pointed out that:

‘British schools are excluding children well under 10 years old, and subsequently they are spending their time on the streets ‘causing mayhem’ and question what this group of children is expected to do with their energy, time, curiosity and undeniably their lives?’

*(Graef, 1995, cited in Scraton, 1997:137)*

Additionally, children are at a high risk of becoming a delinquent if one or both parents or an older sibling have been involved in crime. Over 60% of boys whose fathers have been convicted were later convicted themselves (Farrington, 1995 cited in YJB, 2005). Further studies have shown that poor parental supervision and discipline such as harsh, cruel or highly inconsistent punishments along with passivity or neglect increase the risk of criminality (PRT, 2012a). With regards to gender, it is evident from research that two out of five girls and one out of four boys in custody reported suffering violence at home (PRT, 2012a). What is more, one in three girls compared to one in twenty boys had reported being sexually abused at home. The Bromely report presented evidence that 40% of children in custody in England and Wales had previously been homeless. Furthermore 71% of children in custody had been involved with, or were in the care of, social services before entering custody (PRT, 2012a).

Young offenders customarily come from the most disadvantaged families and deprived neighbourhoods and communities. Goldson and Coles (2005) explained that young offenders routinely experience isolation, loneliness, distress, alienation and ill-health as well as emotional, physical and sexual abuse, self-harm, suicidal thoughts, poverty, public care and substance misuse. It is a recurring conception that the most vulnerable and poorest of children are being incarcerated and punished for their unfortunate lifestyle. With the statistics given in mind, custodial agencies working with children

arguably need to be more attentive towards the issues the child has previously endured when instilling the principles of welfare into the system in order for their rehabilitation to be effective.

Whilst the child's upbringing is often a contribution to crime rates, time spent in prison is similarly challenging. It has been demonstrated that even a short time spent in custody is detrimental to children in the long-run; children are continuing their social exclusion inside the penal system which leads to ongoing and future problems. Putting children in prison settings fixes them with a 'criminal' label, which in turn encourages them to talk about little else but criminal behaviours, live up to that name and even continue the label into adulthood. This significantly contributes to the chances of re-offending and building new negative relationships, especially if younger juvenile delinquents are mixing with more experienced offenders (HLPR, 1995). Goldson (1997) cited in Scraton, (1997:126) also indicated that custodial responses to children are not only inhumane but ineffective and they are more likely to confirm delinquent identities than deter juveniles from crime.

Undiagnosed and untreated behavioural problems and conduct disorders (such as Attention Deficit Hyperactivity Disorder (ADHD)) in childhood are a warning sign for later criminal offending. Additionally, poor communities and environmental factors have been considered as indicators influencing anti-social and delinquent behaviour due to a decrease in part-time jobs or activities for children in the local area. Current research concerning vulnerabilities and ideologies of why children commit crimes indicates that young offenders are at a social disadvantage and in many cases have been victims of abuse, but these contemporary findings do not fit all young offenders and do not apply to all children who are socially disadvantaged. It is clear from existing

literature that young offenders already possess a pessimistic outlook on life before they enter the penal system from negative nurture aspects within their family, up-bringing, school experience and life within their environmental communities. Retrospectively, all the factors in this section give a small insight of what children are faced with each day. It is hard to believe that one may endure more behind closed doors, but the heart-rending reality is that this is frequently the case'. This analysis of risk factors lead to the need to ask whether the penal secure estate is the best place to send offending children, or whether role models and development programmes in confinement lead to inappropriate outcomes; that children are being detained and punished rather than rehabilitated and reformed?'

The socio-demographic profiles supporting the work of Goldson and Graef (1995) suggest that background and education factors affect offending. If Goldson is correct in his assessment of adult role models on the outside world having a negative influence on children's behaviour, then it seems of utmost importance that they receive a good example in the juvenile secure estate. If the state is responsible for incarcerating children as young as 10 then it is the state that is responsible for the provision of appropriate support and rehabilitation.

#### **2.4 Financial and Political Influences on the Juvenile Secure Estate**

The present approach of the youth penal system has been scrutinized by other penal reform groups, critics and researchers who conclude that YOIs, SCHs and STCs have recurring and similar controversies and there is the need for reform, reductions and selective abolition. It is the purpose of this section to outline these.

It has been established that imprisonment in England and Wales is more common than elsewhere in Europe: 4 times more than France, 10 times more than Spain, 12 times more than the Netherlands and as much as 160 times more than Norway, Sweden and Finland (Muncie and Goldson, 2006:55). It was reported by Glover and Hibbert (2009), cited in Scott and Codd, (2010) that between 1992 and 2006 there was an eightfold increase within children's custodial sentencing. This is not surprising due to significant changes in legislations surrounding this era. It should also be noted that there was a considerable increase of 181% of girls being sentenced to custody from 1996 to 2006. Furthermore, in the same time period there was an increase of 550% of offenders aged between 10 and 14 years old. Although, in 2009 the rate of custodial detention had fallen for the first time since 2000, there was speculation about whether this actually represented an overall improvement for the future of young offenders and the public's well-being, or whether it was in line with respite from the overwhelming criticism of persistently locking up children.

It is evident that custody is the most expensive disposal available to the courts. An SCH costs approximately £200,000 per place per year. In addition, a place at a STC costs an average of £160,000 and a place in a YOI is at least £60,000. Of the £800 million spent by the YJS in 2009/10 £306 million was spent on custodial places. It is appropriate to mention here that calculating the total cost to the system for each young offender, in addition to custodial sentencing, is difficult. For example, in 2009-10 the fee of overseeing young offenders, not including police and court costs, was £800 million of which £500 million was spent through the YJB. The National Audit Office estimated that the cost of youth crime in 2009 may have been as much as £8.5-£11 billion (National Audit Office, 2010). There has been much criticism in relation of the cost of

custodial placing. It has been argued that one year's accommodation in an STC would facilitate a child's education at Eton College for six years at current fee rates (Glover and Hibbert, 2009 cited in Scott and Codd, 2010:53), therefore clearly a public expense of keeping a child incarcerated. There are a number of recurring questions asked by analysts and lobby groups: How much more money will be spent by the YJS. And more importantly, how much more of the public's money will be spent by the YJB on custodial sentencing, bearing in mind all that is known about the conditions and treatment of youths alongside the term 'rehabilitation'? Are the public getting value for money if prisoners released re-offend after being released with no stable accommodation, education or work; rather than reintegrating with new law-abiding ambitions and skills to offer? What are the public actually paying for if re-offending rates are still excessively high at 75% or when the young offender leaves prison often becoming reliant on state benefits (Goldson and Coles, 2005)? In addition, protesting organisations such as the HLPR and PRT believe that if relatively similar amounts of money were distributed into working with families to support them at earlier interventions when children became problematic and difficult, alongside supporting children in school when they require it, then we would see far better results on the whole (Neustatter, 2002).

**Table 2: Current beds within the Juvenile Secure Estate, Commissioned by the Youth Justice Board (YJB) for 2011**

| <b>Sector</b> | <b>Number of commissioned Beds</b> | <b>Number of establishments</b> | <b>% of commissioned beds</b> |
|---------------|------------------------------------|---------------------------------|-------------------------------|
| YOIs (boys)   | 2,007                              | 8                               | 79.2%                         |
| YOIs (girls)  | 41                                 | 3                               | 1.7%                          |
| STCs          | 301                                | 4                               | 11.9%                         |
| SCH           | 183                                | 10                              | 7.2%                          |
| <b>Total</b>  | <b>2,532</b>                       | <b>25</b>                       | <b>100%</b>                   |

*Source: YJB, 2011:13*

Table 2 demonstrates the number of beds that are commissioned by the YJB for 2011 for placing young offenders in different sectors of juvenile secure estate.

The YJB received funding of £399.6 million for the duration of 2011/12, which was £52.7 million lower than that received in 2010/2011 and £104.6 million less than that received in 2009.10. Due to expenditure cuts the YJB spent £245.5 million (62% of total expenditure) in 2011 to purchase places in the secure estate for children compared to £268.9 million (59%) the previous year. This was down to a gradual fall in demands for accommodation for custodial placed (YJB, 2012a).

In retrospect with regards to the fall in accommodation within the secure estate, the YJB decommissioned 1001 places between 2009 and 2011 leaving the courts and YOT to distribute children within 2,532 places across YOI, STC and LSCH's. This has been estimated that savings may incur up to £30 million per year; in addition the most recent provisional data shows the use of custodial places in the secure estate amount to above 85% at any given time and the YJB spends more than two thirds of its annual budget on placements in the secure estate (National Audit Office, 2010).

**Table 3: De-commissioned places within the Juvenile Secure Estate by the Youth Justice Boards since 2009**

| Sector  | Number of beds de-commissioned | De-commissioned from total secure estate (%) | De-commissioned from that sector (%) |
|---|--------------------------------|--|--------------------------------------|
| YOI (boys and girls)                                      | 959                            | 27%  | 32%                                  |
| STC   | 6                              | 2%   | 0.2%                                 |
| SCH   | 36                             | 1%   | 13%                                  |
| <b>Total</b>  | <b>1001</b>                    | <b>28%</b>                                   |                                      |
| Beds de-commissioned as % of that sector since April 2000 |                                |  |                                      |

*Source: YJB, 2011:25*

The decommissioning of custodial places for children has provoked new debates and controversy within the YJS. The YJB has acknowledged that a demand for custodial places could exceed the present provision if there is an unexpected increase in the number of children being remanded or sentenced to custody. They are also aware that once they have decommissioned places or establishments it will prove exceptionally complicated to re-commission places in the future.

Furthermore, a reduction in custodial settings will result in it becoming more difficult to locate children to a geographical location near to their home setting. The YJB is aware of the magnitude of sustaining family and community ties whilst a young person is detained in custody and in response a target was set in March 2001 that 90% of placements within the juvenile secure estate should be within 50 miles of home. In November 2003 28% of children were detained further than 50 miles from their home address, just 2% less than April 2000 (Bateman and Pitts, 2005:161, 162) consequently this target was never met and the YJB discontinued this aim in 2009 (PRT and INQUEST, 2012c). Currently, over a decade since the YJB set its target, the average child sentenced to a juvenile secure estate is approximately 60-80 miles away from their home, while others can exceed over 100 miles (PRT, 2012a). This has also become problematic for YOT's and other agencies that are trying to promote resettlement and consequently as this issue may problematise safeguarding risks and any rehabilitation efforts (YJB, 2011).

A core issue that has arisen from the closure of a number of settings within the secure estate is the limitation of places, especially for those who are more vulnerable. Goldson (2002) recognised that children under the age of 15 are exempt from being placed in

prison, which means this selective group have first priority on places within STCs and SCH's. Another concern is the increasing number of girls being sentenced to custody. By law they are to be sent to STCs and SCH's (except in exceptional circumstances). Both these prominent concerns lead to the bigger issue; a foreseeable reduced number of beds in STCs and SCHs for boys aged 15 and 16 who have been assessed as most vulnerable; the only place they can go is a YOI which is not equipped to suit the needs of vulnerable children (Goldson, 2002).

The YJB (1998:26/27) cited in Goldson (2002: 72/73) stated that:

‘Children should be placed in accommodation that most effectively suits their needs and the risk from harm that they pose on themselves and others. The accommodation should be appropriate for their age, emotional maturity and level of vulnerability; juveniles should be accommodated as close as possible to their home community, placements for remanded and sentenced juveniles should be based on a comprehensive assessment of their needs’.

On the contrary, these needs are not being met. It has already been established that SCHs are the most expensive forms of custodial placing followed by STCs. Remarkably the YJB has decommissioned 36 places in SCHs since 2009, with future plans of closing more. It is likely that the YJB would have decommissioned more places within STCs, although fortunately they are protected by private finance initiative contracts of up to 25 years, which has unfortunately posed a direct threat to SCHs (HLPR, 2012a).

The HLPR has, in effect, proposed that the failing prisons (YOIs) should be decommissioned instead of currently targeting SCHs and STCs which are more successful in all areas such as caring for vulnerable needs, rehabilitating and providing greater ratios of staff to young people, purposeful activity and learning. The YJB may believe that to cut ties with these sectors will save money in the short-term; conversely it will incur high recidivism rates, more damage to children and more crime and long-

term financial costs to the public. Ironically this is an investment in creating adult criminals of tomorrow (HLPR, 2012), as the YJB is no longer protecting the public's safety, nor will it be responsible for locating children near to their home communities. Additionally it can be argued that the YJB will not be getting better value for their money as it will not be responsible for locating vulnerable children in accommodation that most effectively meets their needs and moreover, it will not be promoting children's safety and welfare whilst they are in the care of the YJS.

This section has outlined the particular problems that the YJB for England and Wales faces with high rates of youth offenders and re-offenders due to expenditure cuts and decommissioning custodial places within SCH's. Although there is an agreement amongst critics and child agencies to reduce the use of custody or abolish sectors of the juvenile secure estate, there are now concerns that these changes were not based on which establishments are most cost effective or successful in regards to care and rehabilitation - instead the YJB have been more focused on how money could be saved. With this in mind, it is even more apparent that the juvenile system in England and Wales needs serious attention to rehabilitate its offenders in an effective manner.

## **2.5 Criticisms of Institutional Performance**

‘Historically children appeared as victims for only a very short period of time alongside the appearance of childhood as a separate and protected stage in the life cycle. During the twentieth century this way of viewing children largely became entangled in viewing them as offenders’.

*(Walklate, 1989:58, cited in Brown, 2005:111)*

There are many critics who have found the idea of incarcerating a child inhumane and degrading. Other concerns relate to incarceration as institutional child abuse, perpetuating mental and health issues, prolonging a history of suffering as well as

adding to it – and overall contributing to future recidivism. This next section discusses the concerns of those critics and voluntary organisations presenting research by examining the secure penal estate for children and analysing their findings concerning penal legitimacy and effectiveness. The analysis also facilitates an evaluation of the success or otherwise of STCs.

Previous to the Green Paper *‘Every Child Matters’* (2003), the notion of protecting the welfare of ‘all’ children is a concept that is comparable with the 1999 thematic review *Suicide is Everyone’s Concern* produced by Her Majesty’s Chief Prison Inspector of Prisons (HMCIP), which identified four criteria for the ‘healthy prison’ concept:

- 1) *The weakest prisoner feels safe* - this has the equivalent aim as ‘staying safe’ concluding that prison officers need to make it a priority that prisoners feel physically and emotionally safe, whilst challenging bullying and victimisation and administering fair prison rules and tolerable living conditions, in addition to encouraging responsible behaviour;
- 2) *All Prisoners are treated with respect* - has similarities with ‘being healthy’ in relevance to clean living conditions, healthy food, efficient healthcare, access to showers and treating prisoners as fellow human beings;
- 3) *All Prisoners are busily occupied, are expected to improve themselves and are given the chance to do so* - this resembles the principles ‘enjoying and achieving’ as well as ‘achieving economic well-being’ from ECM. Prisoners should be encouraged and given the opportunity to make responsible decisions that lead to their personal development. This includes purposeful practical activities that are beneficial to employment, education and exercise;

- 4) *All prisoners can strengthen links with their families and prepare for their release* - lastly this principle has a comparable view to ‘making a positive contribution’. Both principles explicitly state that prisoners should be supported to commit to individual behaviour programmes to help them reduce the chances of re-offending, whilst keeping good community and family connections to increase the likelihood of employability and suitable accommodation, yet minimise the harmful social consequences of imprisonment.

HMCIP recommended that if prisons maintained and administered these four principles then each prison has the potential to become a healthy setting for the development of spiritual, physical, economic and social health needs. Prisons would then be considered as legitimate penal institutions that promote the welfare for prisoners whilst detaining them as punishment (Scott and Codd, 2010:10/11; DFE and Skills, 2003). Furthermore, Leibling (2004) cited in Goldson and Coles (2005) and Goldson (2005a) suggested that important factors such as respect, trust, order and safety, good relationships and humanity present an efficient moral performance within custody, which have been thought to be beneficial in providing the safest penal environments.

There has been little evidence to support the fact that the juvenile secure estate is delivering and administering these key principles. Previous research undertaken by the CRAE (2012:47-64) cited in Goldson and Muncie (2012) and in Goldson and Coles (2005) provided an eye opening detailed analysis of the treatment and conditions children experience within YOIs. Children were deprived of exercise and fresh air; they lacked nutrition, fitted clothes and contact with family members. Children were reported as having inadequate education, purposeful activity and rehabilitative programmes and

neglect to physical and mental health was evident. The report showed that there was a culture of racism, humiliation, lack of privacy, bullying and abuse amongst staff on child, and child on child. Moreover, children were not informed of their rights or were too afraid to make a complaint.

Harrowingly it is reported that between 1990 and 2007 one in 20 children serving a custodial sentence were reported for self-harming. What is more is that since 1990 33 children have died whilst in the juvenile secure estate (Taylor, Earle and Hester, 2010; INQUEST, 2012). It is also important to acknowledge the irreversible damage that restraint mechanisms can have on a child imprisoned when considering their vulnerabilities, fragile mental status and abuse experienced prior to imprisonment (HLPR, 2006); yet statistics highlight the reality of the repeated use of restraint. The YJB confirmed that there were 6,922 incidents of reported use of restraint in 2009/10 of which 257 resulted in injury (HLPR, 2011:2). Pain infliction and unnecessary restraint mechanisms used on young offenders would be considered as ‘organised hurt’ (Goldson, 2005a:86) or constituted as ‘institutional child abuse’ within any other residential setting for children, which would then require a thorough INQUEST (Goldson and Coles, 2005). While children are being detained as retribution for their crimes there is a public acceptance that juvenile delinquents need to be punished. The public’s perception of what punishment is actually inflicted on a young offender would change if it was given more media coverage and if inquiries were accessible within the public domain (Goldson, 2005b), but while children are incarcerated they are out of sight and therefore out of mind. Distributing the blame to young offenders is problematic. It appears that individual circumstances encompass a series of mistakes and misunderstandings in which the juvenile secure estate expressed that there was little they could have done to prevent the death of a distressed child, whilst practitioners are

holding onto their claim of moral legitimacy and efficiency of penal custody. Nevertheless it is evident that when taken into account the demographic profiles of young offenders that died in custody all have a consistency of characteristic vulnerabilities and a fragile mental status. This illustrates the systematic failings that continue to be reproduced through practice and procedures of child incarceration, subsequently questioning the ill-used clarity that juvenile secure accommodation is legitimate and efficient to keeping children under their care safe (Goldson, 2005b). Research suggests that children are not only being locked up for punishment but are being detained for punishment (Scruton, 1997:135) and therefore are not safe.

Despite penal settings being conceived as ineffective and expensive as well as facilitating harm to children, England and Wales still incarcerate more young offenders than in comparable European countries, even with the YJB's reductions over the past few years of custodial places across the juvenile secure estate (Rutter, 2010 cited in Smith and Utting, 2011:68). Regardless of the fact that a secure placement prevents the continuation of offending whilst the young person is in custody (NACRO, 2011), the body of research involved with the welfare of juveniles within the secure estate indicates that prison is criminogenic - initiating further recidivism amongst those already incarcerated, rather than rehabilitating and reforming them (Smith and Utting, 2011). Therefore correctional facilities are failing to motivate young offenders into making a positive contribution to society and their personal development.

The YJB's idea for reforming the prison sector has been heavily criticised. With decommissioned secure places and modifying the name for institutional settings as 'Detention and Training Centres' or 'Juvenile Secure Estate' along with changing regimes, the YJB believe that the system will be reformed to appear less punitive and

more rehabilitative. Goldson (2002) however, expressed that this is a paradox, for the Government are continuing to instil the notion 'tough on crime' and historically Foucault (1977) cited in Pitts (2001:60) observed and quoted: 'From its inception, the failure of the prison has always been greeted with plans to construct a 'new' prison.'

Goldson (1999) expressed three principle concerns and criticisms for opposing the establishment of STCs. First was the effectiveness, Goldson highlighted previous historical failures and efforts to reform custody for children in terms of both deterrence and rehabilitation. Second, he drew attention to the financial cost for an STC. £30 million was used to set up each STC and an annual cost for each child is approximately £160,000. Goldson observed that these costs are unjustifiable when effective programmes for supervision in the community are being suppressed. Lastly, Goldson emphasised his greatest concern was the human cost of placing a young person in an STC. The children who are sent to STCs are children with behavioural and emotional problems. Examples of concerns of human costs for these children given by Goldson included: the location and distance of being held away from their home area, family, schools and friends and moreover the detrimental affects to a child's welfare, maturational growth and development plus the brutalities experienced within a closed environment. He further expressed that despite good intentions staff might have they will inevitably lack the necessary experience, training and qualifications and their priorities will be set on containment and institutional security. Goldson concluded that STCs will be institutions of human misery with anxious staff supervising deeply distressed and resentful children (Goldson, 1999:21). Frances Cook (the director of the HLPR) also commented stating: 'these children's jails for profit are a stain on our justice system and should be closed down' (CRAE, 2010:14).

The thought of the government's new STC establishments has attracted heavy criticism by large voluntary child care agencies. These child care agencies have refused to accept or condone the government's plans to expand the juvenile secure estate even if the purpose and approach was to administrate and incorporate care, education and rehabilitation. Such child care agencies believe that STCs have been ill-considered, ill-conceived, politically inspired and, contrary to the interests, stand as a threat to the well-being of the troubled youngster. In response a senior figure on the YJB publicly stated that: 'these people need to grow up', and get to grips with political realities of what New Labour enthusiasts call 'the real world' (Goldson, 2000:9).

In retrospect, the opposing side to the 'realities' of political dilemmas has effectively caused child centred care agencies and critics to make recommendations to bring about fundamental changes to legislation concerning the well-being of the child and alternatives to fast-tracking children into the YJS. Barnardo's (2010) advocated that there needs to be a change regarding the Minimum Age of Criminal Responsibility (MACR) in sentencing in England and Wales. It was proposed that this should be raised in alignment with the European norm of 14 to ensure that children under the age of 14 would be exempt from a custodial sentence, only with the exception that they have not been convicted of a grave or violent crime and have not been deemed as a persistent offender. This selective abolition would allow more places to be taken up in STCs and SCH's for those who fit their criteria. In addition, Barnardo's (2010) proposed the prison sector should only accommodate for the most serious offenders and for children not posing a threat to themselves or the public should be given an alternative to custodial sentencing. The PRT (2012b) gave further advice recommending that children aged 14 and below would be addressed through non-criminal justice agencies for their welfare to be safeguarded, and those who are above the new age of criminal

responsibility would be referred to by health and social care services in conjunction with formal prosecution where it is deemed suitable in the public interest. The MACR was originally set at 10 years old back in 1963 without clear or evidential rationale; nearly 50 years later it is time to revisit this age limit (Farmer, 2011:92).

Additionally, NACRO (n.d.) concurred with Glover and Hibbert (2009) with a partial abolition perspective but expanded this idea in stating that custody should not be considered for children under the age of 16. Furthermore, NACRO (n.d.), Pitt and Stevens (2011) and Goldson (2011) indicated that the legal right for custody should be revised in relevance to the UNCRC (Article 37), and United Nations General Assembly (1990) (Article 37b) that custody can only be used as a last resort and for the shortest appropriate period of time. There are focal concerns that distributions of custodial places for children are not being used as a last resort and for the shortest appropriate time. In contrast there are arguments advocating shorter sentences should be abolished. It is argued that community corrections are cheaper and can give a child the same rehabilitative programs and supervision in the community without disrupting their education, family life and well-being (Goldson, 2011). Goldson (2011) recommended that there are strong grounds for abolishing ineffective and disruptive institutions, focusing upon the prison service (YOIs) and the private sector custody (STCs). Predominantly these institutions have had the most criticisms and concerns highlighting that they have the highest staff turn-over, the most untrained staff, a lack of educational and purposeful activity, the highest recidivism rates, peak self-harm, suicidal behaviours and deaths along with the greatest use of physical restraint and unlawful intervention. Goldson (2011) proposed that alternatively there can be restricted spaces in SCHs for children who pose a detrimental threat to themselves or to the public where there is no

suitable alternative care setting within the community and in addition there needs to be a more holistic approach to children's welfare services.

While there is recognition that minors experience high levels of disadvantages and vulnerabilities prior to and within the YJS, it is evident that more needs to be done to engage with vulnerable families as early as possible to prevent or reduce such damage (Jacobson, Bhardwa, Hunter and Hough, 2010). The National Audit Office analysis of departmental data found that out of the £801 million total expenditure in 2009-2010 for the YJS only £82 million was spent on prevention of youth offending and recidivism in comparison to £306 million being donated to the custodial provision by the YJB (National Audit Office, 2010).

If crime rates are to improve the YJB needs look at the reality of recurring issues that institutions within the juvenile secure estate are faced with and take into account the recommendations. The YJB should look at penal reform recommendations in conjunction with, or alternative to, a selective abolitionist perspective by modifying legislations and changes in expenditure, particularly if they are going to commit to their purpose of existence by upholding the prevention of offending and re-offending, protecting the public and delivering support for victims alongside promoting the safety and welfare of children caught up in the CJS.

This chapter has discussed existing knowledge surrounding the contentious debates and research of the current juvenile secure state. There appears to be a consensus between different theorists and researchers who have all stated similar findings, arguments and opinions over time. Also there is an underlying agreement amongst leading researchers that penal facilities and regimes are ineffective in relation to rehabilitation, unsuccessful

in reducing recidivism rates and they fail to protect vulnerable children from further institutional abuse as they lack the time, resources and trained staff to enable them to assist children to overcome the fundamental causes of their criminal behaviour. The concurrence of these findings informs the public, politicians, YJB, Ministry of Justice (MoJ) and those involved in the running of the juvenile secure estate that there are currently failed institutions that are in dire need of reform or abolition as they are presently not upholding the principles for 'ECM or the criteria for the 'Healthy Prison' concept.

## **CHAPTER THREE**

### **RESEARCH METHODS**

This chapter comprises two parts – first the method that was followed during the process of the research and secondly a discussion of the nature and underlying principles of Immanent Critique that is the underpinning research of the overall philosophy and the basis of this thesis. The following sections explain the approach, sources of data and analysis process that were undertaken as the research process.

#### **3.1 Approach**

This research is based on the analysis of secondary data to uncover any evidence of discrepancies or contradictions between official policies and the outcomes for children detained in STCs. It is secondary data in the sense that it was collected by people and organisations other than the researcher and also that this analysis is not that for which the data was originally gathered (Crow and Semmens, 2008). In this case the data is embedded in publically available documentation that is pertinent to the assessment of the effectiveness of STCs and analysis of their penal legitimacy.

The advantages of using secondary data sources within this thesis, such as historical documents and official records, are that they have enabled access to information relating to the objective of the research, which has been by reading through and analysing policies and procedures of STCs and their effectiveness over the period of their existence. It was also advantageous insofar as the information was already available in the public domain therefore more cost-effective, unobtrusive and time saving, thus allowing time for analysis of more data sources, which can involve new interpretations

of the data as well as identifying possible areas of investigation for this thesis (Crow and Semmens, 2008).

This analysis of secondary data means that the history of STCs can be tracked in the context of their time rather than relying on the memories and constructions of informants through primary data collection. In this sense the very use of secondary data contributes to the intension of immanent analysis in this thesis. Secondary data has also been useful to gain information relating to case studies and surveys of views from children in the juvenile secure estate, as well as official statistics and figures concerning the rates of recidivism, self-harm and suicide rates, the misuse of physical control in care (PCC), closures of juvenile secure estates, staffing levels and statistics of children's welfare before entering custody. Research of this nature supplies available comparative and background data between regions of the juvenile secure estates across England and Wales (Collins, 2010). The potential disadvantages of using secondary data sources is the recurrent question of validity as there is no assurance the data obtained by researchers will match the interests for this thesis. Therefore should secondary data provide valid measures of the variables needed to analyse questions and objectives within this thesis? (Maxfield and Babbie, 2009:236). In addition focus may get lost as secondary data can provide vast amounts of information to choose from (Collins, 2010:122). Furthermore it is important to realise that regardless of the credentials of the sources and author(s) that may validate their authority, reliability and trustworthiness, secondary data can carry personal, political or commercial bias and its durability can be outdated quickly (Collins, 2010:122).

Taking into account the time throughout which STCs have been active it would be unrealistic to interview offenders who have been resident in them over time. Apart from

the impracticalities there are ethical, validity and reliability considerations that would have been associated with primary data collection. Ethical issues concern access to young people and are compounded by the content of the research, which is a sensitive issue and discussion could have unintended consequences of destabilising the young offenders. Given these issues, ethical approval was unlikely to be given and the time scale of a Masters degree further militated against this. The validity of primary data through interviews would be questionable given that it would come from one perspective and need to be triangulated from different sources, again unrealistic in the scope of the time frame with access dubious given the difficulties encountered in accessing even secondary information. The outcomes of STCs would be a particular source of concern regarding validity as they would have been self reported and difficult to substantiate or verify. Furthermore, it is difficult to determine the time point at which effectiveness should be considered and evaluated. Reliability is likewise an issue that would arise from self reporting as some based on memory and some would be restrictive due to addressing sensitive issues. Not all abuse is reported by children and many children are not aware of their human rights, or their accusations and claims are not taken seriously by official persons causing children to conceal the truth or lie about events. Consequently important information goes un-reported and can make results, reports and statistics unreliable and therefore invalid (Coleman and Moynihan, 1996). A multiple stakeholder approach could overcome this to an extent, but again this would be subject to constraints of access.

Conversely, secondary data was available in the form of evaluative reports undertaken throughout the existence of STCs and these were rigorous enough in their implementation and rich enough in content to be deemed a valuable and viable source for this research. By using various sources of secondary data this thesis would be

considered reliable for other researchers to replicate the findings and conclusions. This thesis has used the rationale of theoretical triangulation and if the same conclusions can be obtained by using different methods or sources of data then no peculiarity of method or data has produced the conclusions and thus confidence in their validity is increased (Jupp, Davies and Francis, 2000:59). By analyzing data from multiple theoretical positions (Governments, charitable organisations, authors(s) and researchers) and coming up with integration it has been a powerful tool for ensuring that the thesis has not focused on any single research method. In addition by using multiple sources of data and different views, it has added to the richness of the analysis and conclusions by looking at a phenomenon from different angles (Bryman, 2004). By using triangulation it therefore offers enhanced confidence and thus strengthens the validity of the findings and conclusion. The multiple sources used in this research include charities (HLPR; PRT; and NACRO) government standards agencies (OFSTED) and government agencies (YJB; and EMC). These varying perspectives, stemming from varying philosophical and social perspectives, converge in their interpretation of the effectiveness of STCs. Thus triangulation of these sources establishes a level of reliability that facilitates the rigour of analysis in this thesis.

### **3.2 Data Sources**

Though statistics can be a good foundation for research they may present only a partial picture of crimes, re-offending, self-harm and institutional abuse. Additionally, inspection reports are not always reliable - though unannounced inspections are seen as more dependable. Charitable organisations such as the PRT and the HLPR produce papers and reports concerning a child's wellbeing, which are presented as un-biased; though clearly they have a viewpoint embedded in their constitution, which is as

pressure groups. To overcome the limitations of individual sources of data multiple sources and types of data were used to inform this analysis.

This thesis draws on statistics and reports from government, charitable organisations and penal pressure groups for the nature of STCs, their outcomes and to understand experiences through children's narratives of treatment and events. Furthermore this research utilises historical newspaper and political reports along with legislation to contextualise STCs, their enactment and consequences.

Thus the key sources of data that inform this thesis comprise historical data, legislation documents, official policies and procedures, official sentencing statistics, newspaper reports, books and reports from penal pressure groups. These sources have been accessed through journal Articles, libraries, inter-library loans, the internet and through redress to the Freedom of Information Act (04.07.2012).

Identifying the statement of purpose for each STC proved challenging. As the core feature of the thesis was to 'critically analyse the effectiveness of STCs' it was essential to acquire these STC statements of purpose. As this information was not available in the public domain attempts to pursue this information by contacting each STC, i.e. Medway, Rainsbrook, Hassockfield and Oakhill via phone calls and emails were made. The receptionist at Rainsbrook was the only person to cooperate fully, explaining that the statement of purpose was not the same as on the website and would request permission from the Director to provide this. This permission was refused with advice to contact the press office in Broadway. In July 2012, a request was sent under the Freedom of Information act:

*'I would like to request the mission statements for all four secure training centres (STCs): Medway, Oakhill, Rainsbrook and Hassockfield. I would also*

*like to know if the mission statement has been changed since Medway's STC first opened?'*

This led to a response from the Deputy Chief Executive of Corporate Services at the YJB (see Appendix 1).

Parliamentary Acts that created and supported STCs were obtained along with evaluations of policies enacted to protect children in custody against harm such as: self-inflicted deaths, self-inflicted harm, bullying and mental, emotional and physical harm that are well-known factors encountered in the penal environment. Further policy information included policies for the use and distribution of physical restraint balanced against the duty of care for children in custody. High profile case studies such as Adam Rickwood, Gareth Myatt and Joseph Scholes are also used as part of the analysis, contributing to discussion on the disclosure by STCs on the effectiveness of protecting children from harm.

The aim is to identify how laws, policies and procedures concerning STCs are enforced or not. To expose the reality of whether STCs are meeting their aims the laws, policies and procedures established to protect children in STCs were examined. This was complimented by scrutiny of other official documents including the UNCRC, ECM, Children Act 1989 and 2004 and the YJB assessment tool 'ASSET'.

Statistical reports were identified to illustrate the socio-demographic profiles of young offenders to facilitate detailed analysis of the demographic profiles of children being sent to penal institutions focusing on their background, crime, vulnerabilities and access to the secure penal estate.

Policy documents and reports allowed analysis of the financial and political influences on the juvenile estate revealing current constraints that affect the placement of vulnerable young offenders and how it could be detrimental to the success or failure of the effectiveness on STCs.

Existing critiques compiled by STC critics such as charities and campaign groups, as well as criminologists, were included as data sources. These addressed institutional performance of the four STCs analysing penal legitimacy and effectiveness, concluding on the success or failure of STCs.

More general sources were used to debate related issues of human rights arguments that are a continuous issue, which include concerns around the legal enforcement of minimum standards in prison settings and the notion that imprisonment should be restricted to those who commit the most serious of crimes and is used as a last resource of punishment, while supporting the development of alternatives to prison (in relation to children). This was informed through documentation produced by penal pressure groups such as PRT, HLPR, NACRO and INQUEST.

In addition, specific evaluations of STC were used as core sources that present current controversies surrounding the existence of STCs in addition to young offender institutions and SCHs The most pertinent of these reports are authored by Goldson and Coles (2005), Goldson (1999; 2000; 2002; 2005a; 2005b; 2011) Scott and Codd (2010), Glover and Hibbert (2009), Muncie (2009), Smith (2007) and Muncie, *et al.*, (2002).

### **3.3 Research Philosophy: Immanent Critique**

The core aim of this thesis is to explore areas of injustice with particular concern being focussed on STCs. Essentially this exploration takes a critical analysis approach, specifically employing the philosophy of Immanent Critique. The outcome is essentially a discourse described helpfully as a ‘good conversation’ (Gunn, 1989:98) There is no presupposition of the validity of any meta-theory thus there is no prejudgement of any conclusive theoretical framework, rather it is an exploration defined by the terms of the subject itself. By challenging views and theories from within, immanent critique plays off a view against itself, questioning the validity of conclusions vis-à-vis each other and the premise itself (Gunn, 1989:97). Furthermore, immanent critique seeks inconsistencies, (self-)contradictions, paradoxes and dilemmas in the text-internal or discourse-internal, including logico-semantic, cohesive, syntactic, performative, presuppositional, implicational, argumentation, fallacious and interactional structures (Reisigl and Wodak, 2001:32). Though not driven by existing theory (Gunn, 1989), it has been proposed that even at an early stage of critical discourse the position of the researcher’s knowledge and expectations about the topic matters greatly in the sense that their own position functions as a filter for what can be obtained from the text (Reisigl and Wodak, 2001:32).

Immanent critique was chosen as an appropriate approach to effectively address the research questions and discover whether or not there are inconsistencies, contradictions, paradoxes or dilemmas within the context of STCs and their purpose for existence. In utilising immanent critique this thesis adopts six principles that are embedded in the approach: immersion; understanding internal critique; uncovering enforcement processes; combining sources; evaluating credibility; and determining implications.

Used as a guiding philosophy this approach underpins and facilitates a meaningful critical analysis.

To help the rigour of the research, immersion included detailed scrutiny of the context of the research and the ways in which extant theory can provide a lens through which to understand it. This was achieved through detailed understanding of the conception, implementation and evaluation of STCs in conjunction with reviewing the literature on offending, rehabilitation and the notion of the life stages of childhood, youth and adulthood. The understanding of internal critique was achieved through analysis of documentation produced from multiple stakeholders in an endeavour to uncover contradictions apparent in the enactment of STCs. Enforcement processes were uncovered through comparison of policy with reports on evaluations of performance and effectiveness and the practice of delivering STCs. A variety of sources were brought to the research in order to allow the identification of key overall themes, which are presented in Chapter 4. The credibility of STCs as a youth intervention was addressed through consideration of the implications of the identified themes in relation to the research question and objectives in Chapter 5. From this analysis the implications for the effectiveness and sustainability were derived and form the conclusions and research agenda of this thesis.

The original thesis was conceived taking cognizance of the ethical framework of the British Society of Criminology (see Appendix 4). This is confirmed throughout the scrutiny of the thesis proposal by the University Ethics Committee.

There are no respondent based ethical concerns relative to this research as no primary data has been used. Ethics in this thesis are concerned with the way information has

been interpreted by organisations with possible vested interests. This is overcome by the very nature of this research project as it disregards the interpretation of conclusions drawn by other interpreters, e.g. OFSTED, HLPR and PRT and utilises the information embedded in reported evaluation projects and re-analyses this in the immanence context of the identified objectives of STC institutions.

### **3.4 Data Analysis**

The analysis phase comprised the development of an analytical framework of liberal penal and political ideology derived from the literature review and policies and procedures in practice. This enabled analysis of the implications of why STCs may not be meeting their aims. Specifically, this was based on information embedded in the Carlile Report, HLPR PRT, INQUEST, NACRO and CRAE. By critically analysing official documents in comparison to legitimate voluntary and charitable organisations, it was possible to comment on whether the aims of STCs were credible and achievable.

The aims, goals and principles of STCs and the YJB were scrutinised for evidence on the credibility and achievability of the aims of STCs and to establish if STCs are effective in rehabilitating children and protecting them from harm. This element of analysis was based on YJB statistics including re-offending rates, self-harm and suicide rates.

By combining the data sources a thematic analysis was facilitated that uncovered the core elements used to structure Chapter 5. Elements were extracted that enabled a review of the research objectives and the drawing of conclusions that related to the overall research question. Thus the analysis supported commentary on the credibility

and effectiveness of STCs revealing contradictions between stated aims and outcomes. Furthermore, it facilitated insight into the reasons for these discrepancies and highlighted contradictions of what the STCs and the YJB do and say when caring for young offenders.

By utilising these secondary sources in the form of contemporary reports on STCs the immanence of this analysis is facilitated. The purpose of this thesis is to understand the effectiveness of STCs with reference to their contemporary situation and specific objectives. Thus it is the use of these sources that enables the immanence of this analysis.

## **CHAPTER FOUR**

### **THEMATIC ANALYSIS**

This chapter presents the outcome of the thematic analysis of the secondary sources. Each theme is discussed in turn: Policy and Procedures in Practice; and Policies Enacted to Protect Children. The aim of this chapter is to identify how legislations, policies and procedures concerning STCs are enforced or not, which will be completed by analysing official documentation i.e. UNCRC, ECM, Children's Act 1989 and 2004 and the YJB assessment tool ASSET. The chapter also presents three case studies, analysing the deaths of Adam Rickwood, Gareth Myatt and Joseph Scholes, which are used to draw out issues discussed in previous chapters.

#### **4.1 Policy and Procedures in Practice**

This section presents an analysis of the statement of purpose for each STC in comparison the STC rules. Additionally, it reviews the YJB's criteria for placing young offenders in STCs. An examination of the aims and objectives for private organisations Serco and G4S running STCs along with organisations working primarily to help children in the justice system will allow an analysis to be done on whether the four private STC are meeting their respective targets and aims whilst working in conjunction with the UNCRC. This chapter further examines policies and legislations that are mandated to keep children in the care of the STCs safe from harm including self-inflicted deaths, self-harm, bullying and mental, emotional and physical harm, all of which are well-known factors encountered within the penal environment.

In contrast, this chapter will address the policies used to instruct and inform the use of physical restraint balanced against the duty of care for children in custody. Concluding

the final section to this chapter will be the aforementioned analysis of three significant case studies of deaths in custody, namely Adam Rickwood, Gareth Myatt and Joseph Scholes. These case studies represent an analysis of how descriptive policies have gone terribly wrong in the past. By exposing the reality of STCs effectiveness along with rendering the legitimacy of STCs purposeful activity within the penal system demonstrates the objectivity of this research. Also by identifying laws enacted to protect children in STCs and policies and procedures that promote the rehabilitation of young offenders.

By exposing the reality of STCs effectiveness along with rendering the legitimacy of STCs purposeful activity within the penal system, identifying laws enacted to protect children in STCs and policies and procedures that promote the rehabilitation of young offenders demonstrates the objectivity of this research.

#### **4.2 The Purpose for each Secure Training Centre and the aims for other Governing Bodies and Parliamentary Acts that Support Secure Training Centres**

Typically children who are placed in a custodial setting are either on remand, (where they would spend time in a STC, YOI or a SCH until the next court hearing), or alternatively they could have been sentenced to a DTO for persistent and grave crimes. They could also have detained under Section 90/91 National Standards for the YJS for a serious offence. The YJB would then allocate the young offender within an STC or a YOI based upon their initial location, the availability of beds, the young person's age and specific needs and vulnerabilities (National Archives, 2008).

According to the Youth Justice Board (1998:26-27):

‘Children should be placed in accommodation, which most effectively meets their needs and the risk of harm that they pose to themselves and others. The

accommodation should be appropriate for their age, emotional maturity and level of vulnerability. Similarly, placements for remanded and sentenced juveniles should be based on a comprehensive assessment of their needs and risks completed to defined national standards'

*(cited in Goldson and Coles, 2005:50)*

The YJB has aimed to reduce any likelihood of child deaths, harm or damage in penal custody by developing more detailed assessments, policies and procedures. Risk assessments for children advise YOTs to place the individual effectively within the juvenile secure estate that best suits their needs. This process consists of at least seven stages:

- 1) The *Youth Justice Board Placement Alert Form* (PL05) must be completed by YOTs to assess if the child is vulnerable, this must be given with evidence to the court before the hearing;
- 2) The *ASSET* form (a detailed description can be seen in 4.2);
- 3) A *Risk of Serious Harm Assessment* is essentially needed if the *ASSET* form reveals there is a chance a child is capable of harming themselves or others;
- 4) *Post-Court Report* completed by YOTs provides information to custodial facilities; this will include the child's personal and family details, special needs regarding communication, the child's health status including treatment for substance misuse, the child's vulnerabilities, the risk of harm to others and any additional information (Goldson and Coles, 2005:54);
- 5) The *Prisoner Escort Record* completed by prisoner escorts to and from court and custody. The form requires escorts to assess the child's risks including medical, self-harm/suicide and vulnerability and to keep a record of events during transit;

- 6) The *T1:V* form is completed at reception upon arrival at penal custody, young offenders must be assessed again for risks of self-harm and suicide;
- 7) The *Reception Health Screen* must be completed after the T1:V by a nurse. The nurse is required to ask a series of questions regarding drug/alcohol history, mental health, any history or self-harming/suicide attempts and if so what technique was tried. These assessments have become an essential feature of the penal process of any penal setting in respect of admissions and safe-guarding children (Goldson and Coles, 2005:55).

Children allocated to an STC will have been assessed as having either a range of vulnerabilities and challenging behaviour or persistent offending. Such characteristics are predominantly common for children entering the YJS. Yet Goldson (2002) stated that the number of children who fit the criteria for a place in an STC is limited. This is due to the fact that children under the age of 15 are exempt from being placed in prison. Additionally girls, by law, should not be placed in a YOI and should alternatively be sent to an STC or an SCH (except in exceptional circumstances). This has consequently restricted places for boys aged 15 and 16 in STCs who are assessed as vulnerable. Therefore, young boys are often ill-placed in a YOI some of which are not equipped to deal with the needs of vulnerable children.

Moreover, those who are placed in a STC can expect to be provided with a safe and secure environment that meets the high standards of care relevant to an ECM. They should also expect a diverse selection of educational and training courses together with healthcare and anti-offending programmes designed to improve life chances and promote social inclusion. A young person's physical and emotional well-being will be protected and preserved through implementing dignity, respect and privacy and will be

safeguarded from institutional harms such as bullying, self-harm, harm to others, suicide and intimidation to their mental health. Children can also expect committed staff to help them maintain communication with their families, assist with their resettlement back into the community and support with accommodation and continuing education or training. Staff are also required to provide individually tailored development plans that challenge a young person’s offending behaviour. Lastly, staff will review and follow up a young person’s progress and continue to work in partnership with YOT’s and other agencies on a child’s post release (FOIA, 04.07.12). These STC principles have corresponded with the STC Rules (1998).

**Table 4: Secure Training Centre Statement of Purpose (2012) and Secure Training Centre Rules (1998)**

| <b>The Secure Training Centre Rules (1998)</b>                             | <b>Sero’s Charter for Hassockfield Secure Training Centre (January 2012)</b>  | <b>G4S Secure Training Centre Statements of Purpose (Medway, Oakhill, Rainsbrook) March 2012</b>   |
|--|---|--|
| 3.1(a) Accommodate Trainees in a safe environment within secure conditions | To provide young persons in their care to reflect upon and change their offending behaviour in a structured, safe and caring environment, in line with ECM, staff will provide a health care program that shows trainees respect, dignity and acceptance while promoting physical and emotional well-being. | 2) The Centre is committed to looking after and accommodating all trainees and remanded young persons in safe and secure conditions. The Centre provides high quality standards of care for all young persons, decent living conditions and staff relationships and helps to promote and report social, emotional and physical needs, based on the principles of dignity, privacy and respect. |
| 3.1(b) To help trainees prepare for their return to the community          |   | 12) Centre staff are committed to helping sentenced trainees as they move into the community, supporting them to have appropriate accommodation and education and training on release  |

**Table 4 (continued... )**

| <b>The Secure Training Centre Rules (1998)</b>  | <b>Serco’s Charter for Hassockfield Secure Training Centre (January 2012)</b>   | <b>G4S Secure Training Centre Statements of Purpose (Medway, Oakhill, Rainsbrook) March 2012</b>   |
|---|---|--|
| 3.2(b) To establish programs designed to tackle the offending behaviour of each trainee and to assist in his development; | To provide an individually tailored program that aims to challenge children in respect of their offending and anti-social behaviour so as to enable them to contribute positively to society. | 6) All sentenced trainees will be presented with challenging programmes to tackle offending behaviour, confront them with the effects of their actions and make them realise the consequences, for themselves and society.   |
| 3.2(c) Fostering links between the trainee and the outside community  |   | 9) The Centre will work positively in partnership with YOT’s and other agencies within the Centre to support and enhance the transition of all the young persons into the community on their release.<br><br>11) The Centre is committed to supporting all young persons, their families and/or carers, to maintain contact and to help them work in partnership with the Centre's staff team. Help in supporting families and carers, offering advice and assistance is essential to the Centre's work. |
| 3.2(d) Co-operating with the services responsible for the trainee’s supervision after release.                            |   | 12) Centre staff are committed to the continued work with the YOT staff, education establishments, parents and carers while offering advice and support, post release, with their attendance at a community review and follow up communication.  |

*Source: STC Rules (1998)*

For original documents regarding ‘Statements of Purpose’ for G4S and Serco Secure Training Centre Charter (2012) see Appendices 2 and 3. Table 4 above reveals that G4S Secure Training Centre Statements of Purpose (Medway, Rainsbrook and Oakhill)

March 2012 is consistent with the original STC Rules (1998) yet more detailed. On the other hand, Serco's Charter for Hassockfield STC (2012) is evidently lacking in specific areas relating to the STC Rules (1998) such as 3.1(b), to help trainees prepare for their return to the community; 3.2(c), fostering links between the trainee and the outside community; and 3.2(d) co-operating with the services responsible for the trainee's supervision after release. Attaining the statement of purpose for all four STCs was not easily available; in fact an application had to be requested via the Freedom of Information Act. For individuals wanting to know the purpose of an STC it is by no means straight forward. For instance, the websites for Serco and G4S STCs do not cite their statement of aims relating to STC Rules (1998).

In terms of a 'clear understanding of the purpose of STCs', it is evident that the YJB need to devise a legitimate, constructive, effective and achievable set of principles that result in a Statement of Purpose for STCs that must be used across all four establishments.

#### **4.3 Policies Enacted to Protect Children in Custody**

In the event of a young person or child being sent into custody the YJB is accountable for their placement and organization for the majority of their management, whilst the YOT maintains contact with the young person in question during and after custody. In addition, the YJB is also responsible for supervising the performance of the YJS, conducting research and issuing guidance and leading the implementation of reform (National Audit Office, 2010).

With regards to placing young offenders and children appropriately across the juvenile secure estate the YJB use a detailed structured assessment tool called 'ASSET'. The

purpose of the assessment is to begin a cycle of planning and reviewing an individual learning plan. More importantly, it ensures decisions are being made effectively regarding the young person's needs and instigates the planning of interventions and supervision necessary to address these needs. The ASSET has many functions, but this thesis will focus upon using ASSET for children sentenced or on remand to custody. It is used in this area of the justice system to assess the needs of children and their degree of risks and vulnerabilities such as self-harm, substance misuse and mental ability to cope in a YOI or STC. From here children will be situated in an establishment that best meets their requirements for the duration of their sentence (YJB, 2003). The evaluator, typically a trained YOT practitioner, completes the ASSET after interviewing a young offender in addition to consultation with guardians and other agencies. The twelve recognised risk factors contributing to persistent offending behaviour identified by young offenders through ASSET are presented in Table 5.

**Table 5: ASSET risk factors for young offenders**

|                                    |                             |
|------------------------------------|-----------------------------|
| Attitudes to offending             | Living arrangements         |
| Perception of self and others      | Physical health             |
| Education, training and employment | Emotional and mental health |
| Motivation to change               | Substance use               |
| Family and personal relationships  | Neighbourhood               |
| Lifestyles                         | Thinking and behaviour      |

*Source: National Audit Office, 2010:20*

The scheme has recognised 12 risk factors, which are closely correlated to the life problems that young offenders frequently endure. This is done through a variety of interventions including one-to-one assistance from other agencies. Additional templates

are used for specialist assessments, for example, in the case of mental health. Similarly, an ASSET assessment is also on hand for offenders who receive final warnings. ASSET documentation is reviewed at regular intervals during the course of the sentence (National Audit Office, 2010).

Although the formation of ASSET is a recent tool used by the YJS, it has not come without criticisms about its logic. There has been some evidence of disparagement from interviewed YOT workers cited in Barry and McNeil (2009). YOT workers discussed the ASSET assessments as meaningless and furthermore, by not permitting a truly professional assessment they found it helpless and problematic. YOT workers also stated that ASSET was written and formulated by a computer and argued that it distorted their professional judgement and training on what young offenders actually needed. In reality, YOT's based their assessments on getting to know the young offenders and their families in order to gain a better judgement on individual needs.

Furthermore, the YJB (2003) established that the predictive accuracy of ASSET was 67%. Barry and McNeil (2009:130) suggested that ASSET-based risk assessments were a return of the repressive welfarism and not in the best interests of the child. They were seen as a means to hold the state responsible for its obligation to vulnerable marginalised and excluded young citizens. The National Audit Office (2010) have also added that the prognosis can be difficult when assessing a young offender due to the fact that some information is very personal and young offenders are often neither cooperative nor comfortable telling the whole truth. Regardless, the YJB maintains that the ASSET is a good quality assessment tool and is fundamental when achieving value for money in the YJS. In addition, it can speed up the process of placing young

offenders into the secure penal estate which most suits their individual needs and punishment.

On the contrary, Paul Goggins, Home Office Minister, confirmed that the number of ‘assessed vulnerable’ children has been extensively escalating since 2000, yet in spite of this they are still being placed in YOIs. In 2000/01 there were 432 vulnerable young offenders placed in YOIs, in 2001/02 this increased to 1,875, in 2002/03 the figure rose to 2,903 and in 2003/04 the number of vulnerable children being detained in YOIs increased to a staggering 3,337; more still, HMCIP declared that ‘some children are not safe and should simply not be there’ (Goldson and Muncie, 2006:149). This suggests that the high percentage of vulnerable children being placed irresponsibly within the secure estate can still expect to face the gravest risks to their welfare.

Previously discussed in Chapter 3 sections 3.1 and 3.4, it has been noted that the juvenile secure estate had to incorporate the Green Paper ‘*Every Child Matters*’ in association with the Children’s Act 2004 for daily routines and activities preventing harm and to promote a young person’s well-being. This policy was formulated to require all child care professionals, including those working with children in custody, to work towards accomplishing five key principles:

1. To be healthy;
2. To be safe;
3. To enjoy life and achieve;
4. To make a positive contribution to society;
5. To achieve economic well-being (DFE and Skills, 2003).

These factors are to be incorporated into all child settings to ensure that every young person, whatever their background or their circumstance, are made available of the five key principles. These principles also act as a guide to child environments to ensure that they have substantial levels of support and services. These will provide children with effective opportunities and a goal to reduce levels of educational failure, ill health, substance misuse, teenage pregnancy, abuse and neglect, crime and anti-social behaviour (Lewis and Heer, 2008).

Throughout this thesis there are examples of reports and statistics which support the statement ‘children in the penal estate are among the most vulnerable group in society’. Prior to incarceration children have often experienced poor health, a lack of education, a deprived upbringing and harsh parental supervision in addition to abuse and neglect (see Chapter 3 for additional information) (Muncie, 2009; Goldson, 2005a). Regardless of which penal estate a young person is allocated to for their sentence and despite their vulnerable status, every child is entitled to the support and services that allows them access to all five principles stated in ECM.

In deference to ECM, the Children’s Commissioner found a lack of consistency and wide variation in the type, level and quality of measures put in place to support the emotional well-being and good mental health of children in the YJS, specifically those in the secure estate. Moreover, there was found to be inconsistent levels of support and training for staff (Office of the Children’s Commissioner, 2011/12). Also, the Children’s Commissioners were concerned about the consistency and provision of education in secure settings and its continuity with services in the community (UK Children’s Commissioners, 2011).

Evidence in Chapter 3 and yet to be seen in Chapter 5, emphasises that children throughout the juvenile secure estate are lacking the five principles of ECM and the aims of the YJB. Not only are children being placed carelessly within the juvenile secure estate, but it has established that children are unremittingly being placed at a disadvantage for the duration of their sentence and their subsequent release, when they are not always given the opportunity to prosper from the principles of ECM.

Substantial efforts have been made by the Government, YJB, Secretary of State and voluntary child care agencies to focus upon updating and developing child protection policies, practices and procedures. In addition to the YJB's risk assessments and ECM there are global and local efforts that have promoted human rights and safeguarded children from harm. For instance, the Children Act 1989 and Children Act 2004, United Nations Standard Minimum Rules for the Administration of Juvenile Justice (1985) (known as Beijing Rules), The Universal Declaration of Human Rights (1948), United Nations Rules for the Protection of Juveniles Deprived of their Liberty (known as the Havana Rules), United Nations Guidelines on the Prevention of Delinquency (1990) (known as Riyadh Guidelines) and Working Together to Safe Guard Children (1999) (Goldson and Muncie, 2012). As important as these policies and guidelines are in relating to all children across all child care establishments, this thesis has focused more upon the 54 Articles of the UNCRC (1989).

In the build up to establishing STCs the whole concept was criticised of breaching the UNCRC Article 37 'to use imprisonment only as a last resort and for the shortest appropriate period of time'. Furthermore, the YJB was criticised for repeatedly violating Article 40 to seek 'alternatives to institutional care ... to ensure that children are dealt with in a manner appropriate to their wellbeing' (Goldson, 1999:20). Goldson and

Muncie (2012:52) indicated that the number of children deprived of their liberty is high, which signifies that penal sentences are not always being used as a measure of last resort. Fifteen years after opening the first STC there is still height for topical discussion, especially in relation to breaching of laws concerning protection from harm and STCs are heavily criticised for using and abusing their power in the use of restraint.

#### **4.4 Case studies: the deaths of Adam Rickwood, Gareth Myatt and Joseph Scholes**

As the previous section stated, there are numerous vulnerable children being detained in STCs that are constantly witnessing or experiencing harmful levels of restraint. The three case studies described in this section will show how using physical control in care can have a detrimental effect when using restraint ineffectively, or when it is not used as a last means of resort or when they are in breach of the UNCRC articles.

##### ***Adam Rickwood***

On the 9<sup>th</sup> August 2004, Adam Rickwood from Lancashire, aged 14, 5ft 1 inches tall and weighing 7.5 stone, became the youngest person to die in custody whilst in the care of Hassockfield STC. During the transitions of primary school and secondary school Adam experienced disturbing events from which he demonstrated signs of depression and anxiety. He struggled with his difficulties and became truant from school, self-harmed and attempted suicide. During this difficult time he was accused of stabbing Stephan McNally in July 2004 and was sentenced to electronic monitor tagging. Adam breached his conditions of bail and was sentenced to 18 months custody at Hassockfield STC. Adam's mother made rigorous attempts to get her son professional help, though she received limited success. Regardless, Adam's family visited as often as possible despite the 300 mile round trip, due to growing concerns for his emotional and mental

well-being, especially when he suggested to his mother that he was considering suicide. The day Adam died; he had an argument with members of staff. This led staff to use the 'nose distraction' restraint technique which resulted in Adam's nose swelling and bleeding for an hour. Disregarding his mother's request to have him closely monitored Adam took his own life by making a ligature from his own shoelace and thereby hung himself from a curtain rail (Goldson and Coles, 2005:65-66).

The inquest into Adam's death illustrated that prior to his death there had been numerous incorrect and incomplete assessments presented to the courts. Adam had been known to social services since the age of three and had amassed a long history of self-harming and attempted suicide. None of these factors were presented by his YOT. Adam's death could have been avoided if he had been assessed efficiently and placed on remand in the community. This would have been preferable to the 300 mile round trip away from home, which would have only have added to his depression and anxiety. Additionally, his family would not be directly involved with his planning and reviews. Moreover, the restraint technique 'nose distraction' had contributed to Adam's death. Children that endure physical restraint and are already psychologically unstable are even more susceptible to extreme methods of self-harming and suicide. This is especially true if they have been sexually or physically abused previously (PRT and INQUEST, 2012).

### ***Gareth Myatt***

Gareth was 15 years old when he died on the 19<sup>th</sup> April 2004 at Rainsbrook STC. He was from Stoke-on-Trent, was mixed race, weighed 6.5 stone and was 4ft 10inches tall. Gareth was serving a 12 month DTO for assault and theft and was incarcerated 80 miles away from home. Three days into his sentence he refused to clean up the kitchen after

himself, used offensive verbal language towards a member of staff and was ordered to go to his room, which he was compliant with. Due to his behaviour two members of staff dismantled and retained Gareth's belongings from his room. After a member of staff removed a piece of paper (which later was found to be his mother's new mobile number) Gareth became very volatile and lashed out at the member of staff whilst trying to regain the paper. As a result, three members of staff (two men, one woman) physically restrained Gareth by using the 'seated double embrace'. During the struggle Gareth tried to tell the staff he was finding it difficult to breathe. The staff ignored his request to release him and replied 'if you're shouting, then you can breathe'. Consequently Gareth choked on his own vomit and died. His sad legacy was to become the first child to die in a STC (Goldson and Coles, 2005:64-65).

The inquest into Gareth's death revealed that he died of positional asphyxia as a result of a restraint technique known as 'double seated embrace'. Disclosures at the inquest revealed that staff had a lack of training with children, which consequently led to a minor incident to escalate so readily into a violent one. Furthermore, it was exposed that there was an unprofessional and violent culture amongst staff at Rainsbrook where carers nicknamed each other with labels such as 'clubber' and 'crusher', such culture ensured dominance of control rather than protecting children from harm. What is also of concern is that all staff at STCs had had first aid training but no one reacted to the warning signs of Gareth losing consciousness (Youth Rights UK, 2007).

It was revealed that until Adam and Gareth's death there had been no reports or inquiries by agencies to monitor what was happening in STC's. The unlawful nature was not identified or acted upon until it was too late, even though the YJB had been asked by the Home Office to review the safety of physical restraint techniques used in STCs back

in 1998 (CRAE, 2012). The review of Adam and Gareth's death raised many questions such as quality and motivation of the staff and the types and levels of training they receive. As a result the YJB suspended and later discontinued the use of the 'nose distraction' and the 'double seated embrace' (Smallridge and Williamson, 2008).

### ***Joseph Scholes***

On the 24<sup>th</sup> March 2002, Joseph aged 16 died at Stoke Heath YOI. Joseph had a very troubled up-bringing. He had endured his parent's ugly divorce and subsequent custody proceedings and there was a history of sexual abuse and self-harming, which impacted on his self-esteem. This in turn led to more episodes of self-harm and thoughts of suicide. Joseph was eventually placed in a SCH in 2001 where carers described him as a polite and well-mannered young boy. Alongside this description Joseph had never had a criminal record, which was why his behaviour was seen as out of the ordinary. He associated with a group of children, consumed alcohol and then demanded money and mobile phones from another group of children. Two weeks prior to Joseph's sentencing he had slashed his face 30 times and claimed that he would take his own life if he was sentenced to custody. The Judge acknowledged Joseph's disturbing upbringing and drew attention to his vulnerabilities. Even taking this into account he gave Joseph the maximum and most severe penalty for a custodial sentence available. The Judge advised that Joseph should be detained in a STC, but due to lack of available places there appeared to be no alternative but to send him to a YOI. Joseph was detained in a bare cell with camera surveillance and was made to wear a heavy canvas garment, under which he was naked. Joseph repeatedly stated that if he was transferred to a normal prison wing he would commit suicide. Despite these threats he was relocated days later to an unmonitored cell, which proved fatal. Nine days later Joseph was found hanging by a noose made from bed sheets in his room (Scott and Codd, 2010:105).

What is alarming about Joseph's case is that in comparison with Adam Rickwood's case, it was acknowledged by his YOT, social workers and consultant psychologist that he was assessed as highly vulnerable with concerns for his well-being and safety and these reports were presented to the judge at his hearing. What is incomprehensible is that decommissioning of SCHs did not commence until after Joseph's death yet there were no beds to accommodate him in a SCH or STC so he was ill placed in a YOI that could not offer the support he needed. This is a prime example of the detrimental effects of limiting places for vulnerable 15 and 16 year olds. Furthermore, is that Joseph was dehumanised when he was first placed alone in a strip cell, dressed in a canvas suit and then transferred to a lesser monitored wing and placed in a cell that had easily accessible ligature points, when it was apparent that Joseph was a threat to his own safety (PRT and INQUEST, 2012).

Every child has the right to be kept and feel safe whilst in the care of the state; under the STC Rules (1998) 3.1(a), United Nations (1989) Article 6 and ECM (2003) 'Staying Safe'. But it is evident that sadly 33 children have died since 1990 in STCs and YOIs (INQUEST, 2012). Alternatively, there have been no deaths within SCHs since 2000 and only one in the past 20 years (HLPR, 2012a). It can be argued that a proportion of children that are detained in a STC share the same pains that are profoundly endured within in a YOI. Consequently, it appears that STCs are not upholding their policy to keep children safe. Also STCs are inconsistent with United Nations (1989) Article 6 'All children have the right of life. Governments should ensure that children survive and develop into well-balanced adults which corresponds with ECM (2003) 'staying safe'.'

On the one hand, policies and legislations supporting the conception of detaining children in STCs base the authenticity on care, education and rehabilitation. On the other hand, leading agencies, organisations and policy makers such as UNCRC, CRAE and the HLPR operate first and foremost to promote the welfare and human rights for children. STCs have often strayed towards techniques of punishment forgetting that their purpose is primarily ‘care’ based. Having considered the three case studies of Adam Rickwood, Gareth Myatt and Joseph Scholes, it appears that the YJB did not prevent these outcomes regardless of their multiple ‘risk’ assessments. Furthermore, there is a clear disjunction between the rhetoric of children’s human rights and the reality of children’s circumstances in juvenile secure estate. This is especially true since such traits outside the secure estate are often characterised as child abuse (Goldson and Muncie, 2012).

In conclusion this chapter has examined and analysed the legislations upholding STCs. Furthermore, it has observed the policies and procedures enacted to protect a young person’s safety and human rights whilst detained and in care of the state. At the beginning of this chapter it was established that both private organisations for STCs had similar variations for their statement of purpose relevant to the STC Rules (1998). Granted that there were variations for the statement of purpose, the key features for effective rehabilitation consisted of providing safe and secure conditions and providing a high quality of standards of care in line with ECM. Other key features were: to promote physical and emotional well-being based on principles of dignity, privacy and respect and to provide young offenders with a tailored individual development plan; to provide high standards of education, healthcare and anti-offending programmes and to improve life chances; to promote social inclusion and in addition, staff will be committed to help prepare sentenced young offenders with their transition back into the

community by assisting with accommodation, education and training. Furthermore, STCs support young offenders to maintain good communication and contact with their families.

At a basic level STCs are effective at incarceration. However, they are less effective at protecting children from institutional and self harm. Similar to SCHs, they also provide rehabilitation support and therefore focus on care rather than only punishment, which is achieved through good staff ratios that allow the formation of supportive relationships. Furthermore, the pain of incarceration is as great as that of being in a YOI. These elements are the subject of the critical review in the next chapter which evaluates the effectiveness of STCs and considers their political legitimacy.

## CHAPTER 5

### DISCUSSION AND CONCLUSIONS

This chapter addresses the overall research question by considering the aim and objectives in turn and summarising the evidence from the documentary analysis to facilitate an overall conclusion regarding the effectiveness of STCs in the context of their declared intent.

#### **5.1 Making Sense of Effective Rehabilitation, Youth Offending, Harm Prevention and Penal Legitimacy: A Critical Analysis**

In this chapter there will be a critical analysis of the proposed questions and objectives this thesis has investigated. The chapter will focus upon the data obtained from Chapters 3 and 4 in addition to secondary data selected from the Carlile Report, HLPR, PRT, INQUEST, NACRO and CRAE. This chapter establishes the analytical framework of liberal penal and political ideology from Chapters 2 and 3 in conjunction with data provided within this chapter. It also includes statistics from the YJB of re-offending rates, self-harm and suicide rates, children's actual experiences and also recent publications derived from campaigning penal pressure groups that focus upon the credibility of STCs meeting their aims. This chapter will explore further implications and contradictions that STCs have on the effective rehabilitation of young offenders and safe-guarding them from institutional harms. By critically analysing official documents in comparison to legitimate voluntary and charitable organisations that predominantly commit their research to children's welfare, the chapter conclude as to whether STCs were credible and achievable and a success or a failure relating to accommodating young offenders in an effective, care-based safe and humane environment whose aim was to rehabilitate and re-instate children back into society.

## **5.2 Are Policies and their Deliverance Set in Secure Training Centres Effective at Rehabilitating Children?**

There has been much confusion concerning the statement ‘What is the purpose of a STC?’ This confusion dates back to 1998 when Hagel, Hazel and Shaw conducted 22 semi-structured interviews with 17 members of staff at Medway STC within the two years of opening. They found that there was a consensus amongst staff regarding the lack of clarity over the purpose of STCs. Furthermore, members of staff reported that they were unsure as to whether they were working as a children’s home or a YOI and consequently the administration of rules and contracts conflicted. Ultimately Medway STC was heavily criticized for its performance (Hagel, Hazel and Shaw, 2000:59). The National Framework, ‘*Working Together to Safeguard Children*’ (2006) replaced the 1999 framework. The current framework states that STCs are purpose-built secure accommodation units for vulnerable, sentenced and remanded children aged 12-17. These are girls and boys that have challenging behaviour and/or are persistent offenders. The regime is focussed on child care and considerable time and effort is spent on individual needs to ensure that children are equipped to make better life choices on their release. Each STC has a duty to protect and promote the welfare for all children detained. Furthermore, directors must ensure that there are effective safe-guarding policies and procedures that explain staff responsibilities in relation to care. The policies need to incorporate the Children’s Act 2004 relating to ‘Local Safeguarding Children’s Boards’ and ECM as well as on a global scale with the UNCRC (HM Government, 2006).

Despite assurances that the primary purpose of STCs is not penal and that they should focus on providing high quality standards of care, education and rehabilitation in a safe

and secure environment, there has been heavy criticism. This is due to examples of excessive use of force coupled with unsatisfactory education programmes, inexperienced and incompetent staff, lack of effective and experienced managers and failure of programmes to tackle offending behaviour. Add to these failures restricted access to fresh air and exercise and some children left in an enclosed environment for 24 hours a day (Muncie *et al.*, 2002:321).

The effectiveness of STCs has further been criticised for the way they are inspected by OFSTED. It was further reported that OFSTED had not collated or published any figures of the increased use of physical restraint (HLPR, 2012b). In response to a consultation for the inspection of STCs the HLPR observed and argued that the use of restraint is far from resolved and questioned why the levels of restraint are rising, despite the reduction of children sentenced to custodial places.

The principle purpose for OFSTED inspectors is to evaluate the provision of safeguards for each STC. Each announced or unannounced inspection report continues to evaluate the effectiveness of the provision, education, welfare and if children are making a positive contribution. The evidence for OFSTED reports described Oakhill STC's overall quality of performance as outstanding (OFSTED, 2011b), Rainsbrook STC's overall quality of performance as outstanding (OFSTED, 2011c), Hassockfield STC's overall quality of performance as good (OFSTED, 2011a) and Medway STC's overall quality of performance as good (OFSTED, 2012). Furthermore, these reports concluded that the effectiveness for protecting children from harm and neglect as well as keeping them safe were 'outstanding' at Medway, Rainsbrook and Oakhill. At Hassockfield the performance was considered 'good'.

The HLPR has commented that OFSTED regimes are insufficient and are unfit for purpose due to their failing to recognise significant risks that redress children's safety and well-being. In addition they failed to consult and engage with organisations that are specialists in the field of children's custody. After recognising these failings the HLPR recommended that OFSTED relinquish their authority or collaborate with HMCIP to inspect STCs (HLPR, 2012b). The HLPR's consultation paper has been successful and this reformation commenced in 2013; OFSTED now work together with HMCIP and the Care Quality Commission to research, report, evaluate and make recommendations for each STC's quality of performance and effectiveness of care and rehabilitation. In addition they advise the YJB in the provision of positive influences and guidance to STCs in order to achieve effective outcomes for children.

The media representation for the effectiveness of STCs for the hospitality of vulnerable young offenders is poor. Throughout the research for this thesis there were limited resources to support that STCs were delivering effective regimes that collaborated with policies constructed by the UN Havana Rules, UNCRC, ECM and the STC Rules. In general, media success stories relating to the rehabilitation of children are relatively scarce, but this is not to say that there are no success stories for children detained in STCs. The Alliance for Good Practice in the Secure Estate (Catch-22 and Turning Point, 2012) gave a good example where a child was effectively rehabilitated and resettled back into the community. Due to confidentiality issues the girl featured in the case study below was named 'D'.

D was given a 24 month DTO. This meant that she would be sentenced to 12 months in a STC and the remaining 12 months in a SCH. Prior to care D was a traveller with no fixed abode and had a history of theft and violence. Previous to her DTO she had been

in a SCH where she had assaulted three staff. After the assault D was then placed in the care of Serco's STC in Hassockfield. Upon admission D was uncooperative and aggressive therefore she was allocated a case worker who worked with her very closely, eventually building a trusting relationship and from this D's case worker was able to form a detailed assessment which focused on her education and attainment levels (Catch-22 and Turning Point, 2012:17/18). It was apparent that D had little education due to her previous lifestyle. It was also apparent that she had difficulty in relating to male workers. Due to this information it was decided that D's case worker and educational providers would be female wherever possible. And it soon became evident that D's aggressive behaviour diminished drastically. The care workers found that D's passion was singing so this was used as a constructive tool by pursuing music/singing lessons as the first activity of the day, which helped in the pursuit of her education timetable. In addition the case workers organised a meeting with D's parents. D has now left the STC and has moved into a care home, has maintained contact with her parents, gained qualifications and continues her education. More importantly she has had no involvement with the law since her resettlement from Hassockfield (Catch-22 and Turning Point, 2012:17/18). Although this is a credible example where a STC has obtained their aims and objectives they are still seen as underachieving (Goldson and Coles, 2005). When statistics of recidivism rates are exceeding 75% (NACRO, 2011) and the cost for an individual occupancy is £160,000 (National Audit Office, 2010) it is without doubt a fact that the negatives consistently outweigh the positives.

In July 2011 the YJB commissioned a consultation on the juvenile secure estate where its purpose was to present new proposals for 2014-15. Across all three sectors the views of 34% of 678 under-18 year old children in custody at the time were interviewed. The results of children's opinions that came to light when faced with the question:

“Do you feel that children get enough help with problems which led them to get into trouble in the first place”?

In STCs only 25% of children questioned agreed with this statement whilst 57% said they did not. In YOIs, 32% of children agreed, whilst 58% said that they did not receive adequate help to overcome the primary behavioural issues that led them to their arrest.

Children who attended a SCH equalled 30% for yes and no (YJB, 2012d:26). Furthermore, the results revealed that the majority of children in SCH's (65%) felt that the establishment was the best place for them to be, but only a third of those in STCs and YOIs agreed. Children felt the main reason for this was that the establishments did not adequately prepare them for life in their community (YJB, 2012d:15). Whilst it is commendable that relationships with staff were viewed as positive by a large majority (71%) of children in STCs, (YJB, 2012d:23) there are issues of staff turnover. For example when Medway first opened the turnover rate was 30% within the first 6 months of operation.

It was reported by Bateman (2008:2) that this is still a recurring issue with an unacceptable higher rate of staff changes (59%), which is most concerning because vulnerable children need stability. The ethos of STCs state that staff are supportive and will maintain contact with a young person throughout their incarceration and transition into the community as a constant change in staff could jeopardise and reinitiate communication barriers.

Considering the evidence for the credibility of STCs it appears that the concept of STCs is unclear. There is confusion with little evidence to support any significant results of rehabilitation. As previously stated in Chapter 2 section 2.4 a senior figure in the YJB commented that child care agencies needed to ‘grow up’ and come to term with the political realities in the ‘real world’. It now seems appropriate to comment that representatives of the YJB and YJS need to revise their ethos for STCs and consider their effectiveness.

### **5.3 Are Secure Training Centres Successfully Protecting Children from Harm?**

It has been established that the YJB’s criteria for children being placed in a STC are restricted for those who are characterised as the most vulnerable and have behavioural problems. Moreover, it is recognised in Chapter 3, section 3.2 that children placed in STCs have frequently endured experiences of isolation, loneliness, distress, alienation, ill-health, emotional, physical and sexual abuse. There is also evidence of self-harm, suicidal thoughts, poverty, public care and substance misuse (Goldson and Coles, 2005). Whilst there is recognition of these experiences prior to incarceration, there exists a contradiction between the YJB moral code of practice for STCs regarding the focus on care and rehabilitation and the accepted, regular use of physical restraint.

When STCs were established the prison service was assigned the role to devise a system specifically for all STCs to use restraint. The method designed was Physical Control in Care (PCC) which was to be used specifically on young offenders aged 12-14 and was approved by the Secretary of State and medical officials (Hart and Howell, 2004).

The PCC is based on a series of holds which rely on restricting the young person’s movement until they calm down. The PCC has designed three phases of interaction in

an endeavour to ensure that as little force as necessary is used. Phase one designates the use of force that may only be used by one member of staff, for example holds such as the 'single embrace' and 'side hug'. Phase two restraints require two members of staff and the most frequent holds applied are 'figure of four arm hold' and 'double embrace'. Lastly, phase three requires a third member of staff and should only be used if the young person is so violent that two members of staff cannot regain control of him/her. The third member of staff will control and protect the young person's head until de-escalation becomes possible (Smallridge and Williamson, 2008).

The PCC system was not designed to inflict pain or rely on pain-compliance for its effectiveness, although in some cases pain may be a subsequence of the child struggling (Hart and Howell, 2004). It is evident that policies supporting PCC measures of using non pain-compliance techniques appear to be contradictory as the PCC manual revealed that techniques used as pain inflicting distractions were directed to the thumb, ribs and nose (HLPR, 2011).

The STC Rules (1998:38) clearly state that no trainee shall be physically restrained unless necessary to save and prevent a trainee from escaping, injuring themselves or others, damaging property or inciting another trainee to do any of the other three. If restraint is then required it must only be carried out by officers who have undergone an approved training course. The incident must be recorded within 12 hours (STC Rules, 1998:38). The STC Rules have the same principles based on the same framework of SCH's; that of 'risk' rather than 'recalcitrance'. For the use of restraint in STCs to be considered morally legitimate staff must not use force to regain order and good behaviour. It is not enough for the child's behaviour to be challenging; it must also be likely to lead to harmful consequences (Hart and Howell, 2004).

Not only has the PCC raised concerns with children's safety and psychological status, it has also raised issues relating to staff safety. PCC techniques have been criticised by staff when it was reported that restraint methods were inadequate as there had been an increase to 50% in staff injuries and sprains and in increase to 60% with regard to injuries to their feet (Smallridge and Williamson, 2008).

According to the YJB's annual statistics, reported incidents of restraint increased from 6,922 in 2009/10 to 7,191 in 2010/11 however, there are no separate statistics for individual STCs (HLPR, 2012b). Whilst these results can provide an idea of how restraint is not being used appropriately they are also likely to be underestimated due to the fact that not all incidents are reported. Children often view the law as something there to punish them and are often unaware of their human rights. Furthermore, children are often afraid or refrain from making a complaint due to the fear of reprisals or feeling that no one will listen to them (HLPR, 2011).

Due to the concerns over the deaths of Gareth Myatt and Adam Rickwood, investigations and inquests have emerged over the legality of techniques used by staff in STCs. It was reported that restraint techniques are unsafe as not only can they lead to physical injury but also be profoundly psychologically damaging (PRT and INQUEST, 2012c). Following the review of policies concerning 'restraint techniques' a new system was employed to be used in STCs and YOIs. This policy is known as 'Minimising and Managing Physical Restrain' and training implementation commenced in 2012/2013 (YJB, 2012a). The hope now is to see whether the aims and purpose of this new policy can be used effectively by safeguarding children, updating training programmes, collecting data to make sure that restraint is being used appropriately and debriefing

children after a restraint incident. Children should be able to experience a consistency of rules and practices to be used in STCs and YOIs if they are moved between institutions.

It seems clear from the above information that STCs are not performing as morally legitimate institutions as once children are out of sight they are very frequently out of the minds of the majority of people in society (Goldson and Coles, 2005). The institutional harms inflicted on vulnerable children cannot be justifiable when regarding the ethos of rehabilitation and safeguarding children; especially true when it is common knowledge that many children placed in STCs have experienced many forms of abuse prior to their incarceration. Moreover, the institutional harms that are inflicted on children cannot be defended when considering the delay in progress of an individual's rehabilitation and implications caused by collateral damage to the young person's healthy development. Recalling back to Chapter 3, Goldson (2005a) stated that these harms inflicted on children would be considered as 'organised hurt' or 'child abuse' within any other residential setting for children. Therefore it is thus clear that the YJB and other government officials should work in partnership with child welfare agencies to address the urgent need for reform: policies, procedures, training and reporting.

#### **5.4 Are Secure Training Centres Penal Legitimate Institutions?**

It was established in Chapter 1 that STCs are one of three institutions that make the juvenile secure estate. They detain young offenders that are assessed and characterised as vulnerable and also have the most challenging behavioural problems. The reasoning behind their penal legitimacy is not to punish young offenders in their care but to provide them with a safe environment. They should also provide educational and training programmes to suit each child's needs. Furthermore, STCs are to provide young offenders with a variety of behavioural programmes to help them tackle, for

example, offending behaviour, by confronting the effects of their actions and making them realise the consequences for themselves and society with the aim to deter future reoffending. Further skills training will also assist young offenders in the transition of resettling back into the community (HLPR, 2012a). Finally, carers working within STCs must protect and promote welfare and education, placing it at the heart of detention, whilst regarding young offenders as children first and offenders second (Scott and Codd, 2010:67).

Whilst researching this thesis it has become clear that there are conflicting views regarding the legitimacy of STC establishments. Due to the closure of 15 SCHs there are as many as 500 cases where children who fit the criteria for STCs are being ill-placed in YOIs. This is due, in part, to limited places for girls and children aged below 15 (Pitts and Stevens, 2011). Moreover, there are inconsistencies regarding the statement of purpose in correlation with Articles 3(3), 6(2), 19(1), 25, 37(b) and 39 of the UNCRC. More importantly there are inconsistencies in the rehabilitation of young offenders for their transition back into society.

Article 3(3) of the UNCRC stated that:

‘state parties are to ensure that the institution, services and facilities (in this case STCs) who are responsible for the care and protection of children conform with the standards established by competent authorities, particularly in areas of safety, health, number and suitability of staff as well as competent supervision’.

*(United Nations, 1989).*

This thesis has uncovered the inconsistencies of Article 3(3) within STCs through the inadequacy of providing the principles of ECM. It is further disconcerting that STCs are ineffectively safeguarding children under Article 6 of the UNCRC, which states that

‘state parties shall ensure to the maximum extent possible the survival and development of the child’ (United Nations, 1989).

Alarming, there is evidence throughout this thesis that suggests that STCs have insufficiently maintained Articles 19(1) and (2) of the UNCRC. ‘States parties shall take all appropriate measures to protect children from all forms of physical and mental violence, injury or abuse whilst in the care of the state. Furthermore, protective measures should include effective procedures for the establishment of social programmes to provide support as well as other forms of prevention and for identification, reporting, referral, investigations, treatment and follow up of all instances regarding child maltreatment’ (United Nations, 1989). Comparatively, STCs are also failing to maintain Article 25 of the UNCRC; ‘to recognize the rights of the child who has been placed by the competent authorities for purpose of care, protection or treatment for their physical or mental health and to have a periodic review of their treatment provided and other circumstances relevant to their placement’ (United Nations, 1989).

The YJB principles for allocating young offenders across the juvenile secure estate and exercising STCs has effectively caused controversies relating to the legitimacy of using STCs. This is exhibited through disregarding and disrespecting Article 37(b) of the UNCRC: ‘The imprisonment of a young person shall only be used as a last resort and for the shortest appropriate period of time’ (United Nations, 1989). Thus, the juvenile courts and YJB are in violation of distributing excessive penal remands and punitive sentencing, far more than the UNCRC has advised and as a consequence England and Wales qualify as one of the highest young offender’s occupancy in penal settings in Europe (Muncie and Goldson, 2006). Similarly, STCs contradict Article 39 of the UNCRC, which states that: ‘States parties are to take measures to promote physical and

psychological recovery and social integration of victimisation of neglect, abuse, inhumane treatment or punishment; such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child' (United Nations, 1989).

Throughout this study it has been identified and reported that STCs are in breach of providing high quality services that incorporate the principles of ECM. In many cases the suitability of staff was unsatisfactory with a lack of training and questioning morals. This became clearer when considering cases such as Adam Rickwood and Gareth Myatt. Sadly there are staff that perpetuate and add to the inhumane suffering of children who already have vulnerabilities. It can be considered that STCs are not moral or legitimate institutions when children are subject to abject experiences in the very place they should be receiving care, rehabilitation, education and training. They should be a place of protection and support and an environment that fosters principles such as health, self-respect and dignity. It is also apparent that there are systematic failings through poor practice and procedures of agencies employed to identify report, make recommendations and investigate the effectiveness of treatment programmes. There is also evidence to show that these procedures were often incorrect, incomplete or ignored. Children have become more vulnerable to the implications of ineffective STC measures to promote physical and psychological recovery as well as social integration therefore children are at a higher risk of leaving STCs with no real chance of rehabilitation. Conditions in these cases are far below the minimum standards of the UNCRC Muncie *et al.*, (2002:321). STCs emerge as lacking penal and moral legitimacy and their implementation is not in keeping with their own statement of purpose and STC rules (1998).

When considering these claims it could be proposed that Goldson and Muncie's (2011:60) statement that the 'universal human rights for children in conflict with the law (STCs) are little more than illusory' is credible when regarding penal legitimacy for STCs.

## **5.5 Conclusions**

This thesis synthesises ideas that underpin the reasoning behind the establishment of STCs and analyses their performance in the context of their original performance criteria 'STC Rules 1998' with their statement of purpose. Although evaluations have been carried out previously, they have not used these strategic objectives as their point of reference. Furthermore, there has been limited consideration of the effectiveness of STCs in rehabilitation as a focal point. The aims and objectives for this thesis was to assess, analyse and evaluate whether STCs were effectively rehabilitating children whilst protecting them from harm; and whether they are regarded as legitimate penal institutions and that they are a valuable addition to the YJS.

Chapter 1 has demonstrated how political parties have argued STCs were a necessity in order to detain the most vulnerable of children who are persistent offenders and have challenging behaviour into one setting that was focused on 'care' and 'training'. This would give this category of young offenders a better chance to tackle their offending behaviour, rehabilitate them and reintegrate them into society. Goldson and Muncie (2006) have observed political parties authorizing the expansion of an assortment of disposals and sentences to detain children and criticised and argued that the notion and purpose of STCs are nothing new or original within the YJS. They also argued that STCs contribute nothing more to the system than increase institutional harms, recidivism rates and see the increase in public expenditure going to waste.

Chapter 2 has questioned the moral legitimacy of sending children to detention centres where there is a lack of a consensus between politicians, critics and the public about the concept of ‘childhood’ and what constitutes as ‘normal’ and ‘acceptable behaviour’. This discussion highlighted that children who fit the category of ‘challenging behaviours’ and those who do not fit into the societal perception of ‘normality’ and ‘acceptable behaviour’ are often misunderstood. As a result there is a tendency to dismiss their social inequalities and proportional vulnerabilities, which they have inherited and endured throughout the transition from childhood to adolescence.

The alarming statistics displayed in Chapter 2 section 2.2 shows us that children detained by the state are one of the most profoundly vulnerable categories of society, yet these characteristics fit the criteria for a place in a STC.

Furthermore, Chapter 2 showed how various changes to the YJB’s expenditure has caused major concerns amongst critics and child care agencies for children regarding the YJB policy to accommodate young offenders in settings that best suit individual needs. Due to the de-commissioning of SCH’s, girls and children aged below 15 have a priority place in a STC which leaves highly vulnerable 15-17 year old children being sent to YOIs as the next available option but in reality are not equipped to suit their needs. Other concerns that have been discussed are that children are being placed in settings that are over 50 miles away from their home, which has consequential effects for YOTs supporting rehabilitation, resettlement and after care together with reducing re-offending behaviours. This distinction between the STC purpose of maintaining care, education and rehabilitation has further proved problematic amongst critics and organisations. They have suggested that child profit jails (STCs) are unjustifiable and

morally illegitimate institutions. They are ineffectively reducing recidivism and rehabilitation as well as lacking qualified trained staff and resources that educate and support children's challenging behaviours.

The disclosure of statements of purpose for STCs found in Chapter 4 revealed that whilst both privatised companies adopted 'care' and 'education', there were inconsistencies between Serco, Hassockfield's STC statement and the STC Rules (1998). Due to the variations of statements of purpose, unrealistic expectations and role confusion documented in Chapter 5 this thesis concludes that the YJB need to devise an explicit set of principles that could be used across all four STCs, which would make them more credible and achievable. Further discussion concentrated on policies and legislations that were passed to protect the emotional and physical well-being of a child. Although political parties emphasised that STC authenticity was based on care, education and rehabilitation, research and results produced by CRAE (2010) and HLPR (2006) report that there is a clear disjunction between the STC statements of purpose, children's human rights and the reality of children's experiences (Goldson and Muncie, 2012) see case studies shown in Chapter 4 section 4.3.

Chapter 5 addressed the initial questions for this study. Not only was it found that child agencies and reported children's views highlighted that STCs are ineffective in of delivering their primary objective, which that is to rehabilitate children. It was also found that the very people incorporated to assess the effectiveness of STCs (OFSTED) and make recommendations were actually incompetent. This chapter has also highlighted major concerns that STCs have not upheld their policy to protect children from harm in conjunction with ECM and the UNCRC. There are examples where children experienced unnecessary, provoked, premeditated and illegal instances of

restraint that were not used in line with the STC Rules 1998 and as Goldson (2002) indicated this is 'organised hurt'. Although there are success stories of rehabilitated children resettling back into society, there are insufficient statistics for STCs to be considered as effective legitimate penal institutions when for the most part re-offending statistics for STCs are excessively high.

It would not be unreasonable to state that a prison environment or a secure care setting is an unhealthy and ineffective means of punishment; especially when young offenders represent only 2% of the overall prison population, or that over half of the children detained are non-violent offenders and 41% of children are sentenced to six months or less. It therefore makes little sense in continuing to make use of custodial settings which are ineffective of delivering their ethos, especially when there is little evidence that suggests custody works.

After much deliberation it has been observed and reported throughout this thesis that there is a large scale of credential documentation that has illustrated re-occurring penal illegitimacies within the juvenile secure estate. In addition, there has been a consensus between researchers in the youth justice field that STCs are ill run facilities. They actually claim that they promote the welfare of vulnerable children, but in fact there is little hope or evidence of any real rehabilitation activities and guidance, and enabling a brighter future for children in these establishments appears to be very unrealistic. There has been an emphasis by many groups identifying the need for a philosophical shift in the justice system; from a retributive or punitive model to a restorative, rehabilitative community-based model. Subsequently, in regards to ineffective administration of children's rights, under-achievements of purpose of statements and poor management skills demonstrated by the YJB, the public and private sector juvenile secure estate has

caused a major modification in the way this thesis's ideology was first focused upon. A shift from 'liberal penal reform' to 'holistic selective abolition' may be a more attainable resolution.

Two key contributions have been highlighted within this thesis. Firstly to the debates concerning the deficiencies of the juvenile secure estate, predominantly STCs and secondly, it enhances knowledge of the dubious effectiveness of STCs as a route to rehabilitation; STCs are ill run facilitators of institutional harm, ineffective at rehabilitation and illegitimate penal institutions in defiance of UNCRC.

This thesis raises important issues that are the basis for a future research agenda, which includes the possibility of direct research with young offenders and their experiences of aftercare and rehabilitation. In parallel with this, comparative research with staff across the entire range of support roles from the current three types of secure estates for young offenders, YOIs, SCHs and STCs, would be an interesting follow-on study

In conclusion, there is evidence to support that there are rhetorical aims within YJB policies that contradict STC rules and purpose of statement in relevance to effective management and administration in the welfare of children, therefore concluding that the credibility of STC establishments is ineffective at providing a legitimate service within the juvenile secure estate. In addition there have been implications with agencies reviewing the effectiveness of STCs and more importantly, the analysis found repeated discrepancies with upholding children's rights. The evidence seen throughout this thesis supports critical researchers such as Goldson and Coles, Muncie and Scott and Codd all of whom state rehabilitation and care within a custodial setting is merely an oxymoron, i.e. both concepts contradict each other. In this respect this study maintains that

alongside YOIs and STCs being abolished, a selective abolition perspective should be utilised only for the minority of young offenders who pose a danger to themselves or to the public; and only as a last resort and for the shortest possible duration should this minority of young offenders should be sent to a SCH. This thesis further aims to educate the reader of the plethora of implications within the juvenile secure estate, primarily focusing on STCs in addition to promoting the principles of the UNCRC.

On an end note, the beginning of the 1990's showed there had been an intensification of custodial solutions on offending children. England and Wales still have the dubious record of the lowest MACR, age 10. Government officials proclaimed that keeping the MACR so low was beneficial to the child. They emphasise that their priority was not to criminalise children or treat them the same way as adults, but by nipping in the bud early interventions to help them recognise and accept responsibility for their actions, thus enabling them to change their offending behaviour. Conversely these priorities have not been met; Jon Venables and Robert Thompson aged 10 were tried in an adult court. Children are still seen as offenders first and children second and punishment seems to triumph over welfare and rehabilitation. Furthermore, the reform of policies in the last two decades has allowed the ease of distribution of custodial sentencing, yet rehabilitation and offending behaviour programmes are limited and ineffective to reducing the recidivism rates. It should not be forgotten that children of this age should merely be responsible for having fun? It is the parents, care workers and the state that have responsibility for children and this includes their wrong-doings. Research has indicated that children do not go out of their way to commit crime. They learn it from their surroundings and the people they are brought up by. James Bulger was murdered by two boys who lacked moral understanding, yet they were conscious of their wrong doings and accepted responsibility for their actions. On one hand, it is strongly argued

that the two boys should be severely punished. On the other, it could be disputed, so should those who were involved in their lives; those who noticed that they were persistent naughty boys and did nothing to prevent them continuing anti-social behaviour – until it was too late! Should a one-crime phenomenon influence the way offending juveniles and juvenile delinquents to be perceived by the public domain and media spectacle for the foreseeable future and also influence authoritative decisions in how they should be punished? It is apparent that young offenders who are incarcerated are out of sight and therefore out of mind.

This thesis proposes that crime prevention and rehabilitation needs to be an utmost priority, which starts at home and continues in the community. Ultimately, if effective policy interventions are to be developed in order to address social inequalities experienced by the majority of children prior to incarceration then the complexities that such research could help reveal should be considered. This thesis further suggests that John Major was wrong when he claimed ‘we should understand a little less and condemn a little more’. On the contrary, for effective rehabilitation to commence, the state, community, parents and responsible adults, need to take caution when placing the blame, understand a little more, label others a little less and reduce bigoted demeanour towards some of the most vulnerable people in society ‘Children’.

Finally to return to the original questions for this study: ‘Are STCs effectively rehabilitating children?’ ‘Are STCs protecting children from harm?’ and ‘Are STCs legitimate penal institutions?’ The overall conclusion is that STCs have not and therefore do not achieve their stated goals with regard to effective care, protection, education and training or rehabilitation and are therefore not legitimate of their unique purpose.

‘Some people do need to be punished with imprisonment and held in a secure environment, for their own and for society’s safety. It is far better to have a secure environment that humanizes rather than dehumanizes, that gives them chances for the future and thus protects society better’.

*(Wyner, 2003:233).*

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# **Appendices**



(c) to any person inspecting the centre.”

The document attached with this letter provides the statements for Hassockfield and for the three establishments operated by G4S, which is consistent across all of their sites (Medway, Oakhill and Rainsbrook). We have been informed that the Statement of Purpose for Medway, as with the other two G4S operated STCs, is reviewed annually with the most recent changes being to change the corporate branding to reflect the internal change from ‘Rebound’ to ‘G4S’. The actual content of the statements have remained the same since the inception of STCs in 1998.

If you are dissatisfied with this response you may request an independent internal review of any aspect of our handling of your application. This can be done by submitting your request to:

Deputy Chief Executive of Corporate Services  
Youth Justice Board  
1 Drummond Gate  
Pimlico  
London  
SW1V 2QZ

or by emailing xxxxxxxxx@xxx.xxx.xx

Should you remain dissatisfied after this internal review, you will have a further right of appeal to the Information Commissioner.

Yours sincerely,

David Wells  
Corporate Governance Team

E: xxxxx.xxxxx@xxx.xxx.xx  
T: 020 3334 5398

SERCO HASSOCKFIELD SECURE TRAINING CENTRE CHARTER 2012



**Hassockfield Secure Training Centre**

**Charter 2012**

**Hassockfield Secure Training Centre will endeavour to provide young persons in their care with the opportunity to reflect upon and change their offending behaviour in a structured, secure, safe and caring environment.**

**In line with Every Child Matters staff will work together to provide young persons with:**

- A comprehensive education programme that aims to positively engage children in order to maximize their potential and achievements, improve their life chances and promote social inclusion.**
- A rigorous health and care programme that allows children to experience respect, dignity and acceptance whilst promoting physical and emotional well-being.**
- An individually tailored programme that aims to challenge children in respect of their offending and anti-social behaviour so as to enable them to contribute positively to society.**

**G4S SECURE TRAINING CENTRE STATEMENT OF PURPOSE MARCH 2012****G4S SECURE TRAINING CENTRE**

## STATEMENT OF PURPOSE (March 2012)

1. (.....) Secure Training Centre works with children aged 12 - 17 years who are either sentenced or remanded. Sentenced young persons (trainees) are detained either under Section 100 of the Powers of the Criminal Court Sentencing Act 2000 to a Detention and Training Order or, for more serious offences, under Sections 90 or 91 of the same Act. Remanded young persons are remanded to the care of the local authority with a secure requirement under section 23(5) of the Children and Young Persons Act 1969 (as amended).
2. The Centre is committed to looking after and accommodating all trainees and remanded young persons in safe and secure conditions. The Centre provides high quality standards of care for all young persons, decent living conditions and staff relationships and helps to promote and report social, emotional and physical needs, based on the principles of dignity, privacy and respect.
3. Every member of staff at (.....) Secure Training Centre is committed to maintaining the highest standards of care, control, good order and discipline in the Secure Training Centre, protecting vulnerable or disruptive young persons from themselves and/or others.
4. The Centre will treat all young persons as individuals and afford them dignity and respect promoting their cultural and religious needs, respecting gender, disability and diversity, ensuring the Centre promotes anti-discriminatory and anti-racist behaviour.
5. The Centre is committed to providing every young person with a positive regime offering high standards of education, healthcare, anti-offending programmes aimed at preventing reoffending and preparing children for their return to the community.
6. All sentenced trainees will be presented with challenging programmes to tackle offending behaviour, confront them with the effects of their actions and make them realise the consequences, for themselves and society.
7. All remanded young persons will be provided with education, regime activities and citizenship programmes which will not compromise their inherent right to innocence.
8. The Centre is committed to having a comprehensive complaints and representations procedure where complaints are taken seriously and responded to within agreed timescales. The Centre works proactively with the Youth Justice Board Monitor and Barnardos/Voice in promoting children's rights linked to their responsibilities to act in an appropriate way.
9. The Centre will work positively in partnership with Youth Offending Teams and other agencies within the Centre to support and enhance the transition of all the young persons into the community on their release.
10. All young persons' Planning Meetings will involve the young person, his/her parents and/or carers. Programmes will be based on initial and ongoing assessment to ensure that the programmes fully meet the needs of the young

person when in custody or on remand and promote ongoing work in the community.

11. The Centre is committed to supporting all young persons, their families and/or carers, to maintain contact and to help them work in partnership with the Centre's staff team. Help in supporting families and carers, offering advice and assistance is essential to the Centre's work.
12. Centre staff are committed to helping sentenced trainees as they move into the community, supporting them to have appropriate accommodation and education and training on release. The Centre staff are committed to the continued work with the Youth Offending Team staff, education establishments, parents and carers while offering advice and support, post release, with their attendance at a community review and follow up communication.

**Code of Ethics****Code of Ethics for Researchers in the Field of Criminology**

The purpose of this Code is to offer some guidance to researchers in the field of criminology in keeping with the aims of the Society to value and promote the highest ethical standards in criminological research. The Code of Practice is intended to promote and support good practice. Members should read the Code in the light of any other Professional Ethical Guidelines or Codes of Practice to which they are subject, including those issued by individual academic institutions and by the ESRC (see Further Information section below).

The guidelines do not provide a prescription for the resolution of choices or dilemmas surrounding professional conduct in specific circumstances. They provide a framework of principles to assist the choices and decisions which have to be made also with regard to the principles, values and interests of all those involved in a particular situation. Membership of the British Society of Criminology is taken to imply acceptance of these general principles and the need to be aware of ethical issues and issues regarding professional conduct that may arise in people's work.

The British Society of Criminology's general principle is that researchers should ensure that research is undertaken to the highest possible methodological standard and the highest quality in order that maximum possible knowledge and benefits accrue to society.

**1. General Responsibilities**

Researchers in the field of criminology should endeavour to:

- i) advance knowledge about criminological issues;
- ii) identify and seek to ameliorate factors which restrict the development of their professional competence and integrity;
- iii) seek appropriate experience or training to improve their professional competence, and identify and deal with any factors which threaten to restrict their professional integrity;
- iv) refrain from laying claim, directly or indirectly, to expertise in areas of criminology which they do not have;
- v) take all reasonable steps to ensure that their qualifications, capabilities or views are not misrepresented by others;
- vi) correct any misrepresentations and adopt the highest standards in all their professional relationships with institutions and colleagues whatever their status;
- vii) respect their various responsibilities as outlined in the rest of this document;

viii) keep up to date with ethical and methodological issues in the field, for example by reading research monographs and participating in training events (see Further Information section below);

ix) check the reliability of their sources of information, in particular when using the internet.

## **2. Responsibilities of Researchers Towards the Discipline of Criminology**

Researchers have a general duty to promote the advancement and dissemination of knowledge, to protect intellectual and professional freedom, and therefore to promote a working environment and professional relationships conducive to these. More specifically, researchers should promote free and independent inquiry into criminological matters and unrestricted dissemination of criminological knowledge. As part of this, researchers should endeavour to avoid contractual conditions that limit academic integrity or freedom. Researchers should endeavour to ensure that the methodology employed and the research findings are open for discussion and peer review.

## **3. Researchers' Responsibilities to Colleagues**

Researchers should:

i) recognise fully the contribution to the research of junior colleagues and avoid exploitation of them. (For example, reports and publications emanating from research should follow the convention of listing contributors in alphabetical order unless one has contributed more than the other(s));

ii) actively promote the professional development of research staff by ensuring that staff receive the appropriate training and support and protection in research environments which may jeopardise their physical and/or emotional well-being;

iii) not claim work of others as their own; the use of others' ideas and research materials should be cited at all times, whatever their status and regardless of the status of the ideas or materials (e.g. even if in draft form);

iv) promote equal opportunity in all aspects of their professional work and actively seek to avoid discriminatory behaviour. This includes a moral obligation to challenge stereotypes and negative attitudes based on prejudice. It also includes an obligation to avoid over-generalising on the basis of limited data, and to beware of the dangers of failing to reflect the experience of certain groups, or contributing to the over-researching of certain groups within the population.

## **4. Researchers' Responsibilities towards Research Participants**

Researchers should:

i) recognise that they have a responsibility to ensure that the physical, social and psychological well-being of an individual participating in research is not adversely affected by participation in the research. Researchers should strive to protect the rights of those they study, their interests, sensitivities and privacy.

Researchers should consider carefully the possibility that the research experience may be a disturbing one, particularly for those who are vulnerable by virtue of factors such as age, social status, or powerlessness and should seek to minimise such disturbances. Researchers should also consider whether or not it is appropriate to offer information about support services (e.g. leaflets about relevant self-help groups);

ii) be sympathetic to the constraints on organisations participating in research and not inhibit their functioning by imposing any unnecessary burdens on them;

iii) base research on the freely given informed consent of those studied in all but exceptional circumstances. (Exceptional in this context relates to exceptional importance of the topic rather than difficulty of gaining access). Informed consent implies a responsibility on the part of the researchers to explain as fully as possible, and in terms meaningful to participants, what the research is about, who is undertaking and financing it, why it is being undertaken, and how any research findings are to be disseminated. Researchers should also make clear that participants have the right to refuse permission or withdraw from involvement in research whenever and for whatever reason they wish. Participants' consent should be informed, voluntary and continuing, and researchers need to check that this is the case. Research participants have the right to withdraw from the research at any time and for any reason without adverse consequences. Research participants should be informed about how far they will be afforded anonymity and confidentiality. Researchers should pay special attention to these matters when participation is sought from children, young, or vulnerable people, including consideration of the need for additional consent from an adult responsible for the child at the time participation is sought. It is not considered appropriate to assume that penal and care institutions can give informed consent on research on young people's behalf. The young people themselves must be consulted. Furthermore, researchers should give regard for issues of child protection and make provision for the disclosure of abuse. Researchers should consider the possibility of discussing research findings with participants and those who are the subject of the research;

iv) where there is a likelihood that identifiable data may be shared with other researchers, the potential uses to which the data might be put should be discussed with research participants. Research participants should be informed if data are likely to be placed in archives, including computer archives. Researchers should not breach the 'duty of confidentiality' and not pass on identifiable data to third parties without participants' consent. Researchers should also note that they should work within the confines of current legislation over such matters as intellectual property (including copyright, trademark, patents), privacy and confidentiality, data protection and human rights. Offers of confidentiality may sometimes be overridden by law: researchers should therefore consider the circumstances in which they might be required to divulge information to legal or other authorities, and make such circumstances clear to participants when seeking their informed consent;

v) researchers should be aware, when conducting research via the Internet, of the particular problems that may arise when engaging in this medium. Researchers should not only be aware of the relevant areas of law in the

jurisdictions that they cover but they should also be aware of the rules of conduct of their Internet Service Provider (including JANET - Joint Academic Network). When conducting Internet research, the researcher should be aware of the boundaries between the public and the private domains, and also any legal and cultural differences across jurisdictions. Where research might prejudice the legitimate rights of respondents, researchers should obtain informed consent from them, honour assurances of confidentiality, and ensure the security of data transmission. They should exercise particular care and consideration when engaging with children and vulnerable people in Internet research;

vi) researchers should be aware of the additional difficulties that can occur when undertaking comparative or cross-national research, involving different jurisdictions where codes of practice are likely to differ.

## **5. Relationships with Sponsors**

Researchers should:

i) seek to maintain good relationships with all funding and professional agencies in order to achieve the aim of advancing knowledge about criminological issues and to avoid bringing the wider criminological community into disrepute with these agencies. In particular, researchers should seek to avoid damaging confrontations with funding agencies and the participants of research which may reduce research possibilities for other researchers;

ii) seek to clarify in advance the respective obligations of funders and researchers and their institutions and encourage written agreements wherever possible. They should recognise their obligations to funders whether contractually defined or only the subject of informal or unwritten agreements. They should attempt to complete research projects to the best of their ability within contractual or unwritten agreements. Researchers have a responsibility to notify the sponsor/funder of any proposed departure from the terms of reference;

iii) seek to avoid contractual/financial arrangements which emphasise speed and economy at the expense of good quality research and they should seek to avoid restrictions on their freedom to disseminate research findings. In turn, it is hoped that funding bodies/sponsors will recognise that intellectual and professional freedom is of paramount importance and that they will seek to ensure that the dissemination of research findings is not unnecessarily delayed or obstructed because of considerations unrelated to the quality of the research.

## **6. Further Information**

When considering ethical issues members of the Society engaged in criminological research may find useful the detailed guidance on the Data Protection Act, Internet research and research involving children and young people formulated by the Market Research Society, [www.marketresearch.org.uk](http://www.marketresearch.org.uk) The Social Research Association (SRA) has produced: A Code of Practice for the Safety of Social Researchers and the SRA's Ethical Guidelines contain an extensive bibliography of papers and reports on ethics in social research.

For further information on codes of ethics, data sharing, confidentiality, risk and trust profiles for individuals using public service data sources, and privacy and self-disclosure, please see: ***Losing Data, Keeping Trust*** by Arild Foss which is available at the following web address and is hosted by the ESRC.

ESRC website at: [www.esrcsocietytoday.ac.uk](http://www.esrcsocietytoday.ac.uk)

The EU Code of Ethics for Socio-Economic Research can be accessed at: [www.respectproject.org/ethics/guideines.php](http://www.respectproject.org/ethics/guideines.php)

Other national societies' codes of ethics can be accessed as follows: Australian and New Zealand Society of Criminology. [www.anzsoc.org/society/codeOfEthics.html](http://www.anzsoc.org/society/codeOfEthics.html)

## **7. Frequently Asked Questions**

Note: these FAQs are intended to provoke thought and debate: the answers given are not to be taken as definitive.

Q1: "One of my interviewees in prison has told me about getting away with various offences. He told me he is in prison for three burglaries, but there are several other offences that the police don't know about. What should I do?" A1: It should have been made clear to participants in the research at the outset what the limits of confidentiality for those involved in the study were: see sections 4iii and 4iv of the Code of Ethics. Research in sensitive settings such as prisons is particularly likely to throw up issues of this kind.

Q2: "I've been doing some focus group discussions with school children about their views on crime and punishment. In a small group of ten year olds one day, they started talking about a man called John who gives them sweets at the gate of the school. There was a lot of hushing and shushing and exchanged glances at this point, and it became clear that I was being told something I wasn't meant to hear because of their parents. What should I do?"

A2: The welfare of vulnerable participants in research, such as children, overrides other concerns. See sections 4i and 4iii of the Code of Ethics. Research with children should only be undertaken by people who have themselves been cleared for the purpose by the Criminal Records Bureau. If research uncovers suspected child abuse, this must be disclosed to the proper authorities for investigation. In this case, the suspicion is vague but valid: the researcher should inform a senior staff member at the school of what was said.

Q3: "I've got piles of interview data for my PhD but nowhere to keep the material. I share an office with five others and have two drawers in a filing cabinet but they key has been lost. What am I meant to do with all the data, and does my department have an obligation to help me?"

A3: PhD students should receive proper training on data protection and universities should make appropriate provision for confidential storage of data (see sections 1iii, 1viii, 4i and 4iv of the Code of Ethics).

Q4: "I've just interviewed someone who was very depressed, and I'm worried that they may harm themselves."

A4: Where criminologists undertake research on sensitive topics, they may need to consider providing information about sources of appropriate support to research participants who may become distressed by the research encounter (see section 4i of the Code of Ethics). However, whether it is appropriate to disclose information about potential self harm by research participants to third parties is a complex issue, and the decision will depend upon the circumstances of the case. It cannot be assumed that the person concerned would want their mental condition discussed with third parties.

Q5: "I'm a junior member of a large research group. I wrote the literature review for an article which the head of the group has submitted to a journal, but he has submitted it only under his own name. What can I do?"

If the senior researcher is a member of BSC, he is covered by this Code of Ethics. If not, the junior team member is in a very vulnerable position. If the matter cannot be resolved by informal discussion, the junior person needs independent advice in order to decide whether it is in her/his interests to pursue the matter formally (see sections 3i and 3iii of the Code of Ethics).

The BSC Code of Ethics was revised by Colin Dunnighan, Loraine Gelsthorpe, Mike Rowe, Azrini Wahidin, Brian Williams (Chair) and Kate Williams, February 2006. We also wish to acknowledge the help of Mark Israel.

The Ethics Committee of the British Society of Criminology currently includes: Mark Israel (Flinders University), Jo Phoenix (Durham University), Azrini Wahidin (Queens University Belfast), Anthony Goodman (Middlesex University) and is chaired by Loraine Gelsthorpe (University of Cambridge). Members of the Committee offer an advisory service to all members of the BSC regarding ethical issues. Notwithstanding members' commitments to any other professional and institutional codes of practice, the Committee also serves to review and comment upon research proposals. We are particularly keen to assist postgraduate students in this regard.

#### **Contact Details:**

Details of the British Society of Criminology's own regular training events and conferences on research ethics and related issues can be obtained from this website or from the Society's office on 07896 347183.

February 2006