

The origins and development of residential and custodial responses to children in trouble – England and Wales

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A brief history

- ◆ Until mid 19th century, children treated as adults for the purposes of criminal justice - in 1834, there were 2,604 children under 16 in jails or houses of correction
- ◆ First attempts to segregate children
 - Prison ships (or hulks) 1823 – 1825, 320 boys held in HMS Bellerophon
 - Parkhurst Prison opened on the Isle of Wight in 1828 as an alternative to transportation or adult prison, but the regime was intended to 'inspire dread' and the youth of the inmates was not to counteract 'the wholesome restraints of collective discipline'

A twin track approach

- ◆ With the rise of institutions specific to young people, there developed two rather different strands of provision, that went by a succession of different names
- ◆ Non penal which accommodated both children who offended and the deprived:
 - Reformatories (largely philanthropic) (1854–1933) – secure and non secure
 - Approved schools (Home Office) (1933–1969)– non secure
 - Community homes with education (local authority) (1969-??) non secure
 - Secure children’s homes (local authority) (1964–till today) secure
 - Youth treatment centres (Department of Health (1971–2000) – secure

The second (custodial) track

- ◆ Custodial provision specifically for children sent to custody by the courts for offending:
 - Specialist prisons or specialist units within adult prison
 - Borstal (1908 -1982) – largely custodial but could take very difficult children from approved schools
 - Detention Centres - (1948 – 1988) – short sharp shock
 - Youth custody (1982 – 1988) replaced borstals – longer custodial sentences
 - Young offender institutions (1988 to present) replaced detention centres and youth custody
 - Secure training centres (1998 – present) – privately managed prisons for younger children – run for profit

Not always distinct tracks

Albert Turner,
aged 9,
sentenced in
1872 to 14
days hard
labour in jail
and 4 years
in a
reformatory



The narrowing of the first track

- ◆ Following a rejection of a welfare approach during the 1980s, the Children Act 1989:
 - created different courts for family proceedings and offending
 - abolished care orders as a sentence for offending
- ◆ Leading to an effective welfare / justice split in the institutions used to accommodate young people with limited potential for children who offend:
 - Supervision order with requirement to live in local authority accommodation
 - Supervision order with intensive fostering
 - Secure children's homes
- ◆ In March 2007, out of 37,300 10 - 17 years olds in care:
 - Just 20 were as a consequence of a supervision order
 - 235 sentenced or remanded in secure children's homes

The intensification of the second track

- ◆ Since 1993, the treatment of children in the youth justice system has been influenced by a 'prison works' philosophy
- ◆ *'It [custody] ensures that we are protected from murderers, muggers and rapists – and it may make those who are tempted to commit crime think twice.'*

This may mean that many more people will go to prison, I do not flinch from that'.

Michael Howard, then Home Secretary, Speech to Conservative Party Conference, 1993

The juvenile secure estate

- ◆ Since 2000, the various custodial institutions for children have been brought together to form the 'juvenile secure estate' – consisting of:
 - ◆ Young offender institutions
 - Prison service/ up to 500 places / holds 15 – 17 year olds under sentence / holds 15 – 17 year old boys on remand and 17 year old girls on remand
 - ◆ Secure training centres
 - Privately managed jails/ 80 places / holds 12 – 16 year old girls / 12 – 14 year old boys and 15 – 16 year old vulnerable boys
 - ◆ Secure children's homes
 - Local authority provision / max 44 places / accommodates 10 – 16 girls/ and boys on same basis as STCs

Relative distribution and cost of placements

Type of unit	Number of bed spaces	% of total secure estate	Cost per child per annum
YOI	3,003	85%	£50,500
Secure training centre	301	8.5%	£171,500
Secure children's home	235	6.6%	£194,800

A tough response

- ◆ *They ought to be ... matters of the very greatest concern ... to society at large. For these are things being done to children by the state – by all of us – in circumstances where the state is failing badly, and in some instances, failing very badly*

Mr Justice Munby, 2002

A tough response (2)

- ◆ 56% of boys in Huntercombe and 89% of girls in Eastwood Park felt unsafe
- ◆ The rate of assaults in YOIs is 62.4%
- ◆ Between 1998 -2002, there were 1,659 recorded incidents of self harm
- ◆ 30 children have died in custody since 1990

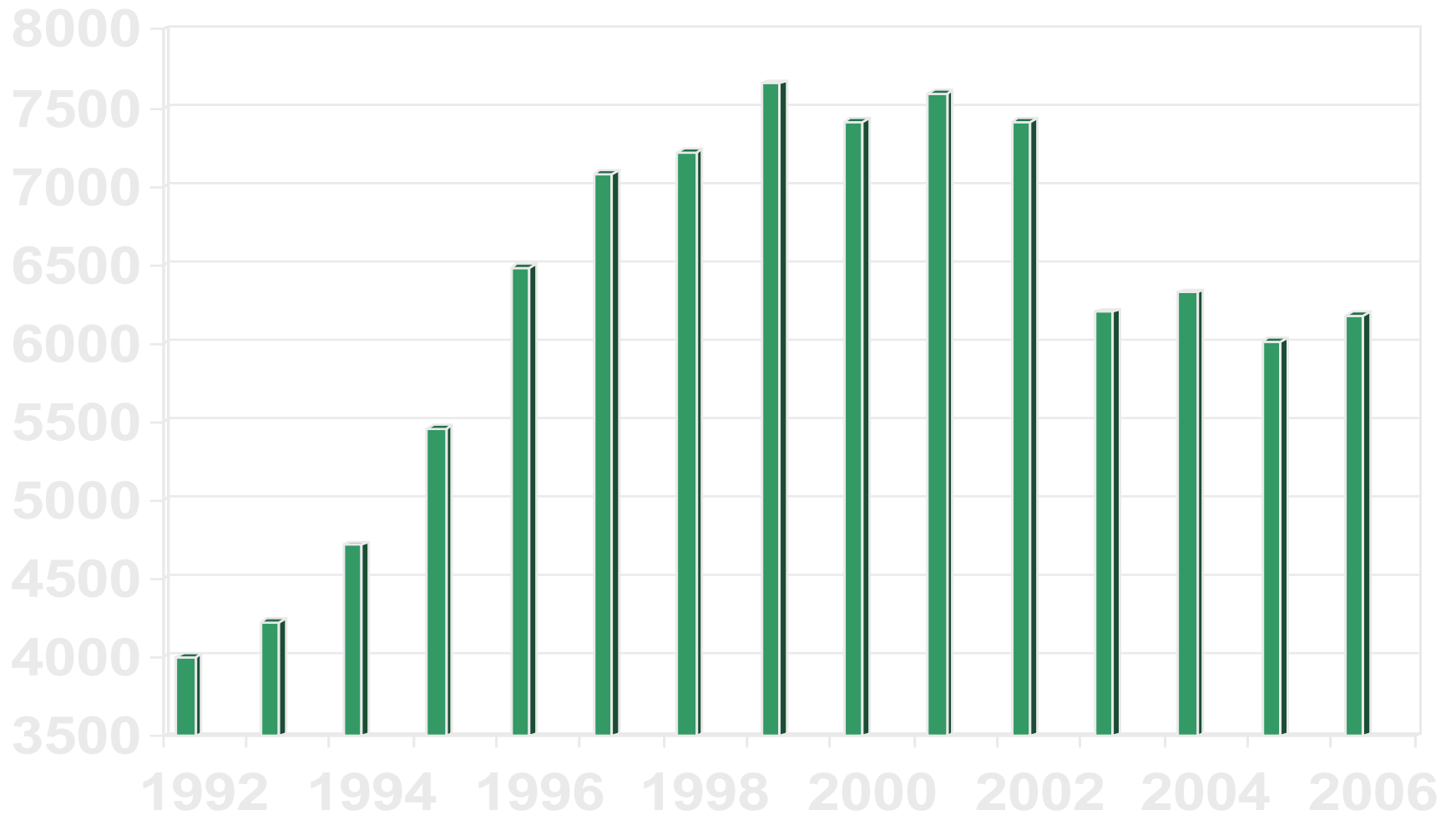
Routes to custody

◆ Under sentence

- Detention and training order – up to 2 years, available in the youth court
- Long term detention for 'grave crimes' - up to adult maximum for offence. Only available at Crown Court
- 'Preventive' sentences for 'dangerous' young people – including indefinite detention. Only available at Crown Court

◆ Under remand to secure accommodation or custody (depending on age or gender)

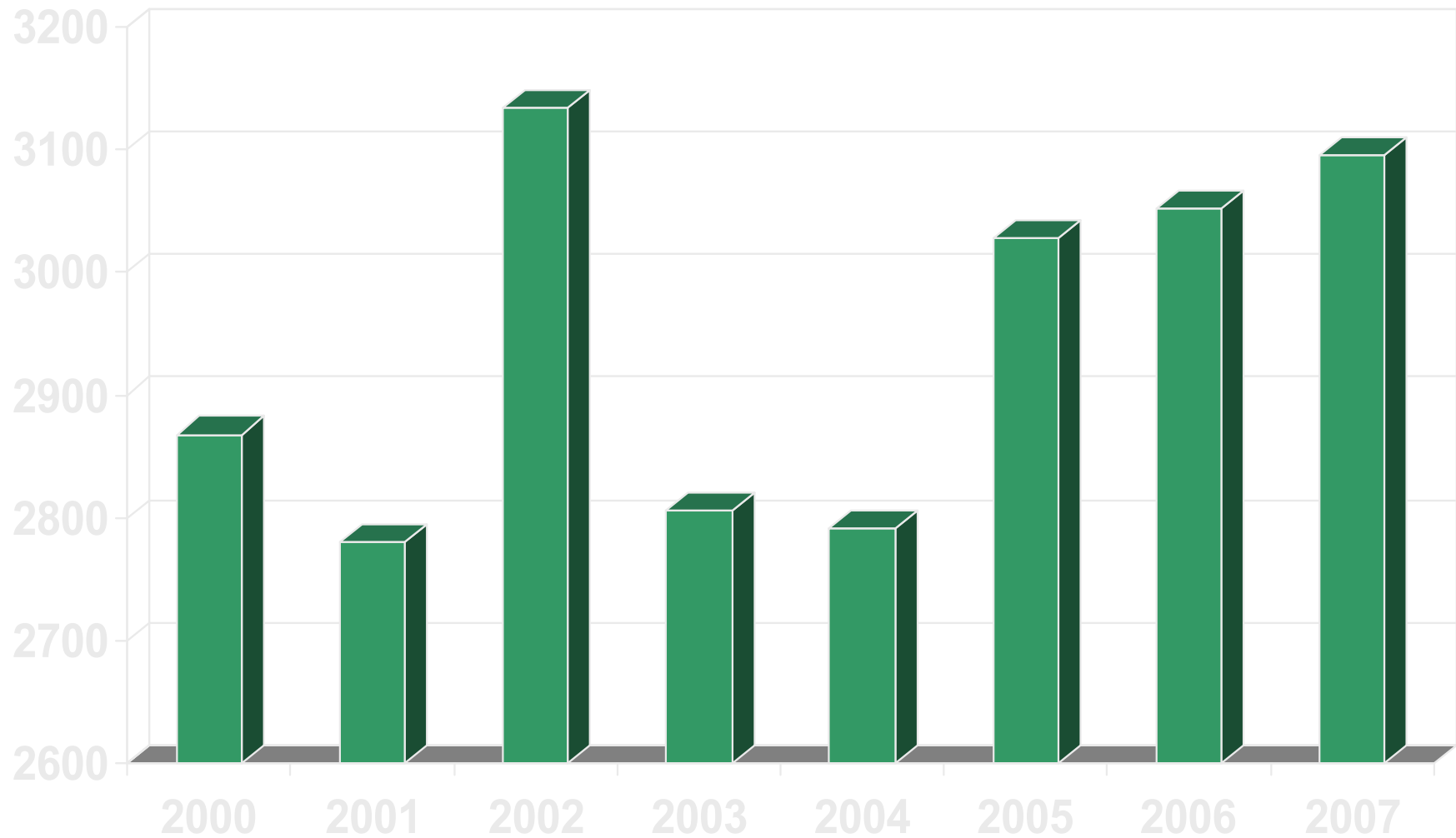
Custodial sentences



Average length of custodial sentence

Offence type	Violence against the person	Sexual offences	Burglary	Robbery	Theft and handling	Criminal damage	Motoring offences
Average length of sentence of custody in the youth court (months)							
1994	3.6	4.6	3.8	4.0	3.8	3.6	4.0
2005	7.2	8.0	7.7	8.5	5.7	6.9	7.1
Average length of sentence of custody in the crown court (months)							
1994	17.4	33.0	11.9	22.5	7.9	18.6	4.0
2005	24.1	38.7	17.6	23.0	14.6	22.3	8.5

Population of the juvenile secure estate (last day of September)



The (unsurprising) result

No of previous convictions	3-6	7-10	11+
Reconvicted within 2 years	92%	96%	95%
Resentenced to custody within 2 years	65%	79%	89%