



Criminalised, vulnerable, and likely to re-offend: Will this government help young offenders in England and Wales?

Malcolm Stevens, 17th February 2011

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Will this government help young people stay out of trouble and out of prison?: A response to the Committee of Public Accounts Report 'The youth justice system in England and Wales; Reducing offending by young people'.

A curious mixture of hyperbole and the blindingly obvious, the Public Accounts Committee youth justice report, '[Reducing offending by young people](#)' [6], reflects members' conflicting desires to highlight the Youth Justice Board's achievements and to justify the Coalition Government's decision to abolish it.

The report, published on Tuesday, is based on the [National Audit Office \(NAO\) Report](#) [7] of December 2010, and the Committee's meeting with its authors and senior officials from the Ministry of Justice (MOJ) last month.

The Committee rightly looked for the cost benefit to the tax payers for their £0.8 billion (£4 billion when the costs of police and courts are included) annual investment in a youth justice system set up to tackle the problem of youth offending. Given its primary function, therefore, the Committee is alarmed by high reoffending rates, which, for serious and persistent offenders, were marginally worse in 2010 than they were in 2001 - around 70% reoffend within one year!

And although the report finds a modicum of comfort by reduced numbers of 'first time entrants' and children in custody, this is tempered by the NAO's warning that changes in counting methods may have distorted these figures. Moreover, it places the recent and welcome reduction in the numbers of children in custody within the international context where our record of incarceration is the unenviable second highest in Western Europe.

The Committee could and should have said that in England and Wales the numbers of children in custody were still 60% higher in 2010 than they were in 1993, a reflection not of the commission of offences, which has gone down, but of what the Independent Commission on Youth Crime and Antisocial Behaviour described, in its 2010 report, as a punitive and political '[arms race over sanctions](#)' [8].

What is particularly shocking is that, despite spending around £300 million per year on these custodial placements, the Government has still not resolved the serious child protection criticisms from its own Joint Inspectorates' Safeguarding Reports of 2002, 2005 and 2008, many of which were repeated by the Government's Independent Review of Restraint in Juvenile Secure Settings (December, 2008) and again by coroners courts and reviews investigating recent deaths of children in custody. In particular:

- Transportation with adult prisoners in prison cellular lorries
- Pain compliant 'control and restraint' techniques used for adult prisoners
- The practice of strip-searching children



Segregation and adjudication processes used in adult prisons
Inadequate assessments of vulnerability and underdeveloped safeguarding policies and practice.

No consideration of the youth justice system should ignore the tragic deaths in custody of [Adam Rickwood](#) [9] and [Liam McManus](#) [10]. The Coroner's recent findings in both cases have important implications, including costs, on how and where the Government places children who have offended.

Adam was 14 when he committed suicide at Hassockfield Secure Training Centre, the youngest child in custody ever to do so. The second Inquest on the 27th January 2011, found that prior to his death he had been segregated and restrained for reasons which were illegal and that the method of restraint to which he had been subjected was also unlawful.

Liam was just 15 when he committed suicide in Lancaster Farms YOI. The [investigation report](#) [11] by the Prisons Ombudsman published in December 2010 describes 'a lamentable standard of care for a vulnerable boy in the charge of the state'.

What is so poignant about both cases is the paucity of suitable alternative accommodation in secure children's homes and the seemingly indifferent interventions by the relevant responsible local authorities.

In its report '[Couldn't Care Less](#) [12]', 2009, the Centre for Social Justice accused the Labour Government of 'failing to deliver on national commitments to children in care' and for the 'perverse financial incentives which push children towards custody and the least effective forms of it; simply because it is cheaper for a local authority if a child is in custody, and cheaper for the Government if a child is in a Prison Service young offenders' institution than a local authority secure children's home or a secure training centre'.

The NAO and the Committee could and should have highlighted that the current position with regard to this and the provision of local authority secure children's homes is alarming – both in the context of thwarting the will of Parliament (to keep children out of Prison Service custody) and in the apparent misuse of taxpayers' money.

Allowing 15 establishments, representing 50% of the total, and 88% of the Government's entire £110 million expansion programme which was only finished in January 1999, to close between 2001 and 2010, many within five years of opening, has not only been a scandalous waste of central government capital grant funding, but also renders most local authorities unable to meet their statutory duty to make sufficient secure accommodation available.

In the London region, for instance, which has the largest number of children and young people in Prison Service custody at any one time (over 500) and where two large secure children's homes have closed in the last decade (four in the past 15 years) there is not a single bed provided by any of its local authorities! London's children and young people, therefore, are more likely than those from other, better resourced, regions to be placed in Prison Service custody and secure training centres (in breach of the UN Havana Rules 1990) or in secure children's homes in other regions which families will have great difficulty visiting.

The Justice Secretary, Kenneth Clarke, is committed to reducing the numbers of children in the sorts of custodial institutions once described by his predecessors as 'colleges of crime'. Offering support in the 'New Statesman' (June 2010), former Youth Justice Board Chair, [Professor Rod Morgan writes](#) [13]: 'the major cuts in public spending provide an opportunity for us to stop doing a few things we should never have done – chief among them is criminalising and locking up children and young people'.

He may be right but is it feasible?

Professor John Pitts reflects on 'the Thatcher Paradox' ('Whatever happened to the Penal State?'),



2010) and the unexpected consequences of Margaret Thatcher's Government. Under her command from the early 1980s, the UK witnessed an unprecedented decline in the numbers of children and young people sentenced to custody: from almost 15000 in 1980 to 1500 in 1991.

Her Ministers persuaded the then local authority youth justice practitioners to change their approach from what had become (exactly as reflected in the tragic cases of Adam Rickwood and Liam McManus) a well-oiled conveyor belt to custody in favour of diversion and community-based alternatives.

Whether this is feasible now, is dependent upon competent and willing local authority children's services departments fulfilling their existing statutory duties and responsibilities with a client group that some, but by no means all, local authorities might prefer to avoid – namely children in trouble.

The task, therefore, is as much one for the Education Secretary (and his departmental responsibility for children and young people) as it is for the Ministry of Justice. Together they have the capacity and the opportunity, unique in history, to once again reshape youth justice. Can they rise to the challenge to which Mrs Thatcher once rose and succeeded?

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Country: UK

Topics: Democracy and government



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