

# PRISON SERVICE JOURNAL

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*Special Edition*  
**Young people in custody**

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# Editorial Comment

## Young People in Custody

**Karen Harrison and Helen Johnston** are both at the University of Hull and are guest editors of this edition.

This *Special Issue* brings together a range of articles by academics, practitioners and charitable organisations concerned with young people in custody. The issue is organised into three sections: the development of penal policy towards children and young people over time and contemporary use of imprisonment; young people's experiences of custodial settings; and, the operation of particular regimes or aspects of regimes for young people. Many of the articles draw on research which allows for young people and the people who work with them to express their experiences in their own words.

The first article in this issue examines the historical development of penal policy towards children and young people. **Heather Shore** reminds us of the importance of understanding the history of custody and imprisonment and reflects on the decisions of the past which have influenced the direction of penal policy towards young people over time. She traces the development of separate institutions for children and young people from the early charitable institutions of the eighteenth century, to the Industrial and Reformatory schools of the Victorian period and the Borstals and Approved Schools of the twentieth century. It is not just the development of these institutions that is of interest but ideas about juvenile criminality and malleability (or not) that have influenced the structure and the shape of the contemporary penal system.

Having set the scene in terms of the historical development of the use of custody towards young people, the following two articles in this section examine the use of custody in contemporary society. **Tim Bateman** argues that whilst the recent decline in the population of the secure estate for children and young people should be welcomed this should not obscure some underlying concerns about child imprisonment. The wide variation in the use of incarceration differs significantly according to the geographical area of the court and more importantly, by individual youth offending teams (YOT). At YOT level differentials are substantially greater and this cannot be explained by local patterns of youth crime but amounts to 'injustice by geography'.

**John Pitts** provides us with a fascinating comparative article on the use of custody and residential disposals of children and young people in Finland and in England and Wales. This article examines the use of institutionalisation in these two countries and in doing so challenges some widely held beliefs about the use of custody in one Scandinavian country. It is frequently argued that the UK should look to Scandinavia when developing penal policy, often based on evidence that Scandinavian countries have much lower rates of imprisonment. Whilst this is still a persuasive argument, Pitts reveals a more complex picture in which children and young people are placed in secure settings but settings that are welfare based rather than labelled as custody or imprisonment as they would be in England and Wales. More than this, it seems that cultural differences in societal views in Finland mean that the damaging and stigmatising effects of custody on children and young people are more limited in terms of how this is viewed and there is less emphasis on children and young people as part of a rigid family structure, something which often strongly underpins social policy in England and Wales. As such the Finns have a low rate of imprisonment but a high degree of involvement in the lives of young people.

The second section of this issue examines the experiences of custody for young people. We know much about the social exclusion and imported vulnerabilities of many of the children and young people in our penal system; many have suffered physical or sexual abuse, they often come from the most socially excluded and deprived sections of the community, many are vulnerable and present the system with challenging and difficult behaviour. These three articles draw out different aspects of the experience of confinement. **Helen Jones** argues that we need to understand the 'whole' experience of custody and this starts *before* a young person has reached a Young Offender Institution (YOI). Academic research has revealed the importance of the first night in prison in terms of the prevention of suicide, the 'pains of imprisonment' and the effects of custody on offenders and aspects of this have been taken on board by the Prison Service, particularly in terms of suicide prevention.<sup>1</sup> Jones's research shows that the

1. Sykes, G. (1958) *The Society of Captives*, Princeton: Princeton University Press; Liebling, A. & S. Maruna (2005) (eds.) *The Effects of Imprisonment*, Cullompton: Willan; Liebling, A. (2007) 'Prison suicide and its prevention' in Y. Jewkes (ed.) *Handbook on Prisons*, Cullompton: Willan.

frustration, distress, anxiety and difficulties coping in custody can be felt much earlier in the criminal justice process; in pre-prison locations such as in police and court vans, police custody suites and court cells, and increased awareness of such experiences can give us a greater understanding of the psychological pains of custody and how these can be imported into the prison or YOI.

**Joel Harvey** takes up one of the most important aspects of the experience of custody, that of mental health. Drawing on personal experience and interviews with clinical psychologists, Harvey argues that in order to provide the best therapy for young people in custody, therapists must understand not only the therapy being offered but also the context of the prison and the effects of imprisonment on young people. Through psychological formulation, Harvey advocates an effective means by which the systemic factors, the prison context and the effects of that context can impact on therapy.

The final article in this section draws on a wider piece of ethnographic research on ethnicity and identity carried out in a YOI. Here, **Rod Earle** takes as a starting point the recent comments on multiculturalism by the Prime Minister, David Cameron and shapes an article which gives a revealing insight into how young men in prison understand questions of ethnicity and identity. This evidence presents a challenge to the Prime Minister's views by demonstrating the complex textures of racism, anti-racism and multicultural conviviality in the social relations of young men in custody.

The final section of this issue focuses on particular regimes or aspects of regimes for young people in custody. The first piece, by **Karen Harrison** and **Terry Wilson** examines the development of the Keppel Unit at HMYOI Wetherby and sets out what this Unit is trying to achieve through a safe and supportive environment for the young people referred there. Although the Unit only opened in October 2008 and is in its early stages there are already some positive results in the achievements of the unit in addressing the complex needs of some very damaged young people and provides a considerable argument for the expansion of such regimes across the country.

The following two pieces focus on education, **Elaine Cobb** outlines current issues and concerns surrounding education for young people in custody. The links between truancy, exclusion, disengagement from education and offending are well known and for

those young people who end up in custody, many have negative views of formal education and have been disengaged for long periods. Custody can and should offer the opportunity for re-engagement with education, not only do education departments have to be equipped to deal with young people working at a diverse range of qualifications, accommodate custody lengths averaging three-four months and the complex learning needs of young people they must aim to spark motivation and equip young people with study and social skills for the future. The article finishes with two inspiring case studies of what can be achieved.

The second article on education demonstrates the way in which music and art can be used to counter previous learning experiences and engage young people in positive experiences. **Kirstin Anderson, Fergus McNeill, Katie Overy** and **Lyn Tett** evaluate three *Inspiring Change* arts interventions, two music projects and one visual arts project, at HMYOI Polmont, Scotland. Their research suggests that music and arts projects such as these can change young offenders' negative attitudes towards education, can increase self confidence and self esteem through learning new skills, working in groups and towards a goal. The article also evidences the ways in which through maturation, social bonds and identity these projects have the potential to contribute towards desistance from crime.

The final substantive article comes from recent research by the Howard League for Penal Reform, here **Jenny Chambers** Policy Development Officer for the campaigning charitable organisation argues that basic needs for young people are not being met in YOIs. Their research shows that young people frequently expressed concern about the quality and quantity of food provided and that behaviour and bullying in institutions are linked to food; either through lack of food affecting concentration and behaviour, or bullying for additional food, particularly fruit. In addition, opportunities to enhance young people's social skills and personal development are lost, due to being locked up to eat, or the lack of opportunity to learn about or prepare their own food, skills which are essential for future release and independent living.

This issues interview sees **John Drew, Chief Executive of the Youth Justice Board** (YJB) in the spotlight. Karen Harrison asks John to reflect on the current situation with the YJB, the use of custody for children and young people and the Board's future challenges.

# Reforming the Juvenile in Nineteenth and Early Twentieth Century England

*Heather Shore is Senior Lecturer in History in the Department of Cultural Studies, Leeds Metropolitan University.*

**In a recent Green Paper on punishment, rehabilitation and sentencing the coalition government promised a 'rehabilitation revolution' in relation to its plans for dealing with offending by young people, 'We must do better so that we can stop the young offenders of today becoming the prolific adult offenders of tomorrow'.<sup>1</sup> An emphasis on prevention, on restorative justice, and on informal intervention points to successive governments concerns about the juvenile prison population. The proposed alternative to youth custody, the Young Offenders Academy, will instead focus on community and localism, harnessing integrated education, mental health and family services in order to focus on the education and development of the children.<sup>2</sup> However, the ethos of a more child-centred approach to the penalty of juvenile delinquents is not an innovation. Historically, the development of juvenile penal institutions has weaved a course between the needs of the children and the potential for reform on the one hand, and the political and public demands for retribution in the form of custodial sentences on the other.**

The early roots of the modern juvenile justice system in Britain were established at the mid-nineteenth century with a slew of legislation that effectively formalised the shift of large numbers of juvenile offenders to summary jurisdiction, thereby establishing the roots of the future juvenile courts that would be introduced under the Children Act 1908. Moreover, the move to separate juvenile offenders from adult offenders in court was also reflected with the passage of legislation that established separate provision of a penal type for juvenile offenders. The Youthful Offenders Act 1854 (also known as the Reformatory School Act) allowed for the certification of voluntary reformatory schools. The Industrial Schools Act followed in 1857. However, these Acts were only passed as a result of cumulative processes. Thus strategies to deal with convicted juveniles had been tried out with varying success prior to the 1850s.

## Early Penal Strategies

During the early decades of the nineteenth century it was the representatives of what might be broadly perceived as a voluntary or philanthropic sector that provided much of the momentum for change. As early as 1817 plans for a juvenile penitentiary had been presented to a parliamentary committee by Samuel Hoare the Quaker banker and philanthropist and the architect James Bevan. Despite progressing as far as survey, costing, and the selection of a location, the plan disappeared without a trace. This plan had intrinsically conflicted with the tenor of contemporary thought on penalty. Thus, whilst it was accepted that the new penalty needed to be a reformatory experience, contemporaries were also aware of the need for the preservation of the principle of 'less eligibility'. As the Governor of Coldbath Fields House of Correction remarked of juvenile inmates in 1831:

*The punishment of prison is no punishment to them; I do not mean that they would not rather be out of prison than in it, but they are so well able to bear the punishment, and the prison allowance of food is so good, and their spirits so buoyant, that the consequences are most deplorable.*<sup>3</sup>

In other words, it would be unwise to make the prison too attractive. Consequently, despite calls for separate juvenile penitentiaries throughout the period, it took until 1838 for the first state-run juvenile institution, the ill-fated Parkhurst to materialise. The separation and categorisation of juveniles within the prison system was recommended from the 1810s, and practiced during the 1820s and early 30s, in theory through the auspices of Peel's Gaol Act 1823, which emphasised the separation and classification of prisoners. The 1820s and 30s were arguably an era of experimentation in terms of penal policy. In reality the 'separation' of young from older offenders was rather limited, and characterised by a lack of uniformity. For example, in Gloucester prison there was no separation

1. Ministry of Justice, *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*, Cm 7972, December 2010, p. 67.
2. The Foyer Federation, *Secure Foundation: Young Offenders Academy Towards a Pathfinder* (January 2011), p. 13.
3. Select Committee on Secondary Punishments, 1831, p. 33.

or education provision. At Worcester, younger prisoners were separated and received educational instruction for two and a half-hours daily. It was clear that, on the ground at least, the Act was not working particularly well. However, it was not until the mid-1830s, that the government finally recognised the need for some sort of state juvenile penitentiary.

The 1835 Select Committee on Gaols and Houses of Correction had recommended the establishment of a separate juvenile prison. Despite two decades of calls for such an institution from the voluntary sector, it was actually a very different atmosphere that created Parkhurst. Parkhurst was to embrace the ideology of colonial citizenship. Thus, the training element, which would be a key feature of the new penitentiary, would produce better and more useful colonial citizens. Consequently, the majority of Parkhurst prisoners were to be transported. Boys could be transported as free emigrants, or under a conditional pardon, or more hardened offenders could be confined in the colonial penal system. After the passage of the Parkhurst Act in August 1838, the institution opened its doors to its first young inmates in the following December. The twin goals of reform and deterrence underpinned the regime in the early years, with cautious acknowledgements of the potential difficulties of balancing punishment and reformation:

*... the utmost care must be taken to avoid any species of discipline which is inconsistent with the habits and the character of youth, or calculated in any degree to harden and degenerate. The second object ... [reformation] ... can only be effected by a judicious course of moral, religious and industrial training, but the means adopted for this purpose should not be of such a nature as to counteract the wholesome restraints of the corrective discipline ...*<sup>4</sup>

The history of Parkhurst as a juvenile specific penitentiary was to be relatively short-lived; closing its

door to juveniles in 1864. Overall, the first juvenile penitentiary has been remembered as a failed experiment. Whilst Parkhurst was subjected to vociferous criticism, it also had to compete with the move toward the reformatory school system. In 1852, the Select Committee on Criminal and Destitute Children (with evidence from some of Parkhurst's harshest critics) challenged the role of Parkhurst as a reformatory model.<sup>5</sup> Indeed, it was in this Committee that discussions took place that would inform the passing of the first of the Reformatory Schools Acts in 1854. Thus from 1854, a number of new reformatory schools would increasingly limit the role of Parkhurst, which was essentially seen as part of the convict prison system.

### Industrial and Reformatory Schools

By the eve of the First World War, as Radzinowicz and Hood pointed out, 'there was a network of 208 schools: 43 reformatories, 132 industrial schools, 21 day industrial schools and 12 truant schools'.<sup>6</sup> The vast majority of these had been certified as a result of the legislation of 1854 and after. The Reformatory and Industrial Schools Inspectors in 1866 reported that there were 65 Reformatory Schools (51 in England and 14 in Scotland) and

50 Industrial Schools (30 in England and 19 in Scotland) in December 1865.<sup>7</sup> Thus by the early twentieth century, the industrial school in its various forms, had become the dominant experience for young delinquents. The number of reformatory schools stayed fairly constant throughout the period. Whilst it would not be until the Approved School was created as part of the Children and Young Persons Act 1933 that these distinctions were finally eroded, in reality throughout their history, these two forms of institutions were firmly intertwined. It would be useful to review the distinctions between the two institutions. To a large extent this was a conscious adoption of the divisions that had already been made in the voluntary system.

Thus in the 1790s, the Philanthropic Society had placed delinquent boys into the Reform where they were provided with a moral and social education. Once

## The 1835 Select Committee on Gaols and Houses of Correction had recommended the establishment of a separate juvenile prison.

4. Reports Relating to Parkhurst Prison, PP, 1839, xxii, 643, 1.

5. Report from the Select Committee on Criminal and Destitute Juveniles, 1851, viii.

6. Radzinowicz, L. and Hood, R. (1990) *A History of English Criminal Law and its Administration from 1750, V: The Emergence of Penal Policy*. Oxford: Oxford University Press, p. 182.

7. 9th Report of the Inspector appointed under the provisions of the Act 5/6 Will. 4 c. 36 to Visit the Certified Reformatory and Industrial Schools of Great Britain 3686, 305-464 (001-158).



'sufficiently reformed' they were transferred to the Manufactory where they were taught practical skills and undertook employment. This division between the Reform and Manufactory would be reflected in the evolution of the reformatory and industrial schools. Thus reformatory schools were to be reserved for convicted offenders, whilst industrial schools (formally and nationally legislated from 1857) took the potential delinquent and neglected child. The divisions between the reformatory and industrial schools were also a reflection of the divisions between those reformers who were pushing government for action. Essentially the camp was divided into those who supported a more punitive approach to juvenile delinquency, including the Chaplain of the Philanthropic Society, Sidney Turner (soon to be the first Home Office Inspector of reformatory and industrial schools), Jelinger Symons (Inspector of Schools, and the editor of the *Law Magazine*) and T. B. Lloyd-Baker (a Gloucestershire magistrate). Advocating a more humanitarian approach were the reformers Mary Carpenter and Matthew Davenport Hill. Turner, Symons and Lloyd-Baker supported the requirement that all children sentenced to reformatory schools should initially be sentenced to at least 14 days imprisonment. Indeed, the thrust of their argument during the early years of the Reformatory Schools Act seemed to be that prison and

reformatory schools were the only way to deal with 'hardened' juvenile offenders, who they saw as 'the leaders in crime'.<sup>8</sup> They fundamentally disagreed with the debate about criminal discretion, and believed that most criminal children were fully aware of their actions.

The political tone of this debate is apparent from an address by Symons to the Royal Society of Arts in 1855, when he attacked 'the belief that juvenile offenders are little errant angels who require little else than fondling'.<sup>9</sup> This was a direct attack on the opposing side of the reformatory debate, which absolutely disagreed with any form of child imprisonment, and viewed the reformatory as potentially penal, though supporting them in a

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modified form. More implicitly, this was an attack on Mary Carpenter, who in her work advocated a rather more compassionate approach to juvenile delinquency. Consequently, whilst the industrial school would gain precedence over the reformatory school during the later nineteenth century, the pre-imprisonment requirement for reformatory schools remained and so this tended to be the institution for more 'hardened' offenders. The industrial school became essentially a diversionary institution for a variety of delinquent and neglected children.

In the early years the criteria for entrance to the industrial schools was very narrow, essentially focussing on vagrant children. The boost to industrial schools was

provided in 1861 with an Amendment Act which specified four different categories of children who could be sent to industrial schools: (1) children under 14 who were found begging or receiving alms; (2) children under 14 who were found wandering and had no home or visible means of subsistence, or who frequented the company of reputed thieves; (3) children under 12 who had committed an offence punishable by imprisonment, or some lesser punishment; and (4) children under 14 whose parent (or parents) was unable to control him or her.<sup>10</sup> The scope of children to be catered for by the industrial schools was further broadened in 1866, when a new

category was added, those, 'in need of care and protection', aimed at children aged under 14, with further provisions for those aged under 12.<sup>11</sup>

The key piece of legislation that would enable the expansion of the industrial school was the Consolidation Act 1866, and within a year of the passage of the Act the number of admissions to industrial schools had doubled. Increasingly the distinction between the industrial and reformatory schools was blurred, suggesting that magistrates were, by the later eighteen-sixties, inclined to use the industrial school for both criminal and destitute children. Thus as well as the categories established by the 1861 Act, it further allowed for the detainment of

8. Lloyd Baker, T. B. (1889) *'War with Crime': Being a Selection of Reprinted Papers on Crime, Reformatories, etc, by the Late T. Barwick Lloyd-Baker, Esq.* London: Longmans, Green, and Co, pp. 206-7.

9. Symons, J. C. (1855) 'On Juvenile Crime as it affects Commerce, and the best means of Repressing it', *Journal of the Society of Arts*, III, p. 416.

10. An Act for amending and consolidating the Law relating to Industrial Schools, 24 and 25 Vict., c. 113, s. 9.

11. 29 & 30 Vict. C. 118; 25 & 26 Vict. C. 10.



children, 1) found destitute either being an Orphan or having a surviving parent undergoing penal servitude or imprisonment; 2) under 12 charged with an offence punishable by imprisonment or a less punishment, but not a felony; 3) under 14 whose parents or step-parents or guardians were unable to control their children, could make representation to a magistrate that 'he desires that the Child be sent to an Industrial School'; and, 4) workhouse or pauper school children under the age of 14, deemed refractory by the Guardians of the Poor (or the child of criminal parents).<sup>12</sup> These criteria both built upon and expanded previous criteria, and allowed the magistrates a high level of discretion. It would seem fair to conclude that by the late nineteenth century local government was given a high degree of latitude in dealing with the disorderly children of the working-class. Hence, the journey from the reformatory school for juvenile offenders in the mid-nineteenth century seems to have transformed into the industrial school for the refractory working-class by the latter part of the century.

Arguably, a range of social legislation extended the hand of the state into working-class family life at this time. Day industrial schools and truant schools were allowed for under the Education Act 1876. The Industrial Schools Amendment Act 1880 and the Criminal Law Amendment Act 1885 allowed for children found in houses used for 'immoral purposes' to be removed to an industrial school. An 1891 Reformatory and Industrial Schools Act (54 and 55 Vict. C. 23) allowed discharged children to be apprenticed or sent overseas against their parents wishes; and an Industrial Schools Act in 1894 (57 and 58 Vict. c. 33) allowed discretionary powers to industrial school managers to keep children (who had completed their sentence) in the industrial school to the age of 18. For later nineteenth and early twentieth century commentators the 1866 Act had been an effective means of suppression of crime and pauperism. As one commentator John Watson noted in relation to the Industrial and Reformatory Schools, 'The danger, which menaced society some forty years ago from the hordes

of savage children prowling the streets of our large cities to beg, borrow, or steal...has, through their agency, been rooted out and removed'.<sup>13</sup>

These institutions however, were not without their critics. By the late nineteenth and early twentieth century scandal had been attached to one particular development of the Industrial and Reformatory School movement, the training ship establishment. Training ships were established by a variety of institutions with the intention of training and disciplining young, working-class lads for the navy. Mutiny broke out on the Akbar training ship, moored on the River Mersey, on the 25 September 1887. The breakdown of discipline on the ship was attributed to poor management of the boys, 'the cause may readily be traced to a want of firmness and energy in dealing with

a mere handful of vicious and depraved youths'.<sup>14</sup> Essentially, the Inspector of Reformatory Schools argued that the management of the ship had become complacent and were unprepared for trouble, 'The boys got the upper hand for a time, and this they ought never to be allowed to do'.<sup>15</sup> According to this report, the mutiny had broken out whilst the captain had been absent, and a number of lads had broken into the ships stores and the captain's cabin. Seventeen of the ringleaders absconded, but were later re-captured and tried by local magistrates. Later, ten of the boys were tried at the Winter Assizes

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in Liverpool, but were not subject to punishment by the presiding magistrate, Mr. Justice Day, who was critical of the 'defective' discipline on the ship.<sup>16</sup> Nevertheless, the boys who were returned to the ship were punished with the birch, solitary confinement and a diet of biscuit and water.

In July 1899, another of the Merseyside training ships, the Clarence, was completely destroyed by a fire on a day in which the ship was receiving illustrious visitors, including the Bishop of Shrewsbury. An official inquiry into the fire reached no firm conclusions, though it was noted that 'There remains the theory that the ship was deliberately fired'.<sup>17</sup> Concerns about excessive violence used in carrying out punishments,

12. Ibid.

13. Watson, J. (1896) 'Reformatory and Industrial Schools', *Journal of the Royal Statistical Society*, 59 (2), pp. 255-317, pp. 306.

14. *Inspector of Reformatory Schools of Great Britain, Thirty-first Report, 1888* [C. 5471], 78.

15. Ibid.

16. *Inspector of Reformatory Schools, 1888*, p.78.

17. *The Times*, 20 September 1889, p.10.

and general poor treatment of the boys were also the subject of an inquiry into the Wellesley Industrial Training Ship moored on the Tyne. Inspections into the ship revealed high levels of absconding boys, and the heavy use of flogging. The problem of ill-treatment on the training ship was more fully revealed in the Akbar 'Scandal' of 1910. By this time the ship was no longer being used, and the school had been transferred to the Nautical Training School at Heswall, in the Wirral. Based on evidence from a former Master and Matron of the School, the magazine *John Bull* published a report detailing cruel treatment that had apparently led to a number of deaths. This resulted in a Home Office internal inquiry carried out by the Under-Secretary of State, C. F. G. Masterman.<sup>18</sup>

Whilst the report exonerated the Akbar staff, it did lead to a Departmental Committee into reformatory and industrial schools in 1913, which made considerable inquiry into the punishment practices used, and the welfare of the children.<sup>19</sup>

### **The Legacy of the Reformatory and Industrial Schools**

After the report of the 1913 Committee, the next watershed would be the Children and Young Person's Act 1933, which would effectively call an end to the history of the Victorian Industrial and Reformatory School System. The 1913 committee, meeting shortly after the Akbar affair, focussed on problems with administration, control and the public image of certified schools. As a result the last two decades of the system were in many ways the most turbulent, underlined by a move towards the unification of the reformatory and industrial schools in the face of increasing accountability. Arguably it was also a more enlightened period. Certainly, there seems to have been a return to some of the ideals of the early years of the system. Undoubtedly in this period, reflecting the influence of the Children's Act, there was a new emphasis on the care and protection of children, as well as new prescriptions for adolescence. This was

reflected not only in the legislation to deal with delinquent children, but can also be seen in concerns about boy labour and street trading. Indeed, a separate Home Office branch was established to deal specifically with such issues.

It was also in this period that energetic practitioners like Alexander Paterson (later to be associated with Borstal) and Charles Russell emerged. Russell's appointment from 1913 as Chief Inspector of the Reformatory and Industrial Schools did much to shape new ideas about boy welfare, and to revive the ailing Boys' Clubs, as well as to improve the reformatory and industrial schools. Despite the new Chief Inspector sharing Russell's beliefs in reform, the reformatory and

industrial school system was increasingly to be caught between the conflicting ideas about adolescence and delinquency which were to characterise this period. By 1920, committals to the schools had greatly declined and the organ of the system, the Certified Schools Gazette was voicing the concerns of its members that they were increasingly under attack.<sup>20</sup> Moreover, that there was a deliberate policy by the Home Office to marginalise the schools.<sup>21</sup> Part of the problem was the new accountability. Hence the schools, which had strong traditions of autonomy, were increasingly open to inspection in the face of a barrage of criticism about methods and administration. The decline in committals to the schools was

also explained by the wider use of probation, and the increasing expense of the schools.

Moreover, there was something of a backlash against institutionalisation. Whereas the institutional experience had underpinned the Victorian system, and removed children from their families, in the 1920s attention was turned to the home-lives of children. Thus family-life and the home environment of children was increasingly seen as significant to the improvement of a child's character. Of course, this had to be the right sort of family life; indeed the Children's Act had enabled legislation that punished

## **After the report of the 1913 Committee, the next watershed would be the Children and Young Person's Act 1933, which would effectively call an end to the history of the Victorian Industrial and Reformatory School System.**

18. 'Reformatory School Horrors — How Boys at Akbar School are Tortured — Several Deaths', *John Bull*, 22 October 1910 and 'Report of Inquiry by Mr. C. F. G. Masterman M.P., into Charges made Concerning the Management of the Heswall Nautical School', (Cd. 5541), PP, 1911, vol. 72.

19. *Report of the Departmental Committee on Reformatory and Industrial Schools*, 1913.

20. *First Report Home Office Children's Branch*, HMSO, 1923, 17.

21. *Certified Schools Gazette*, v. 13/8, 1921, 94; v. 14/11, 1922, 299, 310; v. 15/4, 1923, 63.

'wayward' parents. The discourses of the post-war period would eventually feed into the Departmental Committee on Young Offenders in 1925.<sup>22</sup> Whilst the Committee gave over much of its time to the discussion of the new Borstal experiment, it did recommend the merging of the reformatory and industrial schools, and their replacement with the Approved Schools. The Committee also supported a proposal for more short-term institutional training. Magistrates were increasingly unwilling to commit a child to a reformatory for three years, which they saw as an essentially penal experience. This proposal was supported by the Howard League for Penal Reform, who by this time had become an important voice in the debate about the schools. Nevertheless, whilst the abolition of the distinction between the reformatory and industrial schools would not be fully formalised and codified until the 1933 Act, it was during this Committee that the groundwork was done. Perhaps more importantly, in acting as a vehicle to bring together the many voices, it achieved something very important. Thus it cemented the relationship between the various different pressure groups, reformers, magistrates, and practitioners. As Victor Bailey concludes, 'The strength of the alliance lay in a shared experience of voluntary social work amongst school-children and working-lads, in an interchange of personnel between the voluntary and

official spheres of child welfare, and in a like-minded evaluation of the causes and correctives of juvenile delinquency. The way now seemed clear for a new Children Act, some twenty years after the initiatory statute of 1908'.<sup>23</sup>

## Conclusion

The history of juvenile penalty helps us to understand the ebb and flow of debate as to the appropriate forms of punishment, reform and care of young offenders. Institutionalisation has been seen as both a cure for juvenile crime and a cause. Thus the Victorian system essentially understood reform and rehabilitation as a process that could mostly be affected away from the family and the community and within the structured confines of reformatory institutions. Despite attempts to mould institutions that provided specific forms of penalty for juveniles and delinquent children, the experience of the reformatory and industrial schools of the nineteenth century was fundamentally penal. By the early twentieth century the recognition that family and community should form part of the multi-agency approach to dealing with young offenders was recognised. The voluntary sector, which had been such an urgent voice pushing the early development of juvenile justice, now helped to consolidate this approach.

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22. *Report of the Departmental Committee on the Treatment of Young Offenders*, 1927.

23. Bailey, V. (1987) *Delinquency and Citizenship: Reclaiming the Young Offender, 1914-1948*. Oxford: Clarendon Press, p. 66.



# Child imprisonment: exploring 'injustice by geography'

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## A good news story but ...

**The 'big story' in relation to child imprisonment is about numbers. From the early 1990s, custodial sentencing of children rose rapidly and remained stubbornly high for much of the first decade of the twenty first century. This surge in the numbers of children behind bars led the United Nations Committee on the Rights of the Child, in 2008, to register concern that the level of youth incarceration was indicative of a failure to ensure that detention was reserved as 'a measure of last resort', representing a breach of the United Nations Convention on the Rights of the Child.<sup>1</sup> At the point that assessment was published, however, things were about to change: whereas in January 2008, the population of the secure estate for children and young people stood at 2,832, by January 2011 (the latest month for which data are available at the time of writing) the equivalent figure was 1,945.<sup>2</sup> This fall, of more than 31 per cent in just three years, is clearly a welcome — though for many an unexpected — development. But the good news headlines should not obscure some underlying concerns.**

In the first place, while it would be premature to rule out further reductions over the coming period, the level of incarceration is still substantially higher than it was prior to the custodial surge of the early 1990s. Thus in excess of 900 more children below the age of eighteen years were sentenced to custody in 2009 than in 1992. At the same time, the reduction in imprisonment has not affected all young people equally. Between August 2007 and December 2010, the number of white children in the secure estate fell by 44 per cent while the equivalent decline for black and minority ethnic children was just 18 per cent, exacerbating the longstanding overrepresentation of the latter population among those deprived of their

liberty.<sup>3</sup> Similarly, while girls were disproportionately affected by the rise in custody, the recent fall has been more pronounced for boys.<sup>4</sup> Finally, the risk of incarceration continues to vary considerably from one area to another — and it is this particular concern which constitutes the focus of the current article.

## Injustice by geography?

Wide geographical variation in the use of custody has long provoked unease.<sup>5</sup> This phenomenon is frequently referred to as 'justice by geography',<sup>6</sup> intimating that the differentials are not explicable in terms of local patterns of offending or other legitimate considerations, although for obvious reasons the term 'injustice by geography' might be considered a more exact description.

In 2006/07, the year preceding the onset of the decline in the population of the secure estate, the rate of youth custody, measured as a proportion of all court convictions, ranged across government regions from almost 8 per cent to less than 3 per cent. By 2009/10, as youth imprisonment fell across England and Wales, the regional variation narrowed somewhat, but the spread — from 6.9 per cent to 3.4 per cent — was still considerable. At the level of individual youth offending team (YOT) area, the differential was substantially greater, ranging from one in five cases leading to a court disposal in Merthyr Tydfil to one in every one hundred and fifty in Dorset. The twenty YOT areas with the highest rate of custody and the twenty with the lowest level of incarceration are shown in the table opposite.

No doubt, demographic factors and the local prevalence and nature of youth crime account for some of the divergence between areas, but it seems intuitively improbable that the full extent of the variation could be explained on that basis. Research conducted in this area, and further analysis of the published data, tend to confirm that intuition.

1. United Nations Committee on the Rights of the Child (2008) Consideration of reports submitted by states parties under Article 44 of the Convention. Concluding observations: United Kingdom of Great Britain and Northern Ireland. October 2008. Geneva: United Nations.
2. Youth Justice Board (2011) *Youth justice system custody figures* available at [www.yjb.gov.uk/en-gb/yjs/Custody/Custodyfigures/](http://www.yjb.gov.uk/en-gb/yjs/Custody/Custodyfigures/) accessed 24 April 2011.
3. Puffet, N (2011) 'Proportion of ethnic minority children in custody rises' in *Children and Young People Now* 22 February 2011.
4. Nacro (2008) *Responding to girls in the youth justice system*. Youth crime briefing. London: Nacro.
5. See for instance, Bateman, T and Stanley, C (2002) *Patterns of sentencing: differential sentencing: differential sentencing across England and Wales*. London: Youth Justice Board.
6. See for instance, Richardson (1991) *Justice by geography*. Knutsford: Social information systems.

Rates of custody by youth offending team areas 2009/10 Twenty highest and lowest areas			
<i>High custody YOTs</i>	<i>Rate of custody (%)</i>	<i>Low custody YOTs</i>	<i>Rate of custody (%)</i>
Merthyr Tydfil	19.9	Bournemouth and Poole	2.8
Derby	13.1	Swansea	2.8
Southend-on-sea	12.4	Barnsley	2.8
Rotherham	11.7	Northumberland	2.7
Lambeth	11.4	Hounslow	2.6
Bridgend	10.7	York	2.6
Stoke-on-Trent	10.4	South Tyneside	2.5
Calderdale	10.3	Sunderland	2.4
Southwark	10.1	Somerset	2.3
Kensington and Chelsea	9.9	Gloucestershire	2.2
Birmingham	9.9	Thurrock	2.1
Ealing	9.9	Hartlepool	2.1
Peterborough	9.4	Surrey	2.0
Nottingham	9.4	Torbay	1.9
North Somerset	9.1	Newcastle-upon-Tyne	1.8
Redbridge	9.1	Ceredigion	1.5
Liverpool	8.8	Pembrokeshire	1.3
Leeds	8.7	Sutton	1.2
Bath and NE Somerset	8.5	Wokingham	1.0
Oldham	8.5	Dorset	0.7

For instance, Chambers has demonstrated that the differential use of custody is not simply a function of the local resident 10–17 population, since considering the number of children in the secure estate as a proportion of the local youth population of the area from which they derive, does not significantly alter the picture.<sup>7</sup>

The pattern of youth crime, however, does differ between high and low custody areas. Robbery and violence against the person are generally considered to be among the most serious forms of offending; during 2009/10, those offence types each accounted for a quarter of the children detained in the secure estate. High custody areas, by comparison with areas with a lower rate of detention, are characterised by a greater prevalence of these serious offences. Nonetheless, the difference is relatively modest and not statistically significant: in YOTs in the highest quartile of users of custody, robbery and violence accounted for 24 per cent of all offences leading to a substantive disposal; the equivalent figure for YOTs within the low custody quartile was 21 per cent.

One might reasonably conclude, therefore, that while the nature of youth crime goes some way to

explaining variation in levels of child incarceration, it is unlikely to account for all of it. Such a conclusion is consistent with earlier research findings that ‘differential levels of custody, and broader variations in the distribution of sentencing, are not fully determined by the seriousness of offending’.<sup>8</sup>

A second obvious candidate that might account for differential outcomes according to postcode is the sentencing inclinations of the bench: simply put, custody will be higher where the judiciary are more punitive. But this purported explanation too is over simplistic. Research has suggested that while there is considerable variation between magistrates as to what they consider an appropriate disposal in a particular case, the differences are as wide within high and low custody areas as they are between them.<sup>9</sup>

It would appear that sentencer decision-making at the local level is sensitive to a range of other factors which distinguish areas with a high use of detention from those which deprive fewer children of their liberty. The remainder of the article attempts to identify some of those other factors.

7. Chambers, M (2009) *Arrested development: reducing the number of young people in custody while reducing crime* London: Policy Exchange.

8. Bateman, T and Stanley, C (2002) *op cit*, p 22.

9. Nacro (2000) *Factors associated with differential rates of youth custodial sentencing*. London: Youth Justice Board.

## Changes in the level of custody over time

One way of approaching the issue is through an understanding of mechanisms that have impacted on the level of youth imprisonment over time. As noted above, the 1990s was a decade of rising child incarceration. The previous ten years or so was however marked by a declining use of custody: between 1979 and 1990, the number of custodial sentences imposed on children aged 10 — 16 years fell from 7,000 to 1,400. It is possible to trace an array of systemic changes in the configuration of youth justice arrangements that help to explain the shifting custodial trends over the two periods.

The 1980s were marked by a 'progressive minimalism' that mandated a youth justice practice focused on intervening only where necessary to promote the principles of decarceration, diversion, and decriminalisation.<sup>10</sup> The 1990s, by contrast, saw the emergence of a philosophy of early intervention that was accompanied by a political desire to be tough on youth crime in the wake of the murder of James Bulger in 1993.<sup>11</sup> These respective ideological frameworks were manifested in correspondingly different concrete practices which in combination made the use of custody less or more likely. For current purposes, the most important of these are: the extent of pre-court diversion; the distribution of sentencing options below the level of custody; and the manner in which youth justice practitioners responded to children who came to the attention of YOTs. Significantly, these historical correlations also serve as a partial explanation of 'injustice by geography'.

### Diversion and custody

The rate of diversion — understood as the proportion of all youth justice substantive outcomes that result in a pre-court disposal — has shown considerable variation over time. Moreover, there is a clear relationship between the extent to which children are diverted from court and the level of custody.

If the 1980s saw a sharp fall in child imprisonment, the decade was also characterised by a marked increase in the ratio of cautions to prosecutions: over the ten year period, the rate of diversion for indictable offences rose

from less than 50 per cent to almost 80 per cent. The dramatic decline in the court population was correlated with a fall not just in the numbers of children detained but also the proportion of all convictions resulting in custody. The relationship is not obvious. One might anticipate that, as minor offences were increasingly filtered out in the diversionary process, sentencing practice would compensate accordingly, leading to an increase in the proportion of the smaller number of court cases that led to incarceration.

That this did not happen might be explained by the psychological impact on sentencers of the number of children appearing before them. The fact that there was a rapid decline in the court population might foster an impression that youth crime was a lesser problem than it had been hitherto. A climate of increasing tolerance — particularly given that a commitment to custody avoidance was ever more the norm — might be the anticipated outcome.

In any event, the decade that followed provided evidence of the same relationship, but in reverse. The rise in custody during the 1990s was associated with a fall in the rate of diversion, from more than 72 per cent in 1993 to 56 per cent in 2000. Indeed, such was the impact of the latter trend that the number of children convicted in court over the same period increased from 35,400 to 49,200 despite a 12 per cent fall in detected youth crime.

Consistent with that pattern, the more recent decline in custody, from 2008 onwards, has also been accompanied by increased diversion of children from court, albeit though a rather different mechanism than hitherto. The *Youth Crime Action Plan* published in 2008, committed the government to reduce the number of children entering the youth justice system for the first time by one fifth by 2020.<sup>12</sup> The target was met early: the number of children receiving a reprimand, final warning or conviction fell by almost 40 per cent between 2007/8 and 2009/10. On the assumption that most of these children would otherwise have received a pre-court disposal of some sort, the current period — just as those before it — suggests an inverse correlation between the level of diversion from court and the use of child imprisonment. Crucially, from the perspective of the current article, the same pattern prevails when considering geographic differences in the use of custody.

The 1990s ... saw the emergence of a philosophy of early intervention that was accompanied by a political desire to be tough on youth crime in the wake of the murder of James Bulger in 1993.

10. Haines, K and Drakeford, M (1998) *Young people and youth justice*. Basingstoke: Macmillan.

11. Muncie, J (2009) *Youth and crime*. 3rd edition. London: Sage.

12. HM Government (2008) *Youth crime action plan*. London: Central Office of Information.



The rate of diversion varies considerably from one YOT area to another despite the existence of a statutory scheme of reprimands and final warnings that mandates a ‘three strikes’ mechanism whose introduction was intended to reduce police discretion and enhance consistency.<sup>13</sup> Moreover, there is a statistically significant correlation at the local level between the level of diversion and the rate of custody, shown for the year 2009/10 in the chart below.<sup>14</sup>

Injustice by geography it transpires is partly a function of the extent to which police and prosecution services make use of their powers to divert children from court in that locality.

### Tariff matters

The rate of child imprisonment is also related to the distribution of court disposals below the level of custody. The philosophy of minimum intervention that was a dominant feature of youth justice in the 1980s endorsed a careful management of the tariff, with practitioners concerned to ensure that lower level disposals were used wherever possible to delay the point at which deprivation of liberty appeared inevitable. By contrast, the punitive turn of the 1990s undermined any commitment to maintain a broad tariff and the focus on early intervention encouraged a rapid progression through the available sentencing options.

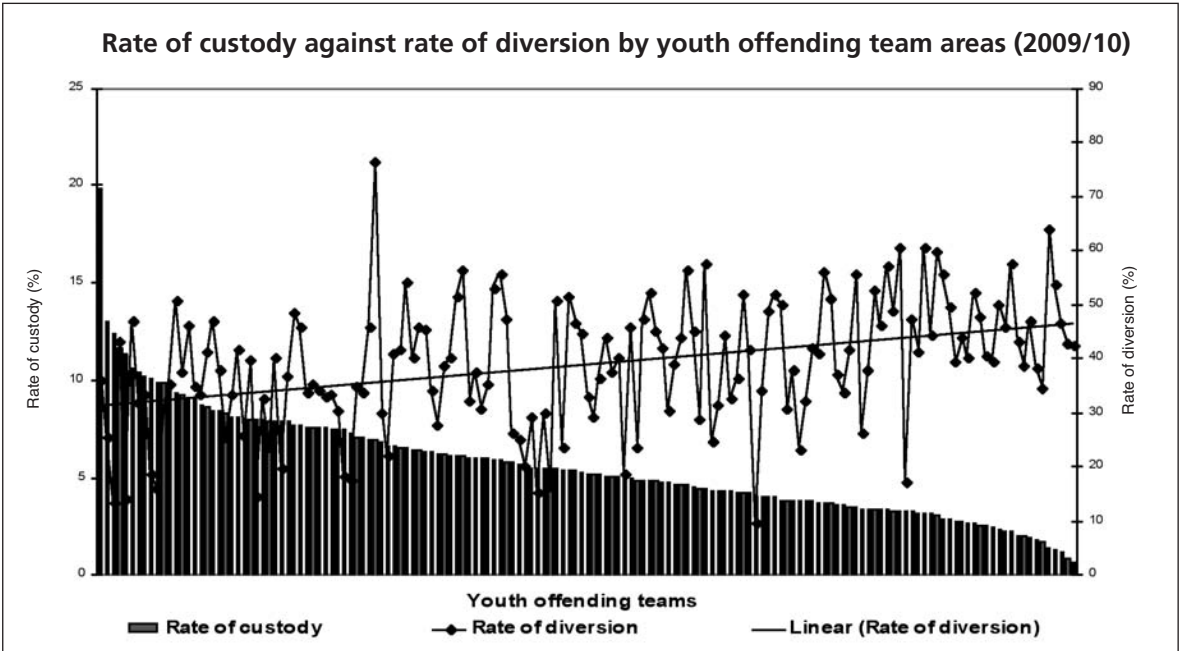
The conditional discharge — as a low level disposal that involves no further intervention once the court hearing is over — provides an instructive illustration of the shift in sentencing practice as levels of imprisonment declined in the 1980s and then subsequently rose. In

1978, discharges accounted for less than one in four sentences meted out to young people for indictable offences. By 1999, the equivalent figure was more than one in three. As the surge in custody began to bite, however, the popularity of the conditional discharge waned. By 2007, it represented just nine percent of all disposals.

Variation in the imposition of custody between different localities is similarly related to the extent to which lower tariff sentencing options are used. As shown in the table below, conditional discharges were made less commonly, in 2009/10, in YOT areas in the highest quartile of custody users than in the lowest quartile.

Conditional discharges as a proportion of all court disposals High and low custody YOT areas — 2009/10	
<i>Youth offending teams areas</i>	<i>Conditional discharge as a proportion of all convictions</i>
High custody quartile	7.2 %
Low custody quartile	9.3 %

This finding might be thought unexpected in two regards. First, as noted above, low custody areas have higher levels of pre-court diversion. One might accordingly anticipate that fewer low level offences would reach court, thereby reducing the range of cases where a discharge might be made. Second, there is a statutory proscription on the imposition of a conditional discharge within two years of a final warning other than in exceptional circumstances. In that context, a higher use of discharges in low custody areas is the more remarkable — since one would expect that such disposals are precluded



13. Pragnell, S (2005) ‘Reprimands and final warnings’ in Bateman, T and Pitts, J (eds) *The RHP companion to youth justice*. Lyme Regis: Russell House publishing.

14. It should be noted that the rate of diversion shown in the chart is drawn from Youth Justice Workload data which is not directly comparable to data presented in the article in other contexts.

by statute in a significant number of cases where they would otherwise be appropriate.

If, as argued above, the decline of the conditional discharge was a consequence of the abandonment of minimum necessary intervention, one might interpret the finding that children sentenced in high custody areas are less likely to receive a non-interventionist disposal as evidence that the abandonment has gone furthest in those areas.

### Practitioner responses to children in trouble

Sentencers do not of course make decisions as to disposal in isolation; a range of actors contribute to the process. Certainly, the role of youth justice practitioners was central to the development, and maintenance of, progressive minimalism during the 1980s, although the courts on occasions subscribed to the same philosophy. By the same token, it has been suggested that front-line staff were not immune to the 'baleful influence of the punitive climate' that set in during the 1990s.<sup>15</sup>

An instructive illustration of changes to the culture of youth justice practice is given by the shifting nature of proposals contained in court reports. When pre-sentence reports (PSRs) were introduced in 1992, the National Association of Probation Officers advised that report conclusions should recommend a 'sentencing option that combines minimum intrusion with the reduction or containment of offending', a clear indication of the continuing sway of progressive minimalism and of a commitment to managing the tariff.<sup>16</sup> But within a short period of publication, it is clear that such advice was no longer being heeded. The Home Office evaluation of the first two years' operation of Medway secure training centre, which opened for business in 1998, found that 22 per cent of reports prepared on children sentenced to a secure training order during that period contained an explicit proposal for custody; a further 7 per cent carried no proposal (a coded form of custodial recommendation) or were equivocal.<sup>17</sup> By 2006/07, according to Youth Justice Board data, more than one in four sentences of child imprisonment were actively proposed by the PSR author. Analysis conducted in the same year, confirmed that report writers in high custody YOTs were more than twice as likely to propose detention as those in low custody areas. The waning of the anti-custody ethos, as evidenced by practitioners inviting the court to impose imprisonment, was more pronounced in areas that lock up higher numbers of children. Equally striking was that

report authors in low custody YOTs were significantly more likely to recommend low tariff penalties than their counterparts in areas where the rate of detention is higher. It would appear that part of the explanation of variations in custodial sentencing is that advocacy of minimum intervention has survived to a greater extent where the level of incarceration is lower.

Another indication that differential youth justice practice contributes to variation in custodial sentencing derives from an examination of the enforcement of court orders. Returning children to court for non-compliance with supervision was extremely rare prior to 1992. However the practice subsequently gathered apace. Separate figures are not available for those below the age of eighteen years, but official data indicate that, between that year and the passage of the Crime and Disorder Act in 1998, the number of custodial sentences imposed for breach of community sentences rose by 199 per cent.<sup>18</sup> By 2009/10, 13 per cent of children in the secure estate were imprisoned for breach of a statutory order.<sup>19</sup>

At the local level, analysis of high and low custody YOT areas indicates a positive correlation between rates of detention and breach as a proportion of all substantive disposals.<sup>20</sup> Disparities in the use of child imprisonment incarceration are thus explained in part by a more rigorous enforcement practice in areas of higher rates of incarceration.

### Concluding thoughts

The risk that a child might be confined to the secure estate depends to a large extent on the post code of the court in which he or she is sentenced. Moreover, the full extent of variation cannot be explained by local patterns of youth crime, but is rather indicative of a form of injustice.

Understanding injustice by geography is a prerequisite of reducing it. The considerations adduced here suggest that an adequate account will need to go well beyond the sentencing impulses of the local bench to include a broad range of systemic considerations. In developing an adequate appreciation of the phenomenon, a useful starting point is to recognise that areas where the level of child imprisonment remains relatively low retain elements from an earlier era of youth justice — an era committed to decriminalisation, diversion and decarceration. By contrast, features associated with the punitive turn of the early 1990s are more advanced in localities with higher rates of incarceration.

15. Bateman, T (2005) 'Reducing child imprisonment: a systemic challenge' in *Youth justice* 5(2): 91–105.

16. National Association of Probation Officers (1992) *CJA 1991 and National Standards: limiting the damage*. London: NAPO.

17. Hagell, A, Hazel, N and Shaw, C (2000) *Evaluation of Medway secure training centre*. London: Home Office.

18. Bateman, T (forthcoming) 'We breach more kids in week than we used to in a whole year: the punitive turn, enforcement and custody' in *Youth Justice* 11(2).

19. Ministry of Justice (2011) *Youth justice statistics 2009/10*. London: Ministry of Justice.

20. Bateman, T (forthcoming) op cit.

# Needs or Deeds?

## Youth Justice in Finland and England and Wales

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**Today a host of special commissions, governmental working groups, policy ‘think tanks’ and penal pressure groups are re-thinking youth justice. This is partly because the reformed system introduced by New Labour in 1998 appears to have had little impact upon re-offending rates, but largely because it has proved to be extremely expensive. The emerging consensus appears to be that we are locking up too many children and young people; that we are locking them up in the wrong places and that, when we lock them up, we are far too concerned with their deeds and uninterested in their needs.**

However this is just the latest oscillation in the erratic history of English youth justice. In the 1960s a reforming Labour government, under the influence of the social work lobby and social scientists, developed a needs-led, interventionist, youth justice strategy which culminated in the Children and Young Person’s Act 1969<sup>2</sup>. Then, the 1970s witnessed a political backlash against the 1969 Act, resulting in a custodial bonanza. But, soaring custody rates and the looming fiscal crisis of the early 1980s spawned a cross-party ‘minimalist’ alliance which achieved unprecedented reductions in the numbers of young people formally processed and imprisoned. No sooner were these developments enshrined in the Criminal Justice Act 1991, than they were subverted by the punitive renaissance of the early 1990s, following the death of James Bulger, which culminated in New Labour’s Crime and Disorder Act 1998.

New Labour’s youth justice strategy involved the induction of a new, younger, population into the youth justice system, via pre-emptive civil measures targeting ‘incivilities’ perpetrated by younger children and the inadequacies of their parents. Informalism was abandoned in favour of earlier, formal, intervention by the

police via reprimands and final warnings. Diversion from custody into ‘alternatives’ gave way to community penalties, which could be imposed on only two occasions. Beyond this, longer, semi-indeterminate, custodial penalties could be imposed, and the age at which they could be imposed was lowered from 15 to 12.

Unsurprisingly, perhaps, in England and Wales, between 1992 and 2001, the number of 10-17 year olds sentenced to security or custody rose by 90 per cent. The number of incarcerated 10 to 14 year olds quadrupled<sup>3</sup> while the number of girls increased by 600 per cent, albeit from a relatively low base<sup>4</sup>. The over-representation of black young people also grew, with children and young people classified as Black or Black British, who constitute approximately 2.5 per cent of the age group, accounting for 15 per cent of remands into custody or security, 11.3 per cent of custodial disposals and more than 20 per cent of those in long term detention<sup>5</sup>. However, not only did recorded reoffending rates remain more or less unchanged, but crimes recorded as having been committed by children and young people fell by 20 per cent<sup>6</sup>. The numbers of children and young people consigned to immediate custody or security by the Courts peaked at 5,440 in 2001, falling back to 3,421 by 2008; in no small part because of the radical policy shifts that followed the financial crisis of 2007. Nonetheless this figure is almost three times the number of children and young people held in custody in 1993<sup>7</sup>.

The apparent swing of the penal pendulum, back towards non-intervention and decarceration, is occurring in both the UK and North America. In the case of the USA, this gradual volte follows a three decade long carceral bonanza<sup>8</sup>. Although this shift is supported by evidence that incarceration tends to compound nascent criminal careers, it is almost certainly prompted by dwindling policing and youth

1. The research was undertaken by the University of Bedfordshire’s Vauxhall Centre for the Study of Crime in collaboration with HUMAK, Finland’s largest youth work training agency, the University of Kuopio’s Department of Sociology and Social Psychology and the NACRO Youth Crime Section. Funding was provided by the Esme Fairburn Trust.
2. Pitts J. (1988) *The Politics of Juvenile Crime*, London, Sage Publications.
3. Bateman T. (2005) *Custody and Policy, The Russell House Companion to Youth Justice*, Lyme Regis, Russell House Publishing.
4. Ibid.
5. Youth Justice Board (2003) *Youth justice annual statistics: 2002 /03*. London: Youth Justice Board; Audit Commission (2004) *Youth Justice 2004: A review of the youth justice reforms*. London: Audit Commission.
6. Nacro (2003) *Counting the cost: reducing child imprisonment*. London: Nacro.
7. Pitts J. (2003) *The New Politics of Youth Crime: Discipline or Solidarity* (2nd edition), Lyme Regis, Russell House Publishing.
8. Blumstein A. & Brown A. (1999) Population Growth in US Prisons 1980–1996, *Crime & Justice*, 26, 17; Pitts J. (2010) Bringing the Boys Back Home, *Safer Communities*, 9(1): 27–29.



justice budgets. The volatility of responses to youth crime in Anglo-America stands in marked contrast with the stability of policy and practice in Scandinavia. Moreover, those who wish to usher in a system more concerned with needs than deeds might do well to consider the Scandinavian experience.

### Penal Policy in Finland

At the beginning of the 1950s, the rate of imprisonment in Finland was four times higher than in the other Scandinavian countries with 200 prisoners per 100,000 inhabitants. This compares with around 50 in Sweden, Denmark, and Norway. From the 1950s, however, Finland began to distance itself from the Soviet bloc, with which it had previously been politically allied, by constructing a national identity more akin to that of other Scandinavian states. In the 1970s and 1980s Finnish politicians, embarrassed by Finland's internationally high custody rates, 'bought into' the consensus amongst Scandinavian scholars, jurists and civil servants that reducing the number and duration of prison sentences would have no significant impact upon crime rates. One of the consequences of this volte face was that between the late 1980s and the present day, the number of prison sentences imposed on juveniles has decreased by 90 per cent. This decrease is largely due to far fewer juveniles being sentenced to imprisonment for property offences<sup>9</sup>.

By the beginning of the 1990s, Finland had reached the Scandinavian norm of around 60 prisoners per 100,000 of the population. Meanwhile, following the precept that *good social development policy is the best criminal justice policy*<sup>10</sup> Finland had pursued radically redistributive fiscal policies, developed world-leading public health, welfare and educational services, comprehensive child care policies and a famously liberal penal policy. In the 21st century, not only does Finland lock up only a handful of children and young people in trouble in Prison Department establishments, in a period

when the child and adult incarceration rates in the UK and the USA and many European states were accelerating, it effected remarkable reductions in its overall penal population and its juvenile penal population in particular<sup>11</sup>.

In Finland, penal reform has traditionally been the province of a relatively small group of professional and academic criminal policy experts. This group has maintained close links with successive Ministers of Justice some of whom have themselves been researchers and criminologists. This has meant that criminal justice policy has remained relatively depoliticised and attempts to insinuate 'heavyweight', US-style, 'law and order' measures like 'three strikes' and 'truth in sentencing' have been thwarted at an early stage.

The Finnish system has a strong 'expert orientation'. Finnish judges have worked closely with criminologists and civil servants to develop more liberal criminal justice policies and, as a result, appear to have accepted and 'internalised' the values inherent in such policies. It is also the case that criminology and criminal justice policy are taught in juridical faculties and to lawyers. The majority of local court judges and prosecutors are relatively young, having studied in the 1970s and 1980s when liberal criminological policies were in the ascendant. Beyond this, ongoing training and updating is organised by the judicial authorities in collaboration

Finnish judges have worked closely with criminologists and civil servants to develop more liberal criminal justice policies and, as a result, appear to have accepted and 'internalised' the values inherent in such policies.

with university criminology faculties.

Despite increases in crime since the 1960s, Finland remains a relatively safe and law-abiding society. This tends to be seen as a sign that liberal criminal justice policies are, at the very least, not making the situation worse and this makes it easier for governments to defend such policies to the public.

### What Happens to 'Young Offenders' in Finland?

In 2002 in Finland only two juveniles (aged 15-21) were serving custodial sentences and a further eight were being held on remand<sup>12</sup>. In Finland the age of

9. Lappi-Seppala, T. (1998) *Regulating the Prison Population*, Research Communications No. 38 Helsinki, Finnish National Research Institute of Legal Policy; Kuula T. Pitts J. & Marttunen M (2006) Nuoret Laitoksissa suomessa Ja Englannissa, Honkatukia P & Kivivuori J (toim) *Nuorisoriollisuus: Maara syyt ja kontrolli*, Helsinki, Finnish National Research Institute of Legal Policy.
10. Christie, N. (2000) *Crime Control as Industry*, London, Routledge.
11. Lappi-Seppala, T. (2001) 'Sentencing and Punishment in Finland' in Tonry, M. and Fraser, R. (eds) *Sentencing and Sanctions in Western Countries*, Oxford, Oxford University Press.
12. Kuure T. (2002) Reducing Custodial Sentencing for Young Offenders: Low Custody in Finland, Reducing Custodial Sentencing for Young Offenders, *The European Experience — Conference Summary* (Oct.), London, Nacro.

criminal responsibility is 15 but the far larger numbers of juveniles held in security or custody in the England and Wales cannot be explained by the lower age of criminal responsibility (10 years), since most incarcerated young people in England and Wales are 15 and over. Nor can it be explained by population size. The population of Finland is approximately 5.5 million, around one tenth the size of the population of England and Wales (53.5 million). If, therefore, we multiply the Finnish figures by ten, we see that, pro rata, the rate for England and Wales is about 76 times greater. This, of course raises the question of what happens to those young people aged 15-17 who offend, and to those children aged 10 to 15 who are below the age of criminal responsibility in Finland but behave in ways which, in England and Wales would be against the law and would render them liable to prosecution and incarceration.

### Methodology

To try to answer this question we analysed the national data for 2002 held by STAKES, the Finnish National Research and Development Centre for Welfare and Health of Children aged 10-17 placed outside their own homes. The 2002 data is comparable with the data held by the Finnish Prison Department. In order to make the closest possible comparison with children and young people dealt within the youth justice system of England and Wales, we collected data held by STAKES on 10-17 year olds removed from their own homes to social welfare institutions. However, this was problematic because, as we have noted, in Finland the age of criminal responsibility is 15 and children aged 10-15 are therefore technically incapable of committing a criminal offence. Without a detailed file search it would not have been possible to establish precisely how many of these young people were involved in behaviour for which, in England and Wales, they could have been charged with a criminal offence. We were however, able to access a small-scale file study of Finnish children and young people placed on Care Orders in which

In cases, where the child or young person's situation or behaviour is deemed to be serious, responsibility for their upbringing is transferred to the Board which will make a Care Order which can often involve removal from home.

'offending' had been a major factor in the Care proceedings<sup>13</sup>. This was augmented by data on judicial involvement in contested placement decisions in the Finnish system, interviews with and a questionnaire administered to, 30 English and 30 Finnish social welfare professionals, and the findings of published and unpublished research studies, currently only available in Finnish.

### Out-of-Home Placements

In 2002 in Finland, 7,242 children and young people aged between 10 and 17 were placed outside their own homes by social workers. 47 per cent were girls and 53 per cent boys. 879 of these children and young people (12 per cent) were placed involuntarily.

The decision to place children under the age of 18 outside of their own homes is taken by Municipal Social Welfare Boards in each local authority or, in emergencies, by an appropriately qualified social worker employed by the Board. In cases, where the child or young person's situation or behaviour is deemed to be serious, responsibility for their upbringing is transferred to the Board which will make a Care Order which can often involve removal from home. Involuntary removal to Care means that a child who has attained the age of

12 either opposes such removal him/herself or their parent or guardian opposes the Care Order (*Social Welfare Act* (683/1983))<sup>14</sup>. Removal decisions can be appealed and are subject to regular reviews which may be overseen by a judge. However, because childcare, child protection and youth justice provision is not clearly differentiated in the Finnish social welfare system, it is difficult to tease out what constitutes a response to 'youth offending' as we understand it in the UK. Nonetheless, the results of the file study mentioned above<sup>15</sup> suggests that offending was a major consideration in removal decisions in around 40 per cent of cases dealt with by the Municipal Social Welfare Boards included in this study.

13. Kuula T. Pitts J. & Marttunen M (2006) *Nuoret Laitoksissa suomessa Ja Englannissa*, Honkatukia P & Kivivuori J (toim) *Nuorisori-kollisuus: Maara syyt ja kontrolli*, Helsinki, Finnish National Research Institute of Legal Policy.

14. STAKES (2003), *Child Welfare Register*, Helsinki: StakesInfo, tutkimuksia 133.

15. Kuula T. Pitts J. & Marttunen M (2006) *Nuoret Laitoksissa suomessa Ja Englannissa*, Honkatukia P & Kivivuori J (toim) *Nuorisori-kollisuus: Maara syyt ja kontrolli*, Helsinki, Finnish National Research Institute of Legal Policy.

**Fig.1: Children and Young People (10-17) in Need and in Trouble Placed by Local Authorities and Youth Courts in England and Wales and Finland (2002)**

	<i>Finland</i>		<i>England &amp; Wales</i>	
Reformatory/Secure Estate	248	2%	12,592	15%
Shelters for battered family members	75	1%	—	
Mother and baby home	15	1%	—	—
Special psych. units	3,985	38%	1,000 (est.)	1%
Youth clinic (detox)	20	1%	—	—
Foster care	2,968	27%	45,674	55%
Children's homes	2,800	26%	8,896	11%
Independent living	78	1%	—	—
Youth homes	460	4%	—	—
Private care	96	1%	—	—
Placed with parents	305	3%	7,536	9%
Other	—	—	6,851	8%
<b>TOTAL</b>	<b>11,053</b>		<b>82,549</b>	

### Deeds versus Needs

Surprisingly perhaps, pro rata, Finland removes more children and young people from their homes than is the case in England and Wales. And, as fig. 1. (above) indicates, it places them in a broader range of institutions than in England and Wales. These placements are of variable duration. For example, the time young people spent in a reformatory ranged from one week to four years, while a placement in a 'detox' centre could vary between a few days and a few months. The length of stay was determined by the supervising social workers and, in the case of a contested placement, a children's judge,

The other major difference between the two countries concerns placement in what in the UK we describe as the secure estate vis-a-vis specialist child and adolescent psychiatric facilities. Whereas Finnish reformatories accommodate around 2 per cent of children and young people removed from home, in England and Wales the secure estate houses 15 per cent. The strong mental health/psychiatric orientation of the system is evidenced by the fact that in 2002, almost 4,000 children and young people (38 per cent) were consigned to hospitals and specialist psychiatric units. This would be equivalent to around 40,000 children and young people in England and Wales, whereas the actual figure is estimated to be under 1,000. This latter figure is the more remarkable when we consider that an estimated 60 per cent of young people in the secure estate in England and Wales are said to be suffering from some type of 'mental health' problem<sup>16</sup>.

It appears that, in recent years, the concern with child and adolescent mental health in Finland has eclipsed concerns about youth crime and this tendency is evident in recent changes in Finnish reformatories which have come to view the problems presented by youngsters placed there as being indicative of behavioural or psychiatric disorders<sup>17</sup>.

This changed orientation appears to have been a response to the economic recession of the early 1990s which triggered growing public concern about the mental health of children and young people whose parents were thrown out of work and, in particular, the association between youth unemployment, excessive drinking and drug use and psychiatric disorders. The demand for psychiatric institutional care for 10 to 14 year olds, increased by 46 per cent between 1998-2002 and as it did so the proportion of involuntary admissions to Care rose by 7 per cent<sup>18</sup>. This demand, as well as public and media concern about the mental health of Finland's young people, has triggered heavy government investment in both institutional and community-based child and adolescent mental health services in recent years.

In a study conducted in 1989, the six main reasons given for placing children in reformatories were:

1. School problems
2. Problems at home
3. Family problems,
4. Crime problems
5. Substance misuse,
6. Problems of life-style and bad company (especially in the case of girls consorting with older men).

16. Bateman T. (2005) *Custody and Policy, The Russell House Companion to Youth Justice*, Lyme Regis, Russell House Publishing.

17. Pösö T. (2004) *Serious Eyes and Other Experiences of Reform Schools*, Stakes, Tutkimuksia 133: Helsinki.

18. STAKES (2003), *Child Welfare Register*, Helsinki: StakesInfo, tutkimuksia 133.



Twelve years later, however, the language appears to have changed significantly, with a far greater emphasis upon school problems and psychiatric disorders and, not infrequently, the link between them<sup>19</sup>.

The range and orientation of placements in the Finnish system is interesting from a UK perspective because of the low priority afforded to offending per se, which emerges as a 'symptom' of deeper disorders like addiction, depression, family violence, learning difficulties etc., the treatment of which is, apparently, given a far higher priority than programmes which address offending behaviour.

However, while those who argue for a greater emphasis upon needs rather than deeds in the English system may find such diversity attractive, those who believe that children should only ever be incarcerated in the most extreme circumstances, and then only via 'due process of law', will undoubtedly be alarmed<sup>20</sup>. Indeed from an Anglo-American perspective, the apparent ease with which children and young people subject to Care Orders can be consigned to residential institutions, and transferred between them, and the discretion granted to social workers to decide when inmates will be released, can appear both regressive and anachronistic.

### Professional Perceptions of Removal From Home

However, interviews with English and Finnish welfare professionals<sup>21</sup> about the institutional confinement and treatment of children and young people revealed that Finnish professionals were far less worried about it than the English. By and large, English professionals viewed removal from home as a last resort, and community-based responses, which allowed the child to remain in their family, as the ideal. Finnish professionals tended to see things differently, arguing that residential childcare is more congruent with Finnish than English culture, suggesting that the relationship between the young person and their family is different in Finland where, from an early age, children are encouraged to be independent of their

families and to place greater reliance upon the peer group. In short, they argued, life is more 'social' and less familial in Finland. This being the case, they argued, to be consigned to a residential institution in Finland is not an analogous experience. They expressed far greater confidence in the professional expertise of those running residential and secure institutions than their English counterparts, echoing the strong 'expert orientation' of the Finnish system. While the English professionals emphasised the dangers inherent in institutionalisation the Finnish professionals argued that, because their system had an essentially developmental and educational orientation, it was able to compensate for the disadvantages experienced by the children and young people passing through it. The quality of residential provision was obviously an issue here and respondents pointed to the fact that a higher proportion of young people in the Finnish Care system entered higher education than was the case in the general youth population of Finland, although this is itself very high by European standards<sup>22</sup>. Meanwhile, of course, the majority of young people in the UK Care system fail to achieve five A to C grade GCSEs, let alone move on to higher education.

### Conclusion

The Finnish childcare and penal systems appear to present us with a contradiction because, while the penal system maintains a remarkably low imprisonment rate, the child and youth welfare system institutionalises a larger number of children and young people, *pro rata*, than England and Wales. Seen from an Anglo-American perspective, this represents confused and contradictory thinking, yet it appears to be relatively unproblematic for most Finns. Research suggests that the Finns are happy to support a low imprisonment rate and a high degree of state involvement in the lives of troubled and troublesome children and young people, because they see both aims as complementary; contributing to greater social equality, social cohesion and a low crime rate.<sup>23</sup>

19. Pösö, T (1993) Kolme koulukotia. Tutkimus tyttöjen ja poikien poikkeavuuden määrittelykäytännöistä koulukotihoidossa. Acta Universitatis Tamperensis ser A vol 388. Tampereen yliopisto: Tampere; Pösö T. (2004) *Serious Eyes and Other Experiences of Reform Schools, Stakes*, Tutkimuksia 133: Helsinki.

20. Pitts J. (2003) *The New Politics of Youth Crime: Discipline or Solidarity* (2nd edition), Lyme Regis, Russell House Publishing.

21. Bateman T. & Randall V. (2007) *The Attitudes of English and Finnish Child Care Professionals to Residential and Custodial Disposals for Children and Young People*, Unpublished, Luton, University of Bedfordshire.

22. Ibid.

23. Lappi-Seppälä, T. (2001) 'Sentencing and Punishment in Finland' in Tonry, M. and Fraser, R. (eds) *Sentencing and Sanctions in Western Countries*, Oxford, Oxford University Press.

# The Pains of Custody:

## Young men's experiences of pre-prison custodial settings

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**It is important to view [custody] as a process beginning with arrest, appearance at court, arrival at prison, reception, induction and progression to the ordinary regime.<sup>1</sup>**

In an attempt to prevent suicide and self-harm within prison, extensive research has explored the experiences of young male prisoners demonstrating that the psychological pains of modern imprisonment can be just as painful as the physical torture they replaced.<sup>2</sup> However, these studies have largely overlooked police cells, court cells and escort vehicles;<sup>3</sup> little is known of the psychological impact that these pre-prison custodial settings may have on individuals. Furthermore, research suggests if young people find these locations distressing they will import their fears and anxieties into prison.<sup>4</sup>

This article is based on research undertaken by the author<sup>5</sup> that explores young male offenders' experiences of the whole criminal justice system, focusing on a Young Offenders Institution (YOI) and four police stations and three courts that feed into it. Whilst quantitative research was undertaken at the police custody suites, qualitative research was undertaken at the court custody suites and YOI. During a three-month period 27 prisoners were interviewed and in one month 10 detainees within the court custody suites were interviewed. The research does not claim to be representative of all individuals held in the criminal justice system but aims to provide a detailed and in-depth insight into the experiences of young males in particular pre-prison custodial settings.

The research took as its focal point Sykes'<sup>6</sup> study of a maximum-security prison in New Jersey (USA) in which he identifies five pains or deprivations of imprisonment including the deprivation of; liberty, goods and services, heterosexual relationships, autonomy and security. The author's research interrogates these pains and makes them more relevant to the modern day custodial process,

establishing that whilst all are relevant to today's young male prisoners some also extend to the pre-prison custodial setting; thus it is more appropriate to refer to them as 'pains of custody'. Moreover it is possible to identify a further thirteen pains which enrich our understanding of how the modern day criminal justice system impacts on young men. This article provides a unique insight into the pains that are felt more acutely within police cells, court cells and escort vehicles; in doing so it enables an understanding to be gained about the complex feelings that young men bring with them into the prison environment.

### Sykes' Pains of Imprisonment

The deprivation of goods and services permeates through every stage of the criminal justice system; prisoners not only want or need the 'necessities of life' but also amenities such as cigarettes, alcohol and individual clothing. However, this pain may be felt more acutely in pre-prison custodial settings where individuals are denied all personal possessions and in some cases personal clothing. Detainees repeatedly spoke of the poor quality and quantity of food provided for them. Within police stations there were a number of complaints about the quality. For example, Simon<sup>7</sup> stated 'the food's disgusting... you wouldn't give your dog that... you can't eat it coz it's disgusting'.

Criticisms were also made regarding the quality of bedding and furnishings especially within police cells; 'I was sweating like anything — the mattress coz it was plastic stuck to me... I didn't have a pillow if I wanted to go to sleep' (Mark) and 'what they give you to sleep in — those quilts — are horrible — make you itch' (Danny). Similar criticisms were made of the benches in court cells, although these were not used for sleeping overnight; 'the court cells are totally shit... you ain't even got a mattress — it's just a wooden bench' (Alan).

1. HM Prison Service (2001) *Prevention of Suicide and Self-harm in the Prison Service*, London: HM Prison Service p.20.
2. Sykes, G. (1958) *The Society of Captives*, Princeton, New Jersey: Princeton University Press.
3. HM Magistrates' Courts Service Inspectorate and HM Inspectorate of Prisons (2005) *The Joint Inspection of Prisoner Escort and Court Custody in England and Wales* [Online]. Available: [www.hmica.gov.uk/files/Custody\\_and\\_enforcement\\_draft\\_5.pdf](http://www.hmica.gov.uk/files/Custody_and_enforcement_draft_5.pdf) [Accessed 24 June 2006].
4. Howard League (2001) *Suicide and Self-harm Prevention: Court cells and prison vans*, London: Howard League for Penal Reform.
5. Jones, H. (2007) *The Pains of Custody: How young men cope through the criminal justice system*, Ph.D. University of Hull.
6. Ibid.
7. Pseudonyms have been used to protect the identity of interviewees.

Whilst smoking is permitted in prison it has been prohibited in police stations, courts and escort vehicles. Consequently, a number of interviewees commented that they had been deprived of cigarettes; 'it's nasty, all police stations are nasty... you've not even got a fag to smoke' (Jack) and 'I got quite annoyed as you're not allowed to smoke anymore' (Alex). Adam explained in more depth about his frustrations:

*If you're addicted to heroin or crack you can get medication. [At a police station] you get nothing if addicted to cigarettes... it would stop people getting angry... especially after you've been interviewed... you start to get wound up... get stressed... worse now as can't smoke at magistrates.*

On entering prison some young men's negative feelings may be fuelled by their pent-up anger and frustration of having been given poor food and bedding and having been denied cigarettes. These frustrations may also result from the deprivation of autonomy which includes the lack of control a detainee has over their situation. Like prison, the regime found in police cells and court cells can remove any remaining dignity an offender has left; detainees were observed having to make requests via an intercom or buzzer for food, drinks, blankets, magazines and to use the toilet / get toilet paper. Furthermore, staff were able to exercise the utmost control by turning intercoms or buzzers off; 'they don't even come and tell you [what's happening] — they've turned the buzzers off' (Nathan), which also has the effect of exacerbating fears and anxieties.

The final pain of imprisonment that Sykes identifies and which transfers to the pre-prison custodial setting is the deprivation of security; whilst it largely relates to fears of violence and aggression from fellow prisoners, a small minority of detainees fear violence and intimidation from police officers. In particular, Mohammed had transferred his fear of Iraqi police officers to the British police, fearing they might kill him. Consequently, for the increasing number of foreign nationals that are ending up in prison, the earlier stages of the criminal justice system can be particularly distressing and worrying.

## The Pains of Custody

In expanding Sykes' work, further pains of custody can now be identified; these are based on Toch's<sup>8</sup> analysis of prison demands which include overload (where the prison demands more than the individual can deliver) and underload (where the prison demands insufficiently challenge the individual's interests and capacities).

### Entry shock

Entry shock is the turmoil individuals face during their initial period of incarceration when they enter the criminal justice system and are cut off from the outside world. It is particularly evident within the initial stages of confinement, that is police cells, because the detainee has made a transition from liberty to incarceration, which is usually more sudden than a transition within incarceration. The following narratives provide an insight into entry shock and articulate the acute fear and worry that some detainees feel, particularly those entering for the first time.

When discussing their detention in a police cell interviewees described how they had felt distressed during their first visit; 'I shit myself the first time I was in there... thinking I wasn't going to come back out' (Alex), '[I felt] worried then — I remember thinking I don't want to go back to the cells again... I

was only young' (Kieran) and 'I remember walking in and sitting down thinking oh my god... loads of different things were going through my head really... I thought I ain't gonna get out... I was getting a bit worried, I was getting more and more upset' (Mark).

On entering the court custody suites detainees' fears and worries predominately centred on the decisions made there; 'first time I were getting sentenced, coz of the nature of the burglary, I was shitting my pants... I get times when I sit in court cells I think you stupid dick... I put myself in this situation again, I'll miss my family, they're gonna miss me' (Shaun) and 'I was shaking like a leaf — the thought of getting sent down' (Gary). Other detainees commented on the shame they felt appearing in court; 'I [felt] ashamed when I went in court... being charged for murder... It's not easy for me... I'm not from this country, I don't have family' (Mohammed). This

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cigarettes.

8. Toch, H. (1982) 'Studying and reducing stress' in R. Johnson and H. Toch (eds.) *The Pains of Imprisonment*, California: SAGE, pp. 25-44.

shame was felt by Danny when being transported in an escort vehicle:

*Because when you're driving past you can see out... people can see in... people looking up from their cars... I just feel embarrassed being in a Group 4... embarrassed... I was ashamed really that I'd got myself in this situation and in one of them.*

For those entering the criminal justice system for the first time these fears and anxieties are repetitive in nature and arise again within the prison reception; Danny explained how he feared 'if police cells are like this, are the prison cells going to be the same'. However, entry shock is largely associated with a 'fear of the unknown' and therefore with the appropriate support and information it could be allayed.

### **Fear of the unknown**

A fear of the unknown stems from the lack of information that individuals are given and is particularly evident during the initial stages of the criminal justice system. For example, within police cells interviewees commented; 'I didn't know what was going to happen — where they were going to take me' (Gareth) and 'I was crying for my first time — most people do for their first time... coz I never knew what [the police station] was like' (Sam). Part of this fear arises from the fact detainees are often 'kept in the dark':

*When your solicitor comes you find out what's happening... police don't tell you nothing... it does your head in... you sit there thinking about it and when you're thinking about it time drags — if they told you, you could just go sleep (Gareth).*

Accounts from other interviewees included; 'it's not knowing what's going to happen to you... they don't tell you, you just wait' (Tom) and 'I was always on my bell asking what was going on — they didn't know' (Danny). Similarly, whilst being held in a court cell Craig stated 'I kept ringing on my bell 'when will it be?'... I didn't know what to expect'. On entering prison some

of these uncertainties are overcome through information imparted on the induction unit however for some prisoners these fears are exacerbated by weeks or months spent on remand or as convicted unsentenced, not knowing how long they have to serve.

### **Withdrawing from drugs and alcohol**

Also related to entry shock are the physical and psychological effects of withdrawing from certain drugs or alcohol. This pain has been relatively overlooked as research has focused on the availability and use of drugs within prison, even though the psychological effects of withdrawing from drugs can lead to a heightened risk of suicide and self-harm.<sup>9</sup>

A number of interviewees referred to the acute physical effects of withdrawing from drugs in police cells:

*[You feel] down, you can't sleep, your belly aches, you just want to go home... you want to take some drugs to make you feel better... heroin, it's a bad drug... it's a nice drug, but once you start taking it, after a couple of weeks you have to take it... it just takes over your body (Simon).*

*You just feel ill... you ache like fuck... it's just the no sleep — worst thing about it... you start hallucinating... you're anxious more than anything... I just sit there and keep moving — I just can't stop doing it... I jam my legs under the table to stop them moving (Robert).*

*I was feeling ill all the time... feeling sick and dizzy, I kept falling asleep coz I hadn't been to sleep for ages... you ain't got a window you can open... when I was on my come down it was horrible — just sweating... it makes you feel horrible (Alex).*

Detainees also spoke of the psychological effects; whilst in police custody, Robert stated 'you get angry... that's like more frustration than anything else... frustration coz you want it but you can't get it' and James described how he 'went mad... I beat the crap out of the police cell'. Jonathan spoke about withdrawing from alcohol; 'it don't really bother me

9. HM Inspectorate of Prisons (2000) *Unjust Deserts: A Thematic Review by HM Chief Inspector of Prisons of the treatment and conditions for Unsentenced Prisoners in England and Wales* [Online]. Available: <http://inspectorates.homeoffice.gov.uk/hmiprisons/thematic-reports/1/unjust.pdf?view=Binary> [Accessed 29 October 2006].



now but the first couple of weeks it bothered me'. These narratives illustrate how on arrival in prison some individuals have spent a number of hours suffering from the physical and psychological pains of drug / alcohol withdrawal; their need for both medical attention and support is acute. Furthermore, these young men have lost a coping strategy that is frequently employed on the outside to forget about problems, help them calm down, allow them to block everything out and reduce stress.

### Loss of stimulation

Whilst previous research<sup>10</sup> acknowledges that prisoners need constructive activity the loss of stimulation found in the earlier stages of the criminal justice system has not been recognised, despite it being one of the most pervasive pains. Jack explained how he found the loss of stimulation difficult to contend with:

*Sitting in a police cell is harder than being in a prison cell... everything goes through your head — it's hard to keep calm... when you've got nothing to do in your cell... it's hard, police stations are hard... I'd rather do 1 week in a prison cell than 3 days in a police cell.*

In a society where young people are almost constantly stimulated by mobile phones, mp3 players and computer games, this loss of stimulation leads many to boredom. Within the police cell detainees commented; 'I was very bored... I didn't have anything to do' (Mark), '[I felt] proper [bored]... it's a killer in there... it's shit' (Tom) and 'it's alright but it's not alright — it's a bit boring you know' (Sam). These same sentiments were found in court cells; 'it don't bother me what [the Judge is] going to say... I just want to get out of there... it's real boring' (Luke) and '[court's] just really boring' (Peter).

### Waiting game

Throughout the criminal justice system individuals are forced to play the 'waiting game', largely because they have lost autonomy and control. When in the police cell and court cell, this waiting game can be

intensified by boredom, a fear of the unknown and because individuals are awaiting a decision or result. The wait within a police cell can be an anxious and worrying period that is exacerbated by detainees only being able to communicate by means of the cell buzzer or the intercom; 'last night I was ringing the buzzer and I waited 10 — 15 minutes to come to the door, I was sick and everything' (Sam) and 'in [X police station] you press it and it takes 20 minutes, even ½ hour for them to answer' (Kieran).

Even when cell buzzers or intercoms are answered interviewees feel staff within police cells and court cells make them wait; 'they don't do what you ask them to do... you ask for a coffee and they say fuck off and wait 2 hours... you ask for a light and they say fuck off' (Andrew), 'they say they're gonna do something and they don't... you ask them if I can have a phone call and they say ½ hour and you lie there waiting for a couple of hours' (Richard), 'it was a bit hard to wait... I didn't know what was going to happen' (Joe) and 'it does take too long to get to court — just waiting to get in there... wasting your day' (Peter). By acknowledging how frustrated young men can feel after being forced to wait within police cells and court cells it is perhaps easier to understand why these frustrations can sometimes be transferred into the prison reception where prisoners again wait to be processed.

### Physical environment

The final pain of custody to be discussed is the negative physical environment that many young detainees find. When interviewees were asked about their experiences of police cells, a number mentioned how dirty they were; 'dirty... just everything — the walls and everything — there's all spit everywhere... peoples' dinner down the walls and door' (Robert), 'trampy... not clean, muck up the wall, stains on them' (Nathan) and 'it's a shit hole... sometimes it's dirty' (Richard). Interviewees commented on the poor ventilation of police cells and how cramped they found them, which had a negative impact on their psychological well-being; 'it made me angry though being in that cell — it was dead claustrophobic' (Danny)

Whilst previous research acknowledges that prisoners need constructive activity the loss of stimulation found in the earlier stages of the criminal justice system has not been recognised, despite it being one of the most pervasive pains.

10. Howard League (1999) *Desperate Measures: Prison suicides and their prevention*, London: Howard League for Penal Reform.

and 'it's fucking horrible... just the cells themselves... I can't stand them... they're claustrophobic... it's just too claustrophobic... thick windows and you can't even open them' (Gary). Similarly, Tom stated:

*[I felt] pissed off... coz I'm mad at myself for letting myself get caught... when you get locked behind that door it pisses you off... I'm not an animal — no one wants to be caged... but it's my fault I'm here.*

While only a minority of interviewees cited negative conditions in police cells, the majority of interviewees spoke about negative conditions in escort vehicles. The familiar nickname for escort vehicles is 'sweat box' and a number of interviewees referred to this; '[it was] really hot in there' (Mark) and '[it was] too hot and sweaty... it's horrible' (Sam). A number of criticisms were made about the dirt and damage; 'they're horrible, dirty, people spit on the floor, graffiti everywhere, fag burns everywhere' (Paul), 'the windows were scratched... it smells of piss... dirty' (Dean), 'it was a right mess... [I could] barely see out the window, people had been scratching, the floor was all sticky — you could see where people had been spitting' (Luke), 'it had all on the sides peoples' names scratched in' (Danny) and 'you couldn't really see out the window — it was all scratched' (Mark).

In addition to the poor conditions, a large number of criticisms centred on the cramped and uncomfortable conditions of escort vehicles. In particular, 'the seats [are] plastic and hard... it's like a box' (Paul), '[the seats are] hard... you can't really get comfortable... it's cramped' (Dean), and 'it's like you're sitting on a toilet seat all the way here' (Richard). A couple of interviewees also commented on safety aspects:

*There's hardly any space at all — you've got no space to stretch at all... the only thing that scares me is when you're going down motorways it wobbles from side to side... it gets uncomfortable after a while (Gareth).*

*They could change the seats — make it a bit safer — put a seat belt in them... they could have buggy seats (Danny).*

Poor conditions were found in court cells, albeit to a lesser degree; 'it was grimy, graffitied all over' (John), 'it had all spit and food all on the floor' (Adrian), 'disgusting... the walls are all tatty, graffiti everywhere — no fresh air coming in' (Peter) and 'they're dirty — spit all up the walls, toilet rolls stuck to the ceiling — they're disgusting... police ones are better' (Andrew).

The above narratives illustrate how angered some young men feel by the poor conditions in which they have been held; again, this aids our appreciation of their state of mind on entering prison.

## **Coping with the Pains of Custody**

Within the pre-prison custodial setting detainees are severely limited in using coping strategies that require external stimuli therefore sleep becomes central; this helps detainees cope with a loss of stimulation, boredom and the passing of time.

Whilst the research identified that the pains of custody press more heavily on some individuals than others, many do cope with these pains. Within the pre-prison custodial setting detainees are severely limited in using coping strategies that require external stimuli therefore sleep becomes central; this helps detainees cope with a loss of stimulation, boredom and the passing of time. Others focus on memories or fantasies to avoid thinking of the stressful situation whilst some are able to seek alternative means of stimulation by reading or listening to a radio. Consequently, the mundane minutiae of everyday activities or behaviour are employed to help individuals cope with their negative environment or situation.

Individuals may also seek support from fellow detainees and staff. Within court cells and escort vehicles fellow detainees can help to alleviate boredom, provide companionship and a source of information, helping to overcome a fear of the unknown. Furthermore, informational and practical support is gained from staff working within the police cells, court cells and escort vehicles. This is particularly crucial where individuals are entering court for the first time or have problems understanding the technical terminology used there.

However, for a few young men self-harm is, somewhat paradoxically, used as a way of coping, allowing them to deal with difficult feelings and problems. Due in part to the relatively short periods of time that detainees are held within police cells, court cells and escort vehicles and also due to the lack of opportunity and resources, rates of self-harm are lower here than within prison. Nevertheless, self-harm serves

a similar purpose; to calm individuals down, allow them to release a build-up of frustration and anger, prevent them from thinking about their problems and help them cope with boredom.

Although some of the above coping strategies transfer into prison (including sleep, reading, listening to music and the use of social support), prisoners have access to more external stimuli, hence one of the most widely used coping strategies is watching television. Other coping strategies include employment, education / courses and participating in sport.

In terms of the support needs of young male detainees and prisoners it was evident that whilst a great deal of support is offered to prisoners, relatively little is provided to those in police cells or court cells, partly because individuals are detained here for short periods. Consequently, individuals had a need for more informational support, particularly those individuals who had not been through the criminal justice system before and those at-risk of suicide or self-harm. It is envisaged that if these support needs within the earlier stages can be met then the pains of custody can be lessened; not only might this reduce self-harm within the pre-prison custodial settings but those entering prison would hopefully be less fearful, anxious and distressed. In turn this could improve the number of incidents of suicide and self-harm amongst remand and newly-sentenced prisoners (see also the Howard League<sup>11</sup>).

## Conclusion

The study on which this article is based is one of the first to explore the experiences of young men across the criminal justice system and to challenge Sykes' pains of imprisonment. By adopting a holistic approach it has furthered our knowledge of the pains facing young men in the pre-prison custodial setting; the first-hand accounts aid our understanding of how young men feel on entering prison and how these feelings may be a reflection of the experiences individuals have encountered within police cells, court cells or escort vehicles. The research highlights how it is now more appropriate to refer to 'pains of custody' and how these leave many young men feeling angry, frustrated, anxious, helpless and embarrassed. The despair and desperation that some young men feel when confronted by these pains are evident in interviewee's accounts of self-harm. However, many young men do survive these pains, employing a variety of coping strategies including, somewhat paradoxically, self-harm. Staff working within the criminal justice system face unique problems when addressing suicidal and self-harm behaviour but without policy and practice that encompass all stages only limited improvements can be made in preventing suicide and self-harm.



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11. Ibid.

# Young Prisoners and Their Mental Health:

## Reflections on Providing Therapy

*Joel Harvey is a Clinical Psychologist, Cambridgeshire Youth Offending Service and Visiting Scholar, Institute of Criminology, University of Cambridge.*

***'What I feel I'm trying to do is offer them a bit of an understanding.'***

*(Clinical Psychologist)*

We know that young people in custody are often vulnerable. It is well documented that young people in prison bring with them a range of psychological and social difficulties.<sup>1</sup> In addition to problems with mental health and substance misuse, they may also have learning difficulties, and speech and communication problems.<sup>2</sup> We also know that young people in prison are a socially excluded group.<sup>3</sup> They have often been rejected by their families, peers, schools, and local community. Furthermore, we know that these young people often find the psychosocial experience of imprisonment distressing. Young people in prison report difficulties with uncertainty, a lack of safety, a loss of freedom and the separation from family; the first month in custody has been found to be particularly distressing.<sup>4</sup> Although young people do adapt differently to prison, and some are able to cope, self-harm rates are high among young prisoners, as are reported levels of psychological distress. There is a need for future longitudinal studies to appreciate fully the *specific* effects of imprisonment for young people.

Over the past decade, the government has begun to invest in improving the mental wellbeing of young people in prison.<sup>5</sup> In 2001, a five-year plan to improve the health care provision of prisoners was set out in the White Paper, *Changing the Outlook: A Strategy for Developing and Modernising Mental Health Services in Prisons*. In general, Mental Health In-Reach Teams (MHIRTs) were set up to support prisoners with mental health difficulties, so-called 'non-criminogenic' needs, rather than to focus solely on the link between mental health and offending. This led to

a widening role of psychologists within prisons, with clinical and counselling psychologists being employed to address prisoners' mental health. Furthermore, in 2007/8 the Department of Health provided additional funding to adapt the model of in-reach provision, specifically for young people in Young Offender Institutions (YOIs). These are valuable steps, but there still remains a high level of unmet need and the services face considerable challenges.<sup>6</sup>

This paper focuses on how we might best provide therapy for young people in prison.<sup>7</sup> It draws upon some personal reflections of providing therapy to young people in prison and some qualitative interviews with several clinical psychologists who work with young prisoners.<sup>8</sup> This paper focuses on the work of psychologists working within mental health in-reach teams, rather than the work of psychologists who deliver offending behaviour programmes. It argues that to work therapeutically with young people in prison the therapist must also work with the teams and systems around these young people. Moreover, the therapist must understand the context of the prison and thus its impact on the young person and the therapy being offered. The paper concludes by considering the role of psychological formulation in relation to this therapeutic work in prisons.

### Complexity and flexibility

Based on my personal professional practice, and from interviews with clinical psychologists in MHIRTs, it is evident that young people referred for psychological therapy have complex needs. Interviews with psychologists revealed that they work with several overlapping groups of young people: those who struggle to adjust to life inside; those who have a history of co-

1. Harrington, D. and Bailey, S. (2005) *Mental Health Needs and Effectiveness of Provision for Young Offenders in Custody and in the Community*. London: Youth Justice Board; Kroll, L., Rothwell, J., Bradley, D., Shah, P., Bailey, S. and Harrington, R.C. (2002). 'Mental Health Needs of Boys in Secure Care for Serious or Persistent Offending: A Prospective Longitudinal Study', *Lancet*, 359: 1975-9; Lader, D., Singleton, N. and Meltzer, H. (2000) *Psychiatric Morbidity among Young Offenders in England and Wales*. London: Office of National Statistics;
2. Khan, L. (2010) *Reaching Out, Reaching In: Promoting Mental Health and Emotional Well-being in Secure Settings*. London: Centre for Mental Health.
3. Ibid.
4. Harvey, J. (2007) *Young Men in Prison: Surviving and Adapting to Life Inside*. Cullompton: Willan.
5. DH and HMPS (2001) *Changing the Outlook: A Strategy for Developing and Modernising Mental Health Services in Prisons*. London: Department of Health.
6. Khan, L. (2010) *Reaching Out, Reaching In*.
7. The paper will focus on young people aged 15-21 years old who are accommodated in YOIs.
8. I carried out these interviews as preparation for the edited book Harvey, J. and Smedley, K. (2010) *Psychological Therapy in Prisons and Other Secure Settings*. Abingdon: Willan.



morbid difficulties (such as trauma, anxiety, low mood, self-harm or psychotic symptoms); those who are difficult to 'manage' in prison because of their aggressive behaviour; and those who are not particularly distressed but who want to understand their tendency to respond violently. Usually though, the young people referred to psychologists have several interwoven symptoms which stem from chronic traumatic life events and insecure attachment. One clinical psychologist said:

*The depression and anxiety is usually not on its own, in the sense that it's often part of a really chaotic upbringing, where they've had other problems that might impact on the way they think about themselves and their future and how things are going to turn out and often it's linked with other disorders like PTSD [Post-Traumatic Stress Disorder] [ . . . ]. People can be very paranoid, hyper-vigilant, guarded, depressed, angry, and that kind of mix of things isn't always best described in one particular diagnosis.*

This psychologist reported numerous clients with 'complex problems'. Given that complexity, it seems rare that a therapist can provide treatment relying only on a single psychological model for a single psychological problem. As another psychologist said:

*I wouldn't say I'd ever delivered, you know, ten sessions for PTSD or ten sessions for depression, because I don't think there were any of the young people that I saw when you could think that there was a single, simple mental health problem, really.*

Psychologists sometimes thought that prison staff would only refer people with depression, anxiety or obsessive compulsive disorder, when in fact individuals with more complex presentations were appropriate referrals. Prison staff needed to understand that help could potentially be offered to this group and this highlights a role for *all* staff working in custodial settings to have training in recognising symptoms and knowing the referrals pathways.

The complex presentation of young people has important implications when designing therapeutic services to meet the needs of these young people in custody. Such psychologists needed to take a flexible approach to work, to draw on different models and to

respond to what was going on for young people in the 'here and now'. They also needed, they said, to be realistic about the goals of their work. To do that, they had to consider what stage young people were at in their sentence and how able they were to cope with discussing difficult topics while in prison. Those considerations influence the type of interventions delivered in custody and the evaluation of their outcomes. Whilst it was important for these psychologists to base their practice on evidence, they stressed a need for flexibility and responsivity within particular models. In particular, there seems to be a need to develop an idiosyncratic understanding of a range of symptoms, rather than relying only on categorical diagnostic labels.

## Systems and Teams

Working in MHIRTs, psychologists report the need to understand the systems and teams which surround the young person, as well as the young person's place within these systems and teams. Young people in custody are at the centre of a number of systems that come and go. It is important for psychologists working within MHIRTs to reflect on the parameters and boundaries of their work and to consider their responsibilities of providing therapy within a custodial setting.

Psychologists recognised the complexity of teams and the importance of reflecting upon this complexity. What one clinical psychologist said of 'looked after' children in particular is typical in general:

*There are so many systems involved [ . . . ]. We've got all the social services side, all of the YOT side; they pick up in-reach teams in here; they might have mental health input when they're going to leave. And just where your relationship sits within that system, I think, can be confusing — and confusing about what your boundaries are.*

A psychologist who strives to understand where her MHIRT sits among these systems is able to consider where her work starts and ends and to be clear with young people about those boundaries. A psychologist who understands the systems can also ensure continuity of care. The transition to prison life dislodges a young person from one set of systems and teams and lodges him among others. Therefore, relationships between the therapist and other professionals who work with young people are important too. Furthermore, as it is important

that the young person remains 'attached' to systems outside the prison, there is a question who should take the initiative to maintain that connection and ensure that the ruptures of entering prison are as limited as possible. There is a responsibility to integrate, collate and present information, as the young person moves between systems, so that this information is not lost, misconstrued or misinterpreted later. To do this, the mental health professional needs to bear in mind not only the care he or she is currently providing a young person but also the young person's trajectory.

To work therapeutically with young people, the psychologist in prison needs to work alongside the systems outside it, with which the young people are connected, such as the youth offending service (YOS), the family, other mental health professionals, social workers, volunteers and education providers. Contact with the local YOS is especially important, as a YOS officer might have worked with a young person for a lengthy period of time prior to custody; so 'interviewing' the YOS officer allows information about the difficulties which prisoners bring with them into custody. In turn, while the young person is still in prison, it is important for psychologists to start building connections with systems outside the prison, including the prisoner's local Child and Adolescent Mental Health Service (CAMHS), for example, to encourage them to start assessments whilst the young person is inside.

As well as forging links with professionals, it is also important for the clinical psychologist to forge links with the young person's primary care giver. It is well documented that working with families can help reduce reoffending, and in particular, evidence suggests the effectiveness of parenting support and Multi-Systemic Therapy (MST). Besides reducing re-offending, research has found that improving family contact is an important goal for young people in custody and that family contact was one of the most important things which helped young men adapt to life inside.<sup>9</sup> Given that young people often enter prison with fragmented relationships and

insecure attachments, prison can be an opportunity to foster different forms of relationships. However, family contact proves difficult in prison: it is often not prioritised. There are therefore well recognised barriers to systemic work with young people and their family when the people are in prison.<sup>10</sup>

It is also important to work with the system of the prison itself, but this too is difficult. One psychologist said:

*I mean, kind of, the systemic thing is challenged and challenging somewhere like a prison, where it's a closed system and there aren't the links — natural links — with the outside. Even the links inside aren't that well fostered sometimes and so you have to keep knocking at the door.*

... the mental health professional needs to bear in mind not only the care he or she is currently providing a young person but also the young person's trajectory.

Working collaboratively with other mental health professionals within the MHIRT was also seen as important, but it was acknowledged that this can be difficult as some teams only have input from a psychologist once or twice a week. It has been found that working with prison staff can prove effective in bringing about change for young people in prison.<sup>11</sup> Working directly with prison staff is vital for some psychological interventions, for example with prisoners experiencing Post-Traumatic Stress Disorder.<sup>12</sup> Such collaboration is

essential in getting the practicalities right, as in the difficulties of getting clients to attend sessions, which one psychologist noted:

*Often when you explored beneath the surface why people didn't come, those were reasons to do with the system, and not the person. And they would say to you, 'I did want to come', and they would come again, but this happened or it clashed with this or that . . . They said, 'I couldn't come unless I came at this time'. You know, there would be some other reason within the organisation.*

9. Harvey, J. (2007) *Young Men in Prison*.

10. Shelton, D. (2010) Systemic Psychotherapy in Prisons. In J. Harvey and K. Smedley (eds.) *Psychological Therapy in Prisons and Other Secure Settings*. Abingdon: Willan.

11. It is of interest that a unit (The Willows Unit) has been set up at HMYOI Hindley which is staffed by prison officers but supported in the service delivery by an adolescent forensic mental health team. This unit aims to address high levels of need for those adolescent offenders in custody who pose complex management difficulties. The approach is early in its development and remains to some degree experimental. However, there is a developing outcomes framework and initial outcomes appear promising, at least in the short term (Rogers, personal communication, 2011).

12. Rogers, A. and Law, H. (2010) Working with Trauma in a Prison Setting. In J. Harvey and K. Smedley (eds.) *Psychological Therapy in Prisons and Other Secure Settings*. Abingdon: Willan.

## Contextual Understanding

Therapists who would work effectively in custody need a grounded understanding of the context, both of the specific prison, its rules, culture and history and of prisons more generally. Such a contextual awareness of the prison can help psychologists to understand the problems which young people present there. It is important for the psychologist to understand the prison experience in a formulation (more on this below) in order to disentangle with clients whether their difficulties result from imprisonment, such as difficulties adjusting, or from pre-existing problems exacerbated in this new context. Otherwise considering the young person in isolation, without considering the psychosocial experience of imprisonment, we might incline more to a pathological understanding of the individual that is devoid of systemic factors. For example, as one clinical psychologist observed, the coping strategies of a young person may have to change in prison, in order to remain out of trouble; and the change may have other consequences for their mental health:

*They have some vague idea that they shouldn't get into fights because that might lead to adjudication [. . .] which causes them to often withdraw or bottle up a lot of anger, which isn't necessarily the best way of dealing with it.*

Understanding prison life, as a prison researcher might endeavour to, keeps a psychologist mindful of the importance of what has been called 'the presentation of self in everyday life'<sup>13</sup> in the specific context, and the way that this presentation of self can affect a young person's presentation in therapy.

Research on the psychosocial experience of imprisonment has stressed the influence of the ways that young people present themselves with a mask when out on the wing. One psychologist recognised this too:

*I think there are aspects around the culture here in terms of what it means to be a young male in . . . quite a threatening environment and you don't just walk in a room and then drop your guard. And you've got to go back to it.*

Young men in prison sometimes feel they need to project an aggressive image in order to survive. One psychologist said:

*They have to put up this image where they're not vulnerable but they are butch and cocky and aggressive and can look after themselves,*

*and therefore it's better to look like that so it's the next guy that gets picked on.*

This has important implications when considering how and why the young person is presenting and considering whether this presentation reveals what they are like out in the community. Indeed, the 'code of the street'<sup>14</sup>, may also require such a position to be taken, but without seeing the young person 'on road' it is difficult to draw firm conclusions. Therefore, when carrying out risk assessments, tentativeness is important: the interaction between a young person and his environment can bring about different reactions and so conclusions should be contextually bound.

Moreover, a contextual understanding puts psychologists in a better position to understand their *own* position in the prison and, importantly, young people's perceptions of it, because this may impact upon the therapeutic relationship. Then they can reflect on what might constrain therapy, on who the client is in their work, and on what their goals and interventions are. The psychologist becomes a reflective-practitioner. When asked how they thought young people viewed them, psychologists reported a variety of responses. One said:

*Some would see me as a benign support. I'm the person you go and talk to [. . .]. There'll be other young people who perceive me as some kind of detective, I think, trying to figure out their heads . . . and trying to have some kind of expert knowledge on them. I think some would see me as an advocate in terms of trying to explain to others what the difficulties are. Some might see me as a psychologist and working on their goals, but I think it's . . . it's confusing to them.*

Yet the negative perceptions of some young people are a distinctive element of therapy in prisons. Another psychologist said:

*I think, for some of them [. . .] we're seen as just more oppression. Not only have they got a criminal label, they've now got a mental health label on top of that, and that's the last thing they want. Some of the lads are more insightful than others and see . . . and use it for what they can; some people just see it as another way of monitoring . . . You know, we're agents on behalf of the prison system who are monitoring their behaviour and their thinking patterns.*

It is difficult to know how much psychologists should ask young people how they perceive them. Yet they do

13. Goffman, E. (1959/1990) *The Presentation of Self in Everyday Life*. London: Penguin.

14. Anderson, E. (2000) *Code of the Street: Decency, Violence and the Moral Life of the Inner City*. London: W.H. Norton and Company.

need to think about these perceptions, which could impact upon the therapeutic relationships and outcomes.

Furthermore, these perceptions do reflect the fact that the psychologist is providing therapy within a custodial environment. Psychologists carrying out therapy in prisons are employed by the National Health Service (NHS) but they are also working in an institution focused on punishment. To what extent are clinical psychologists *independent* of the prison and its focus? How does this affect their work? Even if the psychologist might feel separate from the prison, he or she is sometimes put in the position of acting as an ersatz prison officer and as an agent of power. One psychologist recognised this:

*On one hand, us being independent, and us being NHS, and actually holding keys — actually we do make security reports when appropriate. [. . .] We're not custodians. There's all sorts of things which imply we are a bit. I can't just leave someone in the waiting area; I have to actually make sure that they've gone back to the holding cell [. . .] And just what that, kind of, conveys to them, as to who I am, and what my relationship with the system is, I don't know; but it gets murky.*

The quotation above alludes to the fact that there may be times when the young person is at risk to themselves or others, and so the psychologist shares that information with prison staff. Moreover, if the clinical psychologist has been asked by the court to write a risk assessment or if the person is subject to Multi-Agency Public Protection Arrangements (MAPPA) information will be shared. So psychologists need to be open with young people about their position in relation to confidentiality. As one put it, prisoners 'needed [. . .] to know what kind of information you'd be passing on' but 'they [the prisoner] didn't find that that problematic.'

Similarly clinical psychologists also need to think about how the organisation of life in prison might affect their ability to conduct therapy. One psychologist reported 'so many restrictions' on which, whether, when and how prisoners can attend therapy and while these disruptions might have understandable causes, they do have an impact on therapy too. In some prisons, therapy might not always be a priority and security may often take precedence. Security concerns might lead psychologists and other prison staff to competing views about the best way in which to respond to a prisoner who has been disruptive:

*The highest organising factor for prisons has been security and the way they manage security is by moving people round [. . .] whereas the therapeutic approach to managing people who are troublesome is to hold them and to keep . . . and work with them and work through stuff [. . .] So essentially you have two very competing philosophies.*

The different agendas — 'competing philosophies' even — have the potential to affect outcomes negatively. They need to be acknowledged in therapy so that clients and psychologists can deal with them and they need to be thought about when designing services to meet the mental health needs of young people in prison.

. . . clinical psychologists also need to think about how the organisation of life in prison might affect their ability to conduct therapy.

Those competing philosophies reflect competing ideas of who the client is for therapy in prisons. Indeed, who is the client? Psychologists recognised that 'it varies' and that they had multiple clients:

*I think some young people who are presenting with, kind of, symptom focused work and it's their symptoms that they want to change [. . .]. They're the client. I think there's other young people with complexity and risk issues, where it feels like much more the system's the client; and services want some kind of view on what might be driving things. And, I think, then it's about trying to manage having more than one client, 'cause the client's also your client as well!*

Another defined the client like this:

*The young person, but I kind of think sometimes the prison [. . .] and then sometimes the courts ask you to do something so they're the client.*

While both note what the first called 'trying to manage some of the conflicts of interest', both also ended by stressing that, as the second put it:

*In the end the only way I can keep sane about it is to remember that the lad is the client and it's them and their needs that have got to be heard here and got to be brought to people's attention.*



Another psychologist stressed how important it is to be clear with the young person that they are the client:

*I was able to say, 'I don't work for the prison and I don't work to the prison's agenda, and you and I will decide what it is we want to talk about. It won't be decided by an officer on the wing or by the governor or ... it needs to be something that is what you want.*

This psychologist found something inherent within the discipline which allowed that:

*Psychology's, kind of, collaborative nature, the, sort of, advocacy role that's embedded in it: I think those things make engagement in a setting where people feel so disempowered ... I think, they make engagement with psychology easier.*

If consent is there — notwithstanding that some prisoners feel compelled to engage and that psychologists should be aware of this power dynamic — then it can be the start of fruitful work.

### Psychological Formulation

As argued above, for therapists to meet the mental health needs of young people in prison they need to work with the multiple systems and teams around the young person *and* need to reflect on the context of the prison — to be both embedded *in* and at a reflective distance *from* the setting. Psychological formulation can be an extremely effective means through which to help them to understand that systemic factors, the prison context and the effect of that context can impact on therapy itself. Formulations can take into account both individual and systemic factors. So what is a psychological formulation? A psychological formulation (or case conceptualisation) is a process where the individual's unique experiences are combined with a psychological model or theory in order to provide an understanding of how the individual's problems have developed and are maintained.<sup>15</sup> The process of drawing up a psychological formulation allows understanding of the young person that is collaborative, and moves away from diagnosis. Once developed, formulations can be shared with staff, with the young person's consent, in order to help them to understand the young person. Importantly, formulations can be used with the young person to provide a rationale for intervention and can also be

used with other staff, or with caregivers, to examine their role in helping to alleviate a particular problem.

Formulation can help answer questions about the goals of therapy. Some psychologists said that the young people often had a goal: to *understand* their difficulties, rather than change them. So while developing a good psychological formulation is key to effective therapeutic intervention (for example, to working on changing thinking patterns or behavioural responses) it also offers understanding. One clinical psychologist argued that better understanding was 'a laudable goal' for a young person:

*I saw a couple of young men who just wanted the understanding bit, and when we'd done it, I said, 'OK, so we've got the formulation. What would you like to do now?' And they'd go, 'No I feel loads better, thanks. That's it.' And I just think: well, that's your right to say you got what you wanted from it.*

Formulation can thus clarify the 'consent', as this psychologist called it, of young people to starting, and stopping, therapy. Formulation can also help the psychologist to respect the young person's problems and explain why they have legitimately developed. As one psychologist stressed that rather than give 'a sticky band-aid to stick over a problem' instead:

*There are loads of things that, actually it's very hard to say to young people, 'You should just learn how to cope with this,' and I think it's really legitimate to say to them, 'You've every right to be angry about some of those things. You've every right to feel this and to feel that.*

Formulation allows for validation and normalisation of a young person's difficulties and experiences. The development of this formulation might in itself help the young person deal with certain psychological difficulties: but the process of development itself might contribute to that by allowing them to realise that there is another human being who is attempting to develop a shared understanding with them. The process of developing the formulation gives the young person an experience of being explicitly 'held in mind' by someone else. This 'attempt' by another person (i.e. the psychologist) lies at the centre of working towards meeting the young person's needs. Through treating the young person with respect, through communicating to them that they are worthy of being understood, may help the young person feel like a valued member of society.

15. See Persons, J.B. and Davidson, J. (2010) Cognitive-behavioral case formulation. In K.S. Dobson (ed.) *Handbook of Cognitive-Behavioural Therapies*, 3rd edition. New York: The Guildford Press.

# Ethnicity, multicultural and racism in a Young Offenders' Institution

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**In the UK, some young men find it hard to identify with the traditional Islam practised at home by their parents whose customs can seem staid when transplanted to modern Western countries. But they also find it hard to identify with Britain too, because we have allowed the weakening of our collective identity. Under the doctrine of state multiculturalism, we have encouraged different cultures to live separate lives, apart from each other and the mainstream. David Cameron, Berlin. 5th Feb 2011.**

## The Kings Speech?

The idea that Britain has an identity problem is not a new one but it exercises the British Prime Minister because he feels it leaves young men vulnerable to the allure of violent extremism and exposes a collective inability to live together in peace and harmony. Cameron fears that people retreat into the kind of ethnic bunkers Ted Cantle identified in his report into the riots in Bradford, Oldham and Burnley in the spring of 2001. In this scheme of things people live parallel lives of avoidance and antagonism. The Prime Minister's speech suggests that state sponsored multiculturalism is at fault and promises that the coalition government will 'turn the page on the failed policies of the past'. Although it is not clear what's on the next page, the characterisation of multiculturalism's failure and the significance of a collective national identity to the prospects of future success indicate the trajectory of government thinking.

The speech implicitly evokes recurrent anxieties over the loss of a cohesive British national identity. It seems to have in mind a singular national culture that is largely fixed and stable into which people can be invited or included, rather than cultures that are a plural and dynamic process people in Britain are generating and renewing themselves. These issues of identity, culture and belonging were recently the subject of an extensive ESRC funded programme of research, Identities and Social Action, involving 25 different projects (see [www.identities.org.uk](http://www.identities.org.uk)). In this article I present some of the findings from one of these projects, 'Ethnicity, Identity and Social Relations in Prison', led by Coretta Phillips from the London School of Economics. This project involved an

ethnographic study conducted in HMYOI Rochester in 2006/7 to explore how young men in prison understand questions of ethnicity and identity.

## Complex multicultures and multiculturalisms

Many young men arrive at HMYOI Rochester from London, where Black and minority ethnic youth are over-represented in the criminal justice system, but also from courts, or other prisons, in the neighbouring counties of Kent, Essex and Sussex where white ethnicities predominate. The prison accommodates up to 400 convicted young men, of which approximately 56 per cent were White British, White European or White Other. Black/Black Caribbean/Black African young men comprised 30 per cent of the population, while 7 per cent were of Mixed Heritage and 6 per cent Asian.

There was considerable evidence of state sponsored multiculturalism in HMYOI Rochester. This could be found in the prison kitchen and wing serveries where halal and vegetarian options were provided, and the appropriate separation of utensils observed. The menus provided a diverse range of meal options that reflect contemporary British eating habits and tastes, that is plenty of curry and pizza alongside sausage and chips. The prison chaplaincy employed the services of an imam to provide for the 19 per cent of prisoners that disclosed their Muslim faith. It also developed a large multi-faith area equipped with the necessary facilities for ablutions and storage of prayer mats. The fasting of Ramadan and the festival of Eid were fully accommodated in the regime procedures, alongside those of Christian festivals such as Christmas. These provisions sat within a comprehensive diversity policy that, among other things, deployed sophisticated computer software to monitor the ethnic allocation of prison disciplinary procedures and other services.

Multiculturalism was also immediately visible in the numerous shades of skin hues among the young men, from darkest black to palest white. It was 'hearable' in the accents and vernaculars of their talk, and the languages other than English that sprinkled the conversation of some prisoners. It could be heard in the music prisoners played that filled cells, landings and recreation facilities at various times of the day. It was

visible, again, in their styles of wearing prison issue clothes, their haircuts and physical interactions. Many Rochester prisoners, both black and white, often went 'backsy' with their green prison-issue trousers or grey jogging bottoms hanging down below their hips showing their undershorts. Hand greetings of fists touched knuckle to knuckle or more formal 'brotherly' hugs were commonplace, extending the repertoire of nods and handshakes that conveyed the various levels of familiarity between the young men.

For many black prisoners talking 'slangs' on the wing established their connections with other prisoners and gave voice to their identities. For some white prisoners familiarity with this vernacular, associated with urban black youth, helped established a degree of common experience. It indicated they were at 'ease' with the diffused diversity of cultural life associated with London living. In interviews and other interactions, many of the white young men from London talked of growing up on the same estates as their black contemporaries, attending the same schools, living on the same streets and, in some cases, the same households. One bilingual young white man from West London (R41) went so far as to describe himself as 'White Asian' and talked proudly of a mixed heritage derived from his Asian step-father: 'My boys call me ['Switch'] cos I'm half white, half Asian so they say it was a [switch] of personality, so they call me ['Switch'], so I got that name... everyone that knows me will say that I'm the only white Asian who knows more about the Asian culture than Asians themselves.'

In these accounts and experiences the old racial logics of fixed essence and separation were thoroughly unpicked by the young men because their biographies told them another story. These young men often felt they had more in common with each other than they did with white prisoners from outside London. As both Les Back and Paul Gilroy have suggested there is emerging evidence of a new urban post-colonial conviviality, an ordinary cosmopolitanism among the modern urban young.<sup>2</sup> In this convivial culture differences once attributed to 'race' have become

almost completely unremarkable and are accepted as entirely ordinary.<sup>3</sup>

### The discomforts of visibility — seeing whiteness

Elsewhere in the multicultures of HMYOI Rochester were prisoners who regarded the idea of an ethnic identity with suspicion because it was something prescriptive or imposed, and hence unwelcome. Although this feeling was not exclusive to white prisoners, it was more common in their accounts. In the sections of our interviews where we enquired about ethnicity white young men would frequently express frustration and irritation about the terms and process of ethnic categorisation. One observed that 'It's just what you say when you tick an application form and that, that's what it means to me' (R47).

It is probably not uncommon, in areas of Kent, Sussex and Essex, to grow up in a largely white community without having any real sense that you are white, just as you would not expect a fish to have a sense of wetness. As numerous studies<sup>4</sup> confirm this quality of whiteness characterised as invisibility or absence does not mean it is non-existent. It tells of the power of its position in defining the norms and values of other ethnicities in relation to itself, without ever having to provide an account of itself. As this process of accounting begins

. . . there is emerging evidence of a new urban post-colonial conviviality, an ordinary cosmopolitanism among the modern urban young.

to gather pace, more and more white people are starting to encounter the dilemmas of categorisation and its multiple possibilities, benign or otherwise.

In contrast to the apparent meaninglessness of ethnic categories, having a national status appeared more intelligible and straightforward to many prisoners. They easily offered varied and mixed national origins, often combined by complicated family connections that referred to experiences of either diaspora or migration. For some prisoners, though, this multicultural, multi-national hybridity of heritage could be problematically inclusive. According to this young white respondent (R4):

*The reason why I say that [White English] is because, like, British, you don't know what British is. You know what I mean, there's just*

1. The name has been adjusted to preserve anonymity but hopefully retains some of the original nominative qualities.
2. Back, L. (1996) *New Ethnicities and Urban Cultures: racism and multiculturalism in young lives*, London: UCL Press; Gilroy, P. (2004) *After Empire: Melancholia or convivial culture?* London: Routledge.
3. See Gilroy, P. (2004) *After Empire*.
4. See Garner, S. (2007) *Whiteness: An Introduction*, Abingdon: Routledge.

*so many ethnic minorities, not even minorities now, majorities should I say, do you know what I mean. They're everywhere and to me, and I mean they never say, the African minorities never say they're English, they say they're British, so I'd like to be separated from that. I don't wish to be too close to that. I know it's a bit controversial, but that's what I believe, you know what I mean.*

In this account an inclusive, multicultural Britishness was resisted in favour of a more exclusive monocultural Englishness, with this sense of national belonging having fairly explicit, though disguised, racialised connotations. In this and other accounts, the assertion of Englishness over Britishness acquired a defensive, almost plaintive register. Britishness held little appeal to this respondent because it had lost its defining qualities, the unspoken 'whiteness' that similar respondents professed not to be able to 'feel' was registered as an absence. As Gilroy argues, this sense of loss is quite profound and difficult for some white people, for whom it once meant something quite specific. The reluctance to come to terms with this loss of entitlement and relative privilege provokes a depressive anxiety, a melancholia that is far from benign.<sup>5</sup>

However, 'ethnicity' as a personal or social attribute had a perplexing, paradoxical quality for many minority ethnic prisoners too. It could be regarded more as an external formal description rather than a lived experience. As this black respondent puts it when invited to nominate a category from the HM Prison Service ethnic monitoring codes, 'I don't really see the point of that, I say it's where I'm from but I don't really talk about it as much as if it's something special.' (R48)

As Phillips argues this reluctance to engage with ethnicity arises from a wider contemporary reticence with articulating difference and identities.<sup>6</sup> This is the difficulty alluded to by the Prime Minister in his Berlin speech. It is intensified by the specifically troubling conditions that surround race and ethnicity in the

modern prison landscape, particularly the long shadow cast by the USA's experience. Prisons exist to shape and categorise 'the self' of the convicted young men, to effect change in them. This prison context exacerbates the ways in which talk of ethnicity conveys a sense of oneself as constructed by others, of being objectified and being seen as 'something' rather than 'someone', reducible to a category. Resisting the implicit invitation to occupy a pre-prepared template of 'who you are' was expressed, with some vigour and frustration, by this young white British national (R41):

*What do you mean? I'm not an ethnic group, I'm just [Dimitri], I don't class myself as any ethnic group. If someone want to ask me where do I come from, I come from Cyprus and I don't class myself as any ethnic group. I'm just [Dimitri] and I don't feel this little communities with ethnic groups and whatnot, I don't care, I'm not interested. I don't get involved in that.*

The sentiments expressed by many white and some minority ethnic prisoners' reflected a desire to see themselves, and others, simply as human beings, not defined by their race or ethnicity or status as a prisoner.

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In such accounts from the young men in prison there might be something of the 'wise passivity' associated with Keats' notion of 'negative capabilities'<sup>7</sup>. This refers to a kind of intuitive awareness of powerful affective forces in the face of which it is wise to be passive. Prisoner's sometimes wary responses to our enquiries about ethnicity and identity suggest varying degrees of recognition and 'fit' with something of which they have a lived knowledge, but also an awareness that it also 'lives' as something else, such as racism, coercive categorisation, or even anti-racism. Negative capability is a frame of mind to let things be in whatever state of uncertainty they might be in, resisting a certain kind of knowledge because of an uncertain feeling for its power. In this case it takes the form of an incapacity or unwillingness to impose a

5. Gilroy, P. (2004) *After Empire*.

6. Phillips, C. (2008) 'Negotiating Identities: Ethnicity and social relations in a young offenders' institution', *Theoretical Criminology*, Vol. 12, No. 3, 313-331.

7. Although the term is conventionally associated with 'the artist/poet' struggling to achieve creative empathy and is controversial for lack of analytical specificity or rigour it is, nonetheless helpful here.



schema of knowing on a phenomenon, such as 'their identity'. However, as the examples above make clear, this ambivalent suspension of engagement may also be strategic and opportunistic, reflecting a particular balance of power which makes some options more viable than others.

### Con-viviality — living together behind bars

Prisoners' narratives frequently acknowledged the reality of diversity, and indicated that racial and ethnic difference was something they lived with easily enough. It is certainly feasible that the dislocations that accompany a custodial sentence, the continual surveillance, and the enforced proximities all combine to promote a desire among many prisoners to simply make life more bearable for each other and themselves. Making prison life liveable meant 'learning to live together' in the semi-permanent, semi-public space of wings and workshops, even if this meant suspending or suppressing privately held prejudices. One white prisoner (R6) from a rural area remarked on such a process by referring to his, outsider, impression of a racially segregated and dangerous multicultural London that contrasted strongly with his, insider, prison experience of multicultural conviviality:

*In here it seems to be going quite well. But if you live round London or something, white lad walks down the black country, mate, Bang! You're dead. You know, if a black lad's walking down the white country in London, Bang! You're dead, you know. You get that out on the up but in here it's different, you know. Blacks are mixing with Whites, the Whites are mixing with Asians, Blacks, the lot.*

Alongside the evidence of mixing and conviviality, however, our eight months of fieldwork and observations suggested that friendship, and other informal groupings, were frequently clustered around shared ethnicity, but that they did not appear to be antagonistic or exclusive. Fieldwork notes pointed to

the relatively relaxed inter-ethnic interactions between prisoner groups during leisure activities, in evening association and during freeflow<sup>8</sup>. Thus while friendship groups and informal gathering indicated a strong ethnic component this was low-key and did not appear to reflect rigid or harshly conflicted boundaries between prisoners of different ethnicities, faiths and nationalities.

Prisoners remarked frequently that the opportunities for informal and elective mixing were seriously constrained by the regime timetable. The removal of choice in movement, location and co-presence was identified as central to the ensuing social relations. As one black prisoner (R3) put it 'when you live in one place together, yeah, you get along, you're forced to live together in one place... On the outside you have choice; if you don't want to get along with someone then you won't see them the next day if you don't want to.' Another white prisoner (R39) echoed these views about the particular conditions that apply to prison living: 'You have to [mix] in here though don't you because there's no choice about it is there?'

Living together under these constraints was thus a conviviality mediated by the exceptional conditions of incarceration, a highly managed and closely ordered sociality. This con-viviality was conditioned by the specific,

structural, modalities of life in HMYOI Rochester; the enforced proximity of 'lightly engaged strangers', specifically its impermanence and the imminence of moving onward elsewhere in the prison system on reaching 21 years of age or out of it altogether on release.

### Suppressing racism

The impression of mixing with relative equanimity was reinforced by an unexpected but consistent feature of our fieldwork in which there were repeated references to the relative absence of racism between prisoners. An Asian Muslim prisoner (R51) summed it up like this: 'my present experience, I've never found anyone to be racist or just 'I'm a Christian so I'm staying

8. Where prisoners are unescorted by officers between the wings and place of work, education, gym, etc. It is a time of informal congregation in the rigid schedule of the prison day, allowing prisoners from different wings to chat, organize trade, or engage in illegitimate activities.

with my Christians', or 'I'm a Muslim and I'm staying with my Muslims'. For me, and for everyone on this wing that I know, it's not like that at all.'

A notable finding of this study was the extent to which overt or explicit racism between prisoners was suppressed within HMYOI Rochester by prisoners themselves. While there appeared to be a general acceptance of the simple facts of both ethnic diversity and ethnic grouping, the opposite was the case in respect of overt racism. Open expressions of racism were widely regarded as totally unacceptable. Any prisoner acting in an explicitly racist manner risked considerably more than disapproval from other prisoners, both black and white. Many prisoners referred to the existence of an informal code in which racist behaviour would be met with violent retaliation. We were told of some specific examples where such action had been taken, usually, but not always, by black prisoners and there appeared to be widespread acceptance of the legitimacy of this kind of behaviour.

However, this informal suppression of overt racism did not mean that the prison was free of tension, fear or anxiety around the questions of race and ethnicity. For example, there was a tendency, in the privacy of interviews with myself, the white researcher, for white young men to invoke the familiar narratives of white hostility and racial superiority. Some, for example, expressed indignant irritation with the prevalence of the linguistic and cultural stylings referred to above. For some white prisoners, it appears that racism remained, if only in private, a potent and comforting resource. As a result, public expressions of racist sentiments or slang were used sparingly and rarely in the 'mixed company' that characterised much of prison life. Nevertheless, the fieldwork revealed the resilience of racist language and hostility with terms such as 'the niggers', 'black pricks', 'Pakis' surfacing in less guarded moments. Thus, although there appeared to be a remarkably durable, consensual and stable 'surface' equanimity amongst an ethnically diverse prisoner population, this was relatively thin, concealing the persistence of submerged racialised tensions.

### White struggles

One of the most common ways white prisoners vented these tensions and anxieties was through the

Many prisoners referred to the existence of an informal code in which racist behaviour would be met with violent retaliation.

vocabulary of racialised victimization, arguing that they suffered as a consequence of both the prejudice of black inmates and the existence of double standards in the recognition of what constituted 'racism'. Some white prisoners struggled to understand how their own use of racial terminology had no equivalence with those used by black prisoners. The epitome of this confusion, and frequently cited exemplar, was the use by some black young men of the term 'nigger', which provoked white prisoners to accusations of differential treatment and double standards. These sentiments were expressed with barely suppressed rage and eloquent incomprehension by one white prisoner (R53) like this: 'it's just the way they talk, like, 'That little white ting, and that little white prick,' you know and 'white this and white that'... But if we're sitting there going, 'Yeah that little Paki cunt,' or 'Big black prick', then all of a sudden, we're, we're labelled as a racist.'

The anxiety, confusion and resentment expressed in the accounts of some white prisoners is testimony to the deeply contested terrain that race and ethnicity occupies in current times.<sup>9</sup> The white young men's comments in our fieldwork reveal a deep and troubling uncertainty about how to navigate everyday contacts with black prisoners. Clearly, some experienced this more acutely than others and their

struggle to accomplish these contacts sometimes led to a resigned withdrawal in which they opted to nurse their bewilderment and resentment behind closed doors, and perhaps closed minds. With the risks of being labelled racist having such serious consequences in the prison, and the apparent non-availability of any compensatory refuge in their now elusive 'whiteness', some white prisoners attempted to avoid contact with black people altogether. We found firm evidence of this retreat in some of our interviews. It was accompanied by the privatisation of racism because the conventional affirmations of racial superiority could only be safely shared in exclusive white company, which the crowded, enclosed and highly structured prison environment tended to frustrate. These retreatist prisoners described how an active effort of separation was required, and also the resentment that expending this effort fostered. As this white young man (R13) indicates this could sometimes be an extension of earlier habits of 'white flight',

9. Phillips, C. (2008) 'Negotiating Identities: Ethnicity and social relations in a young offenders' institution', *Theoretical Criminology*, Vol. 12, No. 3, 313-331. Also see Ware, V. (2008) 'Towards a Sociology of Resentment: A debate on Class and Whiteness', *Sociological Research Online*, Vol. 13, No. 5 [<http://www.socresonline.org.uk/13/5/9.html>].

social withdrawal and avoidance: 'I don't really talk to Black people... It's like I say, I don't really interact with Black, Black community in here, or Asian community. It just, it's about the same on road<sup>10</sup>, I don't really mix with them on road either.'

For these white young men the once familiar and reassuring privileges of racial hierarchy are manifestly not what they were, or where they were. Things have changed. The comforting fantasies of racialised hierarchy and white Anglo-ascendancy<sup>11</sup> appear withered by the persistence of lived contradiction, inside the prison and out.

### Religious identities, practices and collectivities

There is a tendency in the resurgent interest in Islam and the forms of political identification that accompany it, to neglect questions concerning the central position of Christianity, the prevailing religious faith on which the foundations of the prison as a social institution were built at the end of the 19th century. Just as the assertion of Muslim identities in the wider world has thrown into sharp relief some of the unseen assumptions and prejudices of 'The West' their presence in the prison system has prompted new lines of enquiry into the dynamics of faith in prison regimes and prison life.<sup>12</sup>

During fieldwork prisoners and prison staff frequently commented on the Muslim presence in HMYOI Rochester. Despite the considerably smaller overall population of Muslim prisoners, attendance at Friday Muslim prayers attracted a similar quantity of prisoners as the main Christian service (40-70). In both congregations white prisoners were in a small minority, with the fewer white members of the Muslim congregation drawn mainly from the prison's foreign national population. On the basis of fieldwork observations of both, there was far less evidence in Friday prayers of the mischief, expectancy of disorder and subversive humour than characterized young men's

attendance at Anglican services. Sunday's Christian services attracted the close scrutiny of prison officers who were present throughout to support the chaplaincy staff in maintaining order in the service. Although they rarely intervened they maintained a close and watchful presence. By contrast, officers tasked with similar duties for Friday prayers found themselves largely redundant and superfluous, withdrawing to the periphery of the prayer meeting as the imam and his

prison assistants conducted their worship among themselves. It appeared that the authority of the faith, and the imam, was largely sufficient in maintaining order.

Several Muslim prisoners identified the routines of devout observance as assuming greater consequence in prison. One (R50) said 'I try to pray five times a day when I can. Read the Qur'an more, I read the Qur'an now and again. I practice my faith more now than I did on road, innit, because well, mostly all, I've got is, got more time, so you know, it's something constructive innit.' Islamic observance provided Muslim prisoners with a countervailing timetable to that of the routines of the prison regime, prison time. As on the outside, they serve as a reminder of another order to which their life is, or can be, directed. The disciplines of Islam co-exist alongside the notionally secular disciplinary regime of the prison and for some young men they provide an alternative set of

resources to endure their sentence.

Ironically, the strict observance of the five daily prayers bear more than a passing resemblance to Michel Foucault's picture of the religiously structured regime of prayers designed to reform the idealized Christian 'penitent' in 17th century France.<sup>13</sup> In the 21st century, the appeal of Islam is its exteriority to these historical conditions. Islam can represent the possibility of social solidarity, and organised collective autonomy, that in every other respect, the prison regime tends to prohibit. Perhaps as a result, it is regarded with considerable ambivalence by other, non-Muslim,

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prevailing religious  
faith on which the  
foundations of the  
prison as a social  
institution were built  
at the end of the  
19th century.

10. 'On Road' is prisoner's evocative term for life outside prison.

11. Hage, G. (2000) *White Nation — Fantasies of White Supremacy in a Multicultural Society*, London: Routledge.

12. Beckford, A., Joly, D. and Khosrokhavar, F. (2005) *Muslims in Prison — Challenge and Change in Britain and France*. Basingstoke: Palgrave.

13. Foucault, M. (1979) *Discipline and Punish: The birth of the prison*. Harmondsworth: Penguin. p.283.

prisoners. The concerns of some prisoner's, like that of some officers, focused on the sense of a de-limited collective presence in prison, potentiality operating with hidden agendas and unknown boundaries. In the atomised and atomising world of the prison, evidence of collective sentiments and social solidarity can seem threatening.

The seductive myth of a unitary, cohesive Muslim Brotherhood was widespread among non-Muslim prisoners but did not correspond with the diverse accounts of our representative sample of Muslim respondents who indicated a wide variety of forms of identification and observance. Despite this diversity of Muslim opinion and experience, the idea that many weak or vulnerable prisoners convert to Islam to avail themselves of protection, or were coerced into the faith, had considerable currency. Comments from non-Muslim prisoners such as 'if I turn Muslim half the population of the jail can't touch me because I've got half of the jail which are Muslim on my side' (White, British, R30) were common. Some Muslim respondents were quick to express scepticism and disdain at Islam's notoriety and prominence. One remarked 'They just do it because they think it's cool and it's the new phase that's going round London. It's a fast fame religion.' (Mixed Race, Muslim R15).

The accounts provided to us by prisoners, supplemented by our observational fieldwork, suggest that religious practice and identity in HMYOI Rochester are animated by the emergence of an Islamic presence. White prisoners' conspicuous absence from the main Christian congregation in the prison possibly indicates the limited capacity of conventional Anglican practice to offer young white men the kind of political vocabularies, emotional resonance and social motivations that others find in Islam.

## State multiculturalisms?

If the Prime Minister's speech in Berlin is any indication of the coalition government's intentions, a new page in multicultural policy may be about to be turned. The subtitle at the start of this article alludes to the popularity of the film, *The King's Speech*, starring Colin Firth as the stuttering new King who must overcome his impediment to deliver a speech that will inspire a bleak and downtrodden country to resist the Nazi menace. Notwithstanding the quality of the performances, much of the film's domestic appeal relies on an evocation of the traditional touchstones of British identity and history, the triumphs and resilience of two world wars and the monarchy. Audiences of the film are reportedly reduced to tears and rising as one to applaud it at the end. In this respect, it is less a celebration of quintessential Britishness than a morbid symptom of the post-colonial melancholia that Gilroy sees diverting the vitality of contemporary multi-cultures into the anxious nostalgic 'pleasures of a morbid militaria.'<sup>14</sup> David Cameron's speech targets the 'doctrines' of state endorsements of multicultural vitality because they '*have encouraged different cultures to live separate lives, apart from each other and the mainstream*'. Although this is probably a more accurate description of the career opportunities David Cameron acquired at Eton, our study of young men's social relations in a Kent prison found little evidence of this. The complex textures of racism, anti-racism and multi-cultural conviviality may be ill-served if the coalition Government prefers the simplistic myths of British culture to the evidence of this study and those of the wider Identities and Social Action research programme.

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14. Gilroy, P. (2005) 'Melancholia or conviviality: The politics of belonging in Britain', *Soundings*, <http://www.lwbooks.co.uk/journals/articles/gilroy.html> accessed 03/02/2011.



# The Keppel Unit:

## The jewel in the crown of the juvenile secure estate?

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**Until recently the phrase 'The Jewel in the Crown', in relation to prisons and prison units has almost exclusively referred to HMP Grendon and the impressive work which is undertaken there on its therapeutic community wings. Since October 2008, however, there may now be competition for this accolade, in the form of the Keppel High Dependency/Enhanced Support Unit sited at HMYOI Wetherby in West Yorkshire.**

In 2006 the Youth Justice Board commissioned and completed research looking at young people held within the juvenile secure estate. One of the findings was that there were up to 200 15-18 year olds who were considered to be under the radar in terms of their progression through the custodial system. These were young men who were not excelling or engaged in the process, but were not especially disruptive either, so were not coming to the attention of prison officers or external workers. The report concluded that this was for a number of reasons including the fact that they were serving long sentences, or because they had mental health needs or physical problems. Many of these young people had withdrawn into themselves and thus were not making progress. Due to these findings it was decided that what was needed was a unit specifically designed and run with the needs of these service users in mind, that is those who did not, or alternatively could not, cope with the regime in mainstream prison. Initially the idea was that the young people would spend periods of time on the unit so that issues such as self esteem could be built up and improved upon which would then enable them, it was thought, to move onto other establishments back within the main prison estate. In practice, however this has not happened with many of the young men on the unit remaining there either until their release or until they reach the age of 18 when they are transferred to the young adult prison estate.

The result is the Keppel Unit, which has been running since 6 October 2008 and which currently has the capacity to hold 48 young men between the ages of

15 and 17. One of the reasons for the success of the unit is said to be the fact that there was a long lead up time to its opening. All members of staff who work on the unit are specialised, with many of them involved in the units initial planning and development. This has enabled them to make important contributions with regards to layout and design. To work on the unit, staff have to complete a 10 week training programme. This includes training on mental health awareness, child protection, pro-social modelling, sex offender training, behaviour management and suicide, self harm and resilience training<sup>1</sup>. In essence it is so staff are able to fully understand the needs of the young men housed there. Thankfully, many of the staff who helped in the early-days of development are still there, ensuring that all staff on the unit share the same ethos when it comes to working with such vulnerable people. Having such an ethos inevitably helps offender/staff relationships, which is furthered by the offender/staff ratio. For example, when the unit is full, the ratio of offenders to staff is 48/36. This is based on the premise of there being one member of staff per six offenders. In practice however, the ratio is often higher, as this does not include the non HM Prison Service staff who are often present on the unit for intervention work (see below). For example, in an intervention class such as education, there will be a HM Prison Service security officer in the room as well as the intervention staff member. Although the security officer is not there to provide education, similar to the sessions at Grendon however, such officers will often get involved and engage with the intervention sessions. Ensuring that Keppel maintains current levels of funding and levels of staffing is therefore imperative to the success of the unit, even though in 2009, an annual place at Keppel cost approximately £90,000<sup>2</sup>. Whilst this is approximately £30,000 higher than a mainstream Young Offender Institution (YOI) place, it is significantly cheaper than an equivalent place in either a secure training centre or a secure children's home (£160,000 and £215,000 respectively)<sup>3</sup>.

1. Department for Education (2010) *Safeguarding the Future. A review of the Youth Justice Board's Governance and Operating Arrangements*. Available at: <http://publications.education.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DCSF-00223-2010> (accessed 6 May 2011).
2. Pemberton, C. (2009) 'Wetherby YOI and its Keppel Unit are changing perceptions of prison', *communitycare.co.uk*, 9 December 2009. Available at: <http://www.communitycare.co.uk/Articles/2009/12/09/113369/Wetherby-YOI-and-its-Keppel-Unit-are-changing-perceptions-of.htm> (accessed 6 May 2011).
3. Department for Education (2010) see above, n. 1.

## Referral criteria and population

In conjunction with the initial idea behind Keppel, in order to get onto the unit all residents must have been identified as being vulnerable and thus unable to cope in the mainstream under-18 estate. Many of those on the unit, therefore, have mental health problems, have been socially excluded from a young age and therefore need individualised care and support, rather than a regime based on discipline and control. In February 2011, it was estimated that of those on the unit at that time, 80 per cent had mental health issues and just over 6 per cent were self harming, although this had been as high as 35 per cent at another time. Perhaps unsurprisingly, up to 80 per cent of the young men either came to prison directly from the care system or had been known to social services, often due to being on the child protection register. The unit takes young prisoners who are being held on remand, who are serving detention and training orders or who have been sentenced to indeterminate life sentences.

Even though the unit is situated in a Northern YOI, it is a national resource, with referrals having come from as far as Southampton, Wales, London, Cornwall and the Isle of Wight. When deciding whether or not to accept a referral, unit staff, will consider the distance which the young man will be from his local community and this will be weighed up against the benefits which the unit can offer. If the family of the young person are in a position to make the journey up to Wetherby for visits then the referral is more likely to be accepted. However, if it is perceived that it would be detrimental to the young person to be taken away from community links, the referral will often be refused. Despite this process, in practice and as highlighted above, the vast majority of the young men do not have strong family ties, often coming from the care system, and so this balancing act, in these cases, is not needed. Despite this, some vulnerable young men are potentially not benefitting from the regime offered at Keppel solely due to geography and so clearly more units around the country are urgently required.

The average stay at Keppel is 8-10 months, with the majority being released into the community at this point. This can be problematic for those who have no

family ties as they will often not know where they are staying until they have seen their youth offending team officer after they have been released. Keppel can therefore be described as a safety bubble in which these vulnerable young men can flourish; although to maintain this work there needs to be better reintegration and through-care work. There is approximately a 20 per cent return rate, at the current time, although reconviction rates may be much higher than this as many will either be too old for Keppel or may no longer be deemed to be suitable for it.

One of the biggest problems for the young men on the unit is that when they reach 18 they will be transferred. Due to the fact that many young people under the age of 18 will not have received a mental health diagnosis, this will often not take place until this stage. The outcome of this assessment will largely determine whether the prisoner is transferred to a secure hospital or will return to the main prison estate, albeit this time the young adult estate. If the latter option is taken then any success which has been achieved at Keppel has the potential to be lost, as a comparable unit for those aged 18 and over does not exist. A unit for post 17 year olds is therefore also required.

## Life and regime

In recognition of the fact that the young men on the unit are vulnerable, every resident will have his own en-suite room. This is particularly important for those who have mental health needs or have been abused by others. Interestingly, when compared to main estate prisons, there is very little in-cell damage with many of the young men taking a pride in their rooms with one commenting that it was the nicest place that he had ever lived (compared to B and Bs in the community). To support an environment not primarily based on discipline and control, Keppel is divided up into four spurs, named after different colours. Each spur is made up of 12 bedrooms and one safe room. The young men will eat and spend their recreation time on their spur, often not mixing with residents on other spurs. This is again in recognition of the resident's needs and vulnerabilities. The communal areas at Keppel have been described as feeling and looking like a secure children's home<sup>4</sup>. The walls are full

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4. Pemberton, C. (2009) see above n. 2.

of artwork, there is soft lighting, a fishing lake and also a garden. There is also a different feel about the place in the sense that you do not feel that you are inside a YOI.

The regime at Keppel is based around personal centeredness. Every morning and afternoon the staff will have a multi-disciplinary meeting to discuss individual offenders. Every young offender has a care plan which is reviewed and updated every two weeks. This will identify what interventions and priorities are needed for that individual. Unlike the main site, the boys do not have to complete a minimum number of education hours, which means that plans can be tailored towards priorities. Therefore if an offender cannot read or write then the team can set realistic targets which are more likely to be achievable. These priorities will be discussed and dealt with in the twice-daily meetings. In addition to this care plan, each young offender will have a personal officer (and a back up officer when the first is not working) and a case worker.

### Interventions

Keppel is a purpose built, standalone unit and due to this all intervention staff will come onto the unit. The only time that the young men will leave its confines and go to the main HMYOI Wetherby site is for visits, chaplaincy, to use the library or to use the gym, although when using the gym no mainstream prisoners will be there. As well as education provision (see Elaine Cobb's article in this issue), other intervention priorities may include:

- ❑ CAMHS- Child and Adolescent Mental Health Services.
- ❑ Basics skills — including reading, writing, washing, dressing etc.
- ❑ Offending behaviour programmes — although there is one accredited offending behaviour programme for young people (JETS Living Skills<sup>5</sup>) often this is not suitable for the young men on Keppel due to their mental health needs. A lot of the work is therefore carried out using non-accredited programmes. The programmes are carried out by psychologists and cover issues such as anger management, emotional management and substance misuse. Many of the young men on

the unit have behavioural needs or have learnt behaviour which needs to be altered and this is one of the main ways in which this is addressed.

- ❑ Acupuncture — for relaxation.
- ❑ Music.
- ❑ Art.
- ❑ The Lucy Faithfull Foundation — who offer a one-to-one consultation and counselling programme for sex offenders.

In addition to traditional interventions the young men may also get involved in Children in Need days; concerts; family days; the Duke of Edinburgh award scheme (up to bronze level); sports day; fishing and caring for animals (rabbits, ducks, chickens, and tortoises). Staff have seen, for example, the sense of

achievement which is felt when a resident catches his first fish. Animals have also been used to communicate with the young men when dealing with difficult issues, for example some staff reported that it was often used as a mechanism to get a prisoner to open up about his problems and feelings. The staff have also had some success in reducing levels of self harm, by paying particular attention to alternative ways in which the young men can express themselves and their feelings. This may be through art or it could be through using other techniques such as the means of red water to simulate blood or by giving the young person an

elastic band to wear on his wrist so that a minimal level of pain can be inflicted. This success is a credit to the staff at Keppel.

All of these activities encourage the young men to get involved and to take responsibility for something. Importantly they offer the opportunity for them to do something positive. Similar to Grendon, however, Keppel is not the easy option. The residents cannot just stay in their rooms and keep their heads down and do their time. They have to actively participate and engage with the system. The regime at Keppel was thus described by one member of staff as 'how it should all be'.

### Efficacy

Despite its relative newness, the unit has been inspected by HM Chief Inspector of Prisons, who in a

Every young offender has a care plan which is reviewed and updated every two weeks. This will identify what interventions and priorities are needed for that individual.

5. A juvenile version of the adult Enhanced Thinking Skills (ETS) programme.

post-opening inspection noted that it was 'an impressive facility, achieving a great deal with some very damaged young people with a range of complex problems'<sup>6</sup>. The unit was thought to be a fundamentally safe place, with little self-harming, little bullying and excellent staff/offender relations. In conclusion it was stated:

*The Keppel Unit is among the most impressive custodial facilities to have opened in recent years. In a very short time, a committed group of staff have established a safe, supportive and purposeful unit in which the risks and needs posed by some very damaged and complex young people are effectively addressed. However, after only a few months in existence, the unit is already a victim of its own success, with referrals coming from across the country rather than merely from its original northern catchment area. This strategic drift is unhelpful and inhibits resettlement and family ties. The Youth Justice*

*Board and the Prison Service need to clarify the unit's role and, perhaps, replicate it in the south of the country, to help meet the evident need and to ensure that this much needed resource can fulfil its immense potential<sup>7</sup>.*

## Conclusion

Early data and anecdotal evidence from the staff on the unit, suggests that Keppel is a success. The extension of the service is therefore essential. This should not be limited to the opening of one other unit in the south of the country, but should be even more widespread. On the basis that Keppel offers a regime where the individualised needs of young people are taken into account, all vulnerable young prisoners should be treated within a similar regime, so that vulnerabilities, criminogenic needs and social exclusion can be more effectively addressed within a safe and positive custodial environment.

## Prison Service Journal

The Prison Service Journal is now available electronically through the website of the Centre for Crime and Justice Studies at

**<http://www.crimeandjustice.org.uk/psj.html>**

The Centre for Crime and Justice Studies was established in 1931 and is an independent public interest charity whose mission is to inspire enduring change by promoting understanding of social harm, the centrality of social justice and the limits of criminal justice.

6. HM Chief Inspector of Prisons (2009) *Report on an announced inspection of HMYOI Wetherby, The Keppel Unit, 20-24 April 2009*. London: HMIP, p.5.
7. Ibid.



# Education for Young Offenders

*Elaine Cobb is the Head of Young Offender Education of the Youth Justice Policy Unit at the Ministry of Justice.*

## Introduction

**It is fair to say that there is a link in the minds of many members of the public between disengagement from education and offending by young people. It is not uncommon to see tabloid headlines referring to 'youth thugs' who are occupying street corners, behaving anti-socially, or even committing crime, rather than being engaged in lessons in school. In reality, the rate of unauthorised absence from School is just over 1 per cent<sup>1</sup>. However, implications of this small number of young people being disengaged from education are severe.**

There is considerable evidence to suggest that lack of involvement in education or training, and low attainment are reliable predictors of future offending<sup>2</sup>, and there is a particularly strong correlation between truancy or exclusion from school and future *serious and persistent* offending<sup>3</sup>. Research has shown that up to half of young people supervised by community-based youth offending teams, and those involved in youth justice projects are not involved in any education or training at all and that young people who truant from school are three times more likely to offend than those who do not. This is a view supported by the Audit Commission's report '*Misspent Youth*' which showed that 65 per cent of school-age offenders who are sentenced in court have been excluded from school or have truanted significantly<sup>4</sup>.

Detachment from education could be a result of the young person's involvement in other factors such as substance misuse, involvement with certain peer groups, or negative experiences with formal education. While there is a great deal of quantitative research showing the correlation between exclusions and truancy and future offending, there is something of a lack of qualitative data meaning there is little understanding of *why* exclusions and truancy occur. National-level data on this subject is unlikely to be helpful because the reasons for exclusions and truancy will vary wildly from one young person to the next. The

needs of these young people are often complex and intricate and arguably would be better dealt with at a local level.

The Government is very keen to promote local action and responsibility over central targets and reporting, and this localism agenda seeks to allow local authorities greater freedom to prioritise resources and design services in a way that meets the specific needs of the people in the community, including young offenders and those at risk of offending.

The Schools White Paper, '*The importance of teaching*'<sup>5</sup> supports this locally-driven approach, setting out the Government's plans to run pilots which will give schools the responsibility of securing and funding alternative educational provision for any young person excluded from that school. This initiative aims to reduce the number of excluded young people by providing schools with the financial incentive to invest in the early support that pupils need in order to remain in mainstream education.

The Green Paper '*Breaking the cycle: effective punishment, rehabilitation and sentencing of offenders*'<sup>6</sup>, published by the Government late last year also promotes the concept of localism. The paper introduces the concept of a 'payment by results' approach to youth justice whereby local authorities would be given the financial incentive and freedom to develop effective, innovative, individual-focused interventions to reducing re-offending. Given the strong correlation between education and offending, education and employment-based interventions should be high on the list of priorities in local areas.

## Custody

For young people serving community sentences, these local initiatives could be good news, but what about education for young people who end up in custody? The Government believes that alternatives to custody should be used wherever possible and the Green paper explores ways of further enhancing community penalties as an effective way of turning

1. Department for Education (2010), *Statistical First Release, Pupil Absence in Schools in England: Autumn Term 2009 and Spring Term 2010* [Accessed 18 February 2011].
2. Stephenson, M., Giller, H. and Brown, S. (2011) *Effective Practice in Youth Justice*, 2nd edn. Oxford: Routledge.
3. Graham, J. & Bowling, B. (1995) *Young People and Crime*, Home Office Research Study No. 145, London: Home Office.
4. Audit Commission 1996, *Misspent Youth Young people and Crime*, London, Audit Commission for Local Authorities and the National Health Service in England and Wales.
5. The Department for Education (2010) *The importance of teaching: The Schools White Paper 2010*. London: HMSO.
6. Ministry of Justice (2010) *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*. London: Ministry of Justice.

offenders away from crime, specifically looking at the possibility of widening the use of restorative justice in sentencing. The Youth Rehabilitation Order was introduced to tackle the underlying causes of youth crime, and is the main community sentence for young offenders. However, custody will continue to be available for the most serious and persistent offenders.

There is no doubt that a period in custody can have negative effects on a young person, it inevitably means a period away from any education or training in which they were engaged in the community. In reality though, the unfortunate truth is that most young people who enter custody have been disengaged from education for a long time and custody can actually provide a period of stability for these young people, possibly for the first time in their lives. It can provide an opportunity to properly assess their needs and to support them to deal with other issues which might prevent them from learning, such as substance misuse or anger management. Many young people who enter custody have had negative experiences of formal education and therefore education in custody should aim to help them regain the motivation to learn and develop new skills — a considerable achievement for many of these young people.

#### **Legislation on Education for young people in custody**

Legislation contained in the Apprenticeships, Skills, Children and Learning Act (ASCLA)<sup>7</sup> 2009 makes local authorities with prison service Young Offender Institutions (YOIs) in their area, responsible for securing suitable education and training for young people in custody. In securing education and training, they must take a number of factors into account, including the range of abilities and aptitudes of the young people, the national curriculum, and the desirability of enabling young people to continue any studying which they begun in the community. This is

underpinned by requirements to share information about learning between the school or previous place of learning, the local authority and the secure establishment.

Significantly, the legislation also requires Local Authorities to take into account any special educational needs (SEN) or learning difficulty that a young person may have, and to share information about any SEN. This is significant because it is estimated that up to 90 per cent of young people in custody may have a SEN of some sort. Some of these young people will have a SEN 'statement', which is derived from an in-depth assessment of needs by the local authority and sets out the specific provision that needs to be made in order to meet those needs. Previously, when a young person with a SEN statement entered custody, the statement ceased to exist and there was no requirement for a local authority to keep a copy of the statement, nor was there any requirement that appropriate provision should be made to meet the needs of that young person while they were in custody. Now, the local authority that holds the statement must retain a copy of the statement while the young person is detained in custody and must revive it when they are released. The local authority with the custodial establishment in their area must also ensure that

... the unfortunate truth is that most young people who enter custody have been disengaged from education for a long time and custody can actually provide a period of stability for these young people, possibly for the first time in their lives.

suitable provision is made to meet the educational needs of the young person while they are in custody.

However, we know that only a small percentage of young people with a statement of SEN have a statement setting out the actual provision they require. The Department for Education recently published a Green paper on SEN and disability, entitled '*Support and aspiration: A new approach to special educational needs and disability*'<sup>8</sup> which sets out plans to simplify the SEN assessment process, which would lead to more young people with SEN having their needs properly recognised and appropriate provision made. The intention is that if there are fewer young people who have unmet SENs in the mainstream, fewer will become offenders, and end up in custody.

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7. It should be noted the ASCLA 2009 has been commenced in respect of Prison Service YOIs only. Education in Secure Children's Homes and Secure Training Centres is delivered as part of their contracts and as such is the responsibility of the main contractors, and not the local authority.
8. Department for Education (2011) *Support and Aspiration: A new approach to special educational needs and disability*. London: HMSO.

## Resettlement

For all young people leaving custody, support for resettlement is obviously vital. The Government currently funds education providers in prison service YOIs to provide 'education support services (EES)' for young people. The ESS develops strong links with Connexions and Jobcentre Plus who provide support with resettlement in the form of referrals, national insurance queries and benefit and debt advice. They may also support the young person to apply for financial assistance for education and offer general information, advice and guidance on careers, helping them to identify their interests, skills and consider possible career opportunities.

The ESS supports the young person to enhance their employability by supporting them with CV writing and interview skills, developing their written and oral communication skills, and working on things like assertiveness, problem solving, negotiating and positive thinking.

### **The future of Young Offender Education in custody**

There are a number of significant challenges to delivering education in the juvenile secure estate, on top of all the normal considerations around the limitations of the secure estate and risk assessment. The varied length of stay is one such challenge; young people stay in youth custody for an average of only three-four months. Some stay for only a few days if they are on secure remand while they are awaiting trial and others, who have committed the most serious offences, may stay for several years. Although many young people who enter custody have been disengaged from school for some time and have very low attainment levels, others have achieved well at school and may be studying towards formal qualifications. This means that an education department in a YOI which is well equipped to meet the needs of young people with very low levels of literacy and numeracy, could suddenly be expected to teach several young people working towards a diverse range of A-levels, for example.

Shifts in the political landscape, including the Government's focus on localism, the changing role of

local authorities in education and other changes to the way that education is funded and organised in the mainstream, provide us with an opportunity to re-examine how education for young offenders in custody is organised and whether changes to the system would help those delivering education to better rise to some of the challenges and meet the complex learning needs of these young people.

One of the main aims of youth custody is to rehabilitate young people, which, from an educational point of view means equipping them with the skills

One of the main aims of youth custody is to rehabilitate young people, which, from an educational point of view means equipping them with the skills competencies and attitudes they need to build a stable and offending-free life when they are released into the community.

competencies and attitudes they need to build a stable and offending-free life when they are released into the community. Many of the young people who enter custody are unable to concentrate for even a very short period of time and have little motivation to learn. Education must aim to allow young people to discover a spark of motivation for learning, as well as equipping them with the study skills and other competencies such as good time-keeping, positive attitudes to learning, and understanding the importance of regular attendance, all of which can mean the difference between holding down a place at college, a place on a training scheme, or a job, and falling at the first hurdle. Two inspiring success stories where this has been achieved can be seen in the case studies below.

### **Case Study One**

One young man describes his turbulent past, where his unstable family background resulted in him living rough on the streets of Thailand as a child. He began to settle down and became engaged to a Thai girl, who was tragically killed in a car accident while she was on her way to collect him. He eventually moved back to England and fell in with the wrong crowd and faced charges of criminal damage, taking without consent, and theft. He was sentenced to HMYOI Wetherby and talks about his experience there.

'It was about week two into my sentence when I was chosen to join the cadets. During my time with the cadets I learned to be part of a military structured team, I got fitter and stronger and my morale and military

knowledge increased dramatically which I am ever thankful for.

After release, I still had 2 months of ISSP to do with the Youth Offending Service (YOS). My interview to discuss my two-month programme turned out to be less daunting than I thought it would be but I was surprised to find out that I could study and have it classed as part of my ISSP time. The YOS never treated me like a criminal but more like a friend. I was also involved in a sports programme called Positive Futures, which over the two months gave me loads of outdoor activities. I got really into Indoor wall climbing and at the end they got me a qualification in the sport as well as Kayaking and sports leadership. At the end of my time with YOS and Positive Futures I was offered a voluntary position with Positive Futures which made me feel happy with the knowledge that someone thought enough positive stuff of me to let me stay on and earn more qualifications.

Over the summer holidays I took part in an Arts project with a bunch of youth offenders. The two tutors on the course were exactly what tutors should be; they were funny and made learning basic and advanced camera skills easy. At the end of the arts college we were given a bronze arts award that was worth putting up with a bunch of 'chavs' for a while.

At the end of the Arts award, I found out I was being considered for a trainee youth worker position, that was one of the best things I had heard since I got out of prison. I attended the first interview and a few days later I was confirmed for a second and final interview, which made me happy, but as the week came for my interview I started having a bit of a nervous time. I revised so much that week it seems stupid now but it must have helped me out a bit as I was employed on the 1st of October 2010 on a six-month contract that will run out just before I join the army.

## Case Study Two

One young man who served a nine month sentence at HMYOI Wetherby completed four AS exams, and was awarded a grade 'A' in Business Economics, a 'B' in Sociology, a 'C' in Philosophy and Ethics and a 'D' in History. He also began A2 level work, in order to prepare to take exams after release. He says:

*These exams will ultimately determine my future. Without a few key members of staff at HMYOI Wetherby, continuing with my A-levels would not have been possible. These people have demonstrated that they are willing to go out of their way in order to help an individual ultimately turn their life around.*

He talks about preparation for his exams including revising daily with one member of staff, who he describes as 'enthusiastic and always willing to help'. He mentions in his letter another staff member, who was always 'interested in his work, which really boosted my morale'. As he prepared for his release and his return back to sixth form, his case worker had arranged for him to be visited regularly by the deputy head of his school who gave tuition and set work, helping the young man to study on his own.

He talks about the support that was given to him from multi-disciplinary staff groups from within the establishment to ensure good links with his school, the use of a computer in the YOI to complete his coursework, and support to complete his UCAS form. His letter finishes with the simple words 'These people really did help me turn my life around'.



# Young Offenders and the Arts:

## A review of three *Inspiring Change* arts projects at HMYOI Polmont, Scotland

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### Introduction

**Recent research has shown that arts interventions in prisons can have particular benefits for participants, including the opportunity to have a positive learning experience<sup>1</sup>, improvements in self-esteem<sup>2</sup> and development in the capacity to trust others<sup>3</sup>. These benefits are at least suggestive of the potential contribution that such interventions might make to encourage desistance from crime. In this article, we discuss some of the benefits of three arts interventions that took place as part of *Inspiring Change*, a pilot scheme that occurred across five Scottish prisons in 2010.**

*Inspiring Change* was a one-year long pilot project involving seven national arts organizations working in five Scottish prisons in 2010. Motherwell College, a leading provider of education in Scottish prisons, led the project and worked alongside the Scottish Prison Service and participating arts organisations in the planning and application stages of the project. Creative Scotland awarded the majority of the funding needed for *Inspiring Change* to take place. Three of the 11 arts projects (two music projects and one visual arts project) are discussed in this paper, all of which took place in HMYOI Polmont.

### Methodology

Multiple methods were employed in evaluating all three arts projects, including pre- and post-focus groups with participants, questionnaires about self-confidence and literacy, interviews with Learning Centre staff, session feedback forms completed by the arts practitioners and the reviewing of prisoners' records concerning engagement with education and behaviour in prison. Follow up interviews were also attempted

with those participants who had been released after the completion of the project. Due to space constraints, in this article we will draw data from the focus groups with participants and the interviews with Learning Centre staff and arts practitioners.

### Project Descriptions

The first project to take place at Polmont (28 January 2010 — 27 April 2010) was *Music for Change*, led by the Scottish Ensemble. This four-month project paired the existing music tutor at Polmont with the Scottish Ensemble's Artist in Residence, to work with 25 young offenders in learning how to play and record music together. Participants were self-selected into four music groups, each one focusing on a particular instrument or composition method: guitar, keyboard, percussion or Garageband/Poetry. Sessions included individual practice on selected instruments as well as group rehearsals. Several Scottish Ensemble players attended later sessions to give participants further individual instruction and help the group prepare for two final performances. Fifteen young offenders participated in the final performances, the first an informal concert in the Learning Centre for staff and invited family, and the second a larger concert in the prison gym, with the entire Scottish Ensemble and invited guests.

The National Youth Choir of Scotland (NYCoS) led the second music project (15 April 2010 — 24 June 2010). *VoiceMale* included weekly workshops in song writing, group singing and vocal training with 16 young offenders. Popular songs, as well as original songs composed by the participants, were rehearsed and later performed in a final performance for the prison and invited guests. The group also recorded their original songs and each participant was given a copy of the CD.

1. Anderson, K. and Overy, K. (2010) 'Engaging Scottish young offenders in education through music and art'. *International Journal of Community Music*, 3 (1), pp.47-64.
2. Digard, L., Grafin von Sponeck, A. and Liebling, A. (2007) 'All Together Now: The therapeutic potential of a prison-based music programme', *Prison Service Journal*, 170, pp. 3-14.
3. Cohen, M. L. (2007) 'Prison Choirs: Studying a Unique Phenomenon' *The Choral Journal*, 48 (5), pp. 47-50.

The final project to take place was led by the National Galleries of Scotland (4 May 2010 — 20 July 2010). Two professional artists led 22 young offenders in a ten-week project. Works from the National Galleries collection were used as a platform to discuss various styles of portraiture, after which the men created life size portrait figures, based on their own self-image and life experiences. The figures were then taken outside by the artists and photographed in specific places around Edinburgh. The photographs, as well as some of the original figures, contributed to the larger *Mirrors* exhibition of *Inspiring Change* art held in the National Galleries of Scotland.

All three arts projects were led by experienced, professional artists/musicians. Each project stressed the importance of individual contribution and also allowed opportunities for the young men to work in groups. Finally, each project had a goal, a performance or exhibition, to work towards.

## Findings

### *Artistic Engagement: process and product*

Although some men who signed up for the projects did not stay until the end (there was a natural attrition rate for reasons such as release/transfer, timetable clashes, or lack of sustained interest), the men who were involved throughout were overwhelmingly positive about the artistic process and expressed this enthusiasm during the final focus groups: 'I looked forward to going every week just to sing and that. Mixing in the group', 'I've never done nothing like this before in my life', 'You feel better when you're doing it' 'You just get right into it', 'It helps you and lets you relax'. This positive engagement was noticed by the Learning Centre staff and the artists: 'one boy said to me: I love coming to this project... because I feel so stressed and anxious, but when I start singing that all leaves me and it makes me feel good', 'Some of them were quite surprised at their own ability to paint and with encouragement they thought, well yeah I can do this. I'm enjoying this'.

The men also expressed their appreciation of this unusual opportunity to work with each other, and with professional artists: 'You need to work as a unit. You need to work as part of a team with other folk. You need to try and help each other. There are no other classes where you do that', 'We got a chance to work with a professional orchestra'. Working towards a final performance or art exhibition also seemed to be a

highlight for the men: 'I've never really had a chance to do anything like that. Never really had a chance to put on a show for anybody', 'You had a goal. You were working towards something as a team', 'At the end of the performance I actually got compliments. They said it was good and I should carry on when I get out. It was surprising and it was good to hear, you know what I mean?' A number of participants also mentioned the value of having something to share with others, including family: 'I felt I got to share something with other folk'. 'I got a chance to share my taste in music with folk. Maybe it broadened their horizons a wee bit. And I got a wee bit of pride. I actually stuck it out and done it', 'I got to meet my pal's family'. Such reports suggest that the men had a variety of positive learning experiences during the arts projects, both via the artistic process itself, and in relation to the final artistic product.

### *Engagement with Education*

Participants in all three projects reported that the approach and delivery of the art and music classes were more positive than previous learning experiences they had in school. This positive learning experience apparently encouraged many of the men to continue with further education, both in the prison and once released. Two of the participants from the Scottish Ensemble project described how they responded to the project:

'Some of them were quite surprised at their own ability to paint and with encouragement they thought, well yeah I can do this. I'm enjoying this'.

**Sean:** *I was just more eager to do it. It was something you wanted to do.*

**Interviewer (INT):** *Yeah.*

**Sean:** *Other things you wouldn't want to put the time and effort into. I actually tried. I tried and made an effort for it. You know what I mean?*

**INT:** *Yeah.*

**Ian:** *Even if the other boys want to make an effort or not. It showed if you wanted something and you get it together...*

**Sean:** *You can pull it off.*

**Ian:** *You can pull it off. You know what I mean? You can do it if you try. Nobody else really thought about it before. If you stick in, it all comes together.*

The approach by which the arts practitioners interacted with the prisoners did not go unnoticed: participants reported the arts practitioners as being

‘relaxed’ and letting them ‘learn at their own pace.’ However, the men were also quick to explain that this relaxed approach did not mean that there were no expectations of them: ‘They told you what to do but they never pushed you or forced you. They helped you. They weren’t too bossy. And the way that they did it, it worked out good, you know what I mean? You learned from them.’

The music tutor at Polmont also suggested that the teaching approach taken by himself and the Scottish Ensemble’s artist in residence was vital to the project’s success: the artist in residence did not ‘try to teach by injection method’ — rather the Scottish Ensemble musicians shared their playing with the participants and used their skills as musicians to engage the men in learning how to play pieces that they wanted to learn. The men were encouraged to share their personal musical preferences and these were incorporated into the programme performed at the project’s conclusion.

Participants in the National Galleries project reported that the arts practitioners ‘helped you if you needed any help’ and ‘motivated’ the men in their work. At the same time, participants enjoyed that they were encouraged to make their own artistic choices when creating their self-portraits. John and Peter discussed this process:

**John:** *Because I more or less expected to get told [what to do]. We had a lot of options. I expected to get told this was going to happen. This is what you’re going to do. But you could more or less...*

**Peter:** *You could do what you want.*

**John:** *Aye.*

**Peter:** *Not in a bad way, do what you want in an arty way type of thing.*

The artists acknowledged that they created ‘more of a studio practice’ environment where the men ‘could make their own decisions about where their work should go.’ The artists recalled how many of the men ‘were quite nervous’ and ‘not confident in their own abilities’ in the beginning of the sessions. However, the men ‘were able to get into it’ once the practitioners got them started.

‘They told you what to do but they never pushed you or forced you. They helped you. They weren’t too bossy. And the way that they did it, it worked out good, you know what I mean? You learned from them.’

Even though the arts practitioners centered their teaching approach on the ideas and experiences of the participants, practitioners and participants in all the projects reported that it took some time before the group truly started to work together as a team. One of the arts practitioners from the NYCoS project described the moment in which a shift was noticed: ‘I think there was a moment, sort of half way through, or maybe six weeks in, when there was just that feeling of a turning point here. We suddenly actually started working together.’ Similarly, the participants in the NYCoS project noticed a turning point in the sessions. The conversation below picks up after the interviewer asked what expectations the men had for the project:

**INT:** *What did you expect?*

**Jason:** *Just to have a laugh with your pals, man. I didn’t even care about it till later down the road.*

**David:** *It changed though, didn’t it?*

**Jason:** *Aye.*

**David:** *We liked coming up, didn’t we? It changed after a while.*

**Jason:** *It got better.*

**David:** *Everybody got into what we were doing.*

**INT:** *How did it get better? How did it change?*

**John:** *We started enjoying it.*

**Jason:** *The group started getting better.*

**David:** *And everybody started trying.*

**Gavin:** *You got confident with each other and your singing and that.*

**Jason:** *I think we started getting a bit more confident with each other.*

**David:** *It was brilliant, man.*

The approach of the arts practitioners in the delivery of their sessions was crucial to participants valuing the projects, which in turn made the sessions more meaningful to the participants and the arts practitioners. The arts practitioners took a supportive approach in leading the men to engage with making music and art, used positive reinforcement in the learning environment and encouraged the men to make personal choices about the direction of their artistic pieces. This positive experience allowed the

men to express personal preferences and develop multiple skills.

### *Skill Development*

The projects aimed to build on young offenders' existing strengths, both in terms of the arts and in terms of the verbal and written skills that were embedded in some of the work. Some participants suggested that the arts classes were more acceptable ways of engaging with education, since men that went to classes specifically to improve their writing skills might be seen as 'a daftie'. Many of the young offenders reported that they had 'messed about' at school but that in the arts projects 'there's a point in learning here' because it was clear that there would be a final product. Some mentioned specific skills that they had gained: 'music gives you extra skills... it can open your eyes and you say [to yourself] I didn't know I could do that before I came here and it turns out I can and I'm quite good at it'. However, it was also suggested that you needed to be pretty sure of yourself if you were going to participate since 'people were slagging folk that were singing'.

One way in which the arts interventions were particularly effective in building skills was by encouraging participants to develop their own ideas. At first some men found it frustrating when the artists insisted that it was their ideas that were important. However, working in this way meant that 'you had to use your head' and work out what you wanted to do by yourself, rather than being told what to do. The artists were seen as particularly effective because 'they teach you to work together, to be creative and enthusiastic'. In addition, the way that many of the projects were set up meant that everyone had to work together, which emphasized the group effort and the importance of being able to rely on each other. Working together meant that 'the people you were doing it with became part of your family and kept you going'. This was presented as a contrast to what many described as their more normal behavior of 'trying to bring each other down'.

### *Self-Confidence*

The participants' confidence was built through a growing sense of their potential and ability to achieve. This seemed to be particularly affected by the way the men were treated by the arts practitioners. For example, one participant said 'people [here] are saying, you can do this', which gave him confidence to try even when it was difficult. Another positive aspect mentioned was having a clear goal that 'you're getting pushed towards', encouraging participants to do their best and keep persisting.

The men also gained confidence from the artists' positive assessment of their work, because they 'believed in you and seemed to care about what you did'. As well as gaining confidence from others, participants also reported that they had become more able to judge their own work 'knowing that you had done a good thing'. This is an extremely important aspect of learning; research has shown that being able to make your own judgments is the first step in being able to motivate yourself to persist in the face of difficulties<sup>4</sup>.

Working as part of a team also seemed to build confidence because every person mattered, leading to improved self-esteem. Sometimes this experience transferred to other aspects of the men's lives, helping to 'bring back good memories from the past'. In turn these good feelings built confidence to participate in other learning activities as 'it just makes you feel good'. Such participation also showed the men that they had skills they had not previously discovered, opening them up to new possibilities and leading to them 'becoming more focused'.

### **Steps towards Desistance**

Drawing on the existing desistance literature,<sup>5</sup> we reviewed our focus group data to see to what extent they provided evidence around 'maturation' (i.e. evidence that the arts projects contributed to

4. Crowther, J. MacLachlan, K. and Tett, L. (2010) Adult literacy, learning identities, and pedagogic practice, *International journal of lifelong education*, 29 (6) 651-664

5. Maruna, S. (2001) *Making Good: How Ex-Convicts Reform and Rebuild Their Lives*. Washington DC: American Psychological Association Books; Farrall, S. and Calverley, A. (2006) *Understanding Desistance from Crime*, Crime and Justice Series, London: Open University Press.



developing personal maturity), 'social bonds' (i.e. evidence that the arts projects positively affected constructive social ties and relationships) and 'identity' (i.e. evidence that the arts projects influenced positive identity reformations), since explanations for desistance are thought to be found in the inter-connections between these three sets of factors.

### Maturation

In many respects, prisons represent a poor environment in which to develop maturity, at least if we assume that maturity involves a growing sense of personal responsibility and a capacity to plan and order one's life, as well as appropriate concern for the welfare and interests of others. Engagement in the arts projects seemed to challenge the passivity of prison life. For the young men at Polmont, this was bound up with issues around working together as a group, but it also related directly to working successfully to achieve one's goals:

**Jack:** Confidence.

**Ian:** Bringing everybody together, aint it?

**Paul:** Aye, teamwork.

**Jack:** It is bringing everybody together but its instilling in you that you can do stuff. You're current situation doesn't make you affected the rest of your life.

You might be in the jail, fair enough, but you're going to get out of the jail one day. And there's plenty of options out there.

**INT:** Yeah.

**Jack:** And I think you're just coming and letting us know that. Even if its music or going to a painting class or something. You can overcome obstacles to do what you want to do.

**Paul:** Having a goal to work towards, aye.

**INT:** Yeah, so you have a plan to reach this goal.

**Paul:** Cause it means you have a deadline so you need a certain amount of effort to meet your deadline.

**Callum:** You're not just wallowing. Just waiting for something to happen.

It is not surprising in the context of an institutional setting that by its nature routinely diminishes agency and control, to find that the creation of spaces where a

sense of personal agency can be respected and developed are important to prisoners. Certainly, with respect to desistance, there is evidence that moving beyond fatalism and passivity and into a more mature agentic position is a significant part of the process of change<sup>6</sup>.

### Social bonds

Although the arts projects did not aim to engage directly with issues around family and employment (the two most significant and most obviously 'generative' social bonds discussed in the desistance literature), these were nonetheless recurring themes in the focus groups. Beyond the 'surfacing' of family concerns in the process of the work itself, performance and exhibition provided vital opportunities for families to have some involvement in the process. The desire, of which many participants spoke, for their families to see them in a different role or a different and more positive light invoked considerable pride and satisfaction:

**Alex:** ...The warden was there. All the social workers was there. There was other people there. And it all came together like a proper concert. Your family could come in. I thought it was fantastic. Very good... Your family got to see you do

something good... Something that they thought you could never do... They motivate you. If you were just doing it and nobody could really see it...but with your family coming in to see it then that motivates you to want to do it. It makes you want to learn harder. It makes you really want to do it and do it right.

The connection between the skills and interests developed in the projects and future training or work was another recurring theme. Several participants had developed aspirations that were directly or indirectly related to their role and activities in the projects:

**Barry:** I want to be a musician when I get out. I want to play the guitar on a full time. I feel inspired to take it and practice it. You know what I mean? Where as I was quick to quit at things before that. But, I used to kind of fancy being a guitar player and I think I'm going to take professional lessons when I get out and

6. Ibid.

*follow up on what I want to do. It's giving me a bit of inspiration.*

For some, the skills that had been acquired in the projects mattered irrespective of work opportunities that might or might not arise; beyond potential pathways to employment some felt they had acquired life skills and the possibility of accessing new social networks linked to the arts.

### *Identity*

The significance of performance and exhibition arose not just in relation to families, but also in relation to other audience members, including prison managers and staff, social workers and others more used to dealing with and perceiving prisoners as prisoners, rather than as performers or artists.

**Callum:** *You don't know how it's going to go down and you're in front of the governor and the deputy and what not. I thought it was a success because I got my message across. I enjoy what I do. Personally, I think I'm quite good at it and people agreed with me, you know what I mean? They thought it was good.*

Being seen in a new and positive light by authority figures and professionals (and in some cases by the wider public) also relates to questions of identity, and particularly to its reconstruction in and through revised personal narratives. Several participants in the projects spoke about their 'spoiled identities' as 'addicts' or 'offenders' or prisoners — and the associated feelings of stigma and worthlessness. For many participants, these negative perceptions were challenged (often perhaps unwittingly) by the arts practitioners and by the artistic process itself:

**Jack:** *Cause it helps to build up character and they're hoping it turns the prisoner into a different person. Not totally different, but different views and how things should go and that...*

Because the arts practitioners invested their time, talent and efforts for the participants, and established trusting and respectful relationships with them, these negative and hopeless narrative identities were disrupted and challenged. The public successes of the participants' efforts — in performances and exhibitions before audiences of significant others — opened up new personal and social identities that confirmed the possibility and viability of change in one's character and identity; in the language of desistance research, the projects perhaps helped many prisoners begin to imagine or envision an alternative, appealing, conventional self<sup>7</sup>.

Though these are very positive and encouraging findings, it is important to note that the resources available to this evaluation did not allow for the longer term follow up required to produce more conclusive evidence about the links between participation and desistance; in any event, the links between the projects and post-prison outcomes would necessarily depend on the extent to which the progress begun in the arts projects was followed up in other aspects of prison regimes and resettlement processes.

### **Conclusions**

Young offenders often have negative attitudes towards education and learning. The music and arts projects reported here seemed to help in changing such attitudes, and increasing self-confidence in learning new skills. We suggest that these projects were valuable to the participants for a variety of different reasons: because the project leaders used positive reinforcement throughout the learning process; because participants were able to make artistic choices that related to their personal interests; and because there was a balance of individual attention and group work towards a final performance/exhibition goal. It seems likely that such arts projects have the potential to contribute to prisoners taking steps towards desistance, by building their skills, increasing motivation, creating new opportunities and celebrating and affirming progress.

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7. Giordano, P. C., Cernkovich, S. A. and Rudolph, J. L. (2002) 'Gender, Crime and Desistance: Toward a Theory of Cognitive Transformation', *American Journal of Sociology*, 107: 990-1064.

# Enough on their plate

## Food in young offender institutions for 15-17 year old boys

*Jenny Chambers is the Policy Development Officer for The Howard League for Penal Reform.*

*The government are always telling us to eat healthy, get our 5 a day, but the quality of food in here is really, really bad.*

Young person, 15.

*Before I came into the justice system I didn't really care about it. Now I'm in it some bits are ok, but most of it is disgraceful and people have no idea.*

Young person, 16.

### The Howard League for Penal Reform

**The Howard League for Penal Reform was founded in 1866 and campaigns for less crime, safer communities and fewer people in prison. As an independent charity, the Howard League has a longstanding reputation for campaigning through its parliamentary work, research, policy work, events and media engagement. In 2002, the Howard League launched the only dedicated legal service for young people in custody in England and Wales and, in 2007, this service was extended with the launch of a young adult legal team, who represent young people up to the age of 21 in prisons.**

In July 2009 the Howard League for Penal Reform launched U R Boss. Funded by the Big Lottery for five years, U R Boss is a ground-breaking youth justice project that provides a national programme of participation opportunities and support for young people in custody and those recently released in the community.

### Introduction

Despite the recent fall in the total number of children in custody, England and Wales has the highest rate of child imprisonment in Western Europe and, at 10, the lowest age of criminal responsibility; recent figures show that on average over 2,400 children are held at any one time and over 8,000 still pass through the secure estate each year<sup>1</sup>.

The majority of children in custody are 15-17 year old boys who are incarcerated in failing young offender institutions (YOIs): 74 per cent of these children are reconvicted within a year of their release<sup>2</sup>.

It is for this reason that the Howard League's participation project, U R Boss, worked with 15-17 year old boys in YOIs to produce *Life Inside 2010*<sup>3</sup>. U R Boss recognises that children in trouble with the law are some of the most vulnerable in society. Their voices are seldom heard. Our participation team worked over a course of six months with boys in YOIs to chronicle the day to day conditions and experiences of life inside for the majority of children in custody and includes their recommendations for change. The report covers areas such as arrival into custody, education, treatment and conditions and contact with the outside world. We worked with children who had been left in isolation in their cells, been injured through restraint, incarcerated hundreds of miles from their families and communities and let down by professionals throughout their lives. Yet, despite the catalogue of abuse, failings, and exclusion that the children we worked with had suffered, the area that was spoken most passionately by nearly all of those we worked with was the food they receive in YOIs.

A healthy, balanced diet, of sufficient quantity, is vital for children's development and provides them with a foundation for success. In recent years, food in schools in England and Wales has been radically transformed to improve the life chances for children in the community. Despite coming from some of the most socially and economically deprived backgrounds in our society, children in prison have been left behind, let down and left hungry.

The concerns that the children we worked with broadly fell into three overlapping areas: quality and quantity; behaviour and bullying; and deprivation and development. These are discussed further below.

The inability of prisons to meet such a basic need of children epitomises the problem of delivering appropriate and proper services to children in YOIs. It is clear that children in custody are extremely vulnerable, yet they are locked away in environments that do not meet their basic needs, exacerbate their underlying problems and, as evidenced by the high reoffending rates, fail the families and communities they return to on their release.

1. Ministry of Justice (2011) *Statistics bulletin: Youth Justice Statistics 2009/10. England and Wales*, Ministry of Justice, London.
2. Ministry of Justice (2011) *Statistics bulletin: reoffending by juveniles: results from the 2008 cohort. England and Wales*, Ministry of Justice, London.
3. The Howard League for Penal Reform (2010) *Life Inside 2010*, The Howard League for Penal Reform, London.

## Quality and quantity

Many of the children that we have worked with complained of repetitive and unhealthy menus, food being served cold and still being hungry after meals due to the small portion sizes<sup>4</sup>.

Through a Freedom of Information request, the Howard League has obtained the menus of every YOI in England and Wales, the content of which substantiates children's claims regarding the quality of food and the variety, particularly for children that have dietary requirements. In one YOI the only vegetarian lunch options, every day, are a cheese and coleslaw or vegan sausage baguette. One offers grated cheese as the main meal option. Another serves a kebab pizza as a hot meal option<sup>5</sup>.

One of the overriding causes of the poor quality and quantity of food provided for children in YOIs is the systemic failing to provide a sufficient amount of money to spend on food. Although there are differences between institutions, as little as £2.50 is spent for all food per child per day (Hansard, 1 February 2010).

Another systemic issue that often leads food to be cold is that many YOIs are on 'split-sites', meaning that the food is prepared on the adult site of the prison and has to be transported over to the children's wings, which can take some time. Often, as adults are more able to engage in processes to express their opinions and discontent, food for adult prisoners is of better quality and variety. This is reflected in the menus that the Howard League obtained through their Freedom of Information request. However, by the time the food is transported it can be cold, congealed and have lost much of its nutritional value. We believe it is nonsensical that children, who are still developing, do not receive meals that are even on a par to those received by adult prisoners.

The value that is placed on children's nutrition and development is reflected by the fact that there are no separate requirements for food provided in YOIs compared to food in adult prisons. The specifications for catering standards (PSI 44/2010) are concerned with the provision of safe, wholesome and nutritious food, in that order of priority. This reflects that security, rather than meeting children's needs, is the priority in YOIs. The nutrient content of menus is not monitored and how the specification is met is for the governor at each

establishment to decide, in a time of budget and regime cuts. Although there are examples of good practice across the estate, the introduction of central catering contracts has constrained the possibilities for good practice, by limiting the ability to purchase local products and to take advantage of special or reduced offers.

### Findings from HMIP inspection reports into YOIs for 15-17 year old boys

*'[Young people] complained that the food sometimes ran out. There was no hot meal at lunchtime and the breakfast packs were inadequate for adolescent boys'*<sup>6</sup>.

*'Goods were delivered to the wings on Friday and given to young people on Saturday. There was no facility to order goods at other times, although there was a reception pack for new arrivals. This lack of opportunity to purchase canteen goods for up to 11 days had implications for bullying. Young people we spoke to described bullying for canteen as a problem'*<sup>7</sup>.

*'Some young people were required to eat in their cells as part of a punishment. Cells were not suitable for dining, since this meant that young people ate in a small space alongside a toilet without a lid'*<sup>8</sup>.

*'There were some days on which vegetarians would not have had a menu choice for the evening meal, as fish was supplied as the 'vegetarian' option'*<sup>9</sup>.

## Behaviour and bullying

Children in custody come in the main from the most disadvantaged families and communities, whose lives are frequently characterised by social and economic deprivation, neglect and abuse. Issues that have arisen as a result of their upbringings and development result in a complicated challenge to meet the needs of these children in order that they are able to engage in any education and other opportunities provided.

- ❑ 88% of boys have been excluded from school<sup>10</sup>.
- ❑ 15% have a statement of special educational needs<sup>11</sup>.

4. Ibid.

5. Ibid.

6. HMIP (2009) *Report on an unannounced full follow-up inspection of HMYOI Cookham Wood*, HMIP, London.

7. HMIP (2009) *Report on an announced inspection of HMYOI Hindley*, HMIP, London.

8. HMIP (2008) *Report on an announced inspection of HMYOI Wetherby*, HMIP, London.

9. Ibid.

10. Tye, D (2009) *HM Inspectorate of Prisons, Youth Justice Board: Children and Young People in Custody 2008-2009: An analysis of the experiences of 15-18 year olds in prison*, HMIP, London.

11. Youth Justice Board (2003) *Asset: the evaluation of validity and reliability of the Youth Justice Board's assessment for young offenders*, Youth Justice Board, London.



- ❑ 31% have a recognised mental health disorder<sup>12</sup> compared to 10% of the general population<sup>13</sup>.
- ❑ 19% suffer from depression, 11% anxiety, 11% post-traumatic stress disorder and 5% psychotic symptoms<sup>14</sup>.

Added to these complex issues, children told us that they were frequently hungry, due to the quantity of food they receive, as outlined above, and that it affected their concentration and behaviour. This is further compounded by the fundamental problem that children are missing breakfast. Operational necessities, such as shift times, low staffing levels and the need to leave early to attend court appearances, mean that many YOIs issue a week's worth of breakfast packs in one go, or children receive them the evening before. Children are so hungry that they eat the limited contents of these packs straight away, leaving them without any food in the morning, which affects their ability to engage in education, concentrate in court, and is ultimately detrimental to their nutritional development. *Life Inside 2010* reports that in acknowledgement of this issue, the governor of one YOI had introduced a muffin break halfway through the morning to improve behaviour and engagement in education, out of savings found in her own prison budget. This example, however, was unlikely to continue to be possible due to budget reductions. Not only does this affect the short term ability of children to engage effectively in the YOI regime, it also has severe long term consequences. Studies show that children who do not have breakfast are more likely to be inactive, unfit and obese, and are more likely to develop chronic diseases in adulthood<sup>15</sup>.

In an intervention study recently carried out by the School Food Trust<sup>16</sup>, secondary school pupils were 18 per cent more likely to be on-task and 14 per cent less likely to be off-task in the classroom when school lunches and dining rooms were improved. This applied particularly to

time spent working on their own. No work has been undertaken to see if changes to catering provision and modes of eating in YOIs have similar benefits.

Children in YOIs are able to purchase additional items from the YOI 'shop', which includes bags of fruit. Shockingly, we were told that they are in such high demand that children were bullied into buying them and handing them over to other young people. We were also told how fruit has become currency in one YOI because it is in such short supply.

## Deprivation and development

Although there are some opportunities for children to dine together, much of the time children are locked in isolation in their cells to eat alone. This deprives them of the opportunity to develop basic social skills that many have missed out on prior to entering custody. Many children we worked with who had been in secure children's homes, compared this to sitting together mixing with staff at the dining tables: as one boy put it, 'you learn to do what normal people do on the out'.

The daily routines of the children we worked with varied both between YOI and within individual YOIs. However, two

key elements of all YOI regimes undermine the possibility of children being able to eat all of their meals in a communal environment with staff.

Firstly, children spend little time unlocked from their cells. Despite there being a target in place that prisons should allow a minimum of 10 hours out of cell a day, very few children said they were allowed out of their cells for this long. YOIs were recently branded a 'disgrace' for not meeting their time out of cell targets, dropping as low as an average of 7 hours and 42 minutes a day in one YOI. This compares to an average of 13 hours and 18 minutes in secure children's homes<sup>17</sup>.

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12. Youth Justice Board (2005) *Mental health needs and effectiveness of provision for young offenders in custody and in the community*, Youth Justice Board, London.
13. ONS (2005) *Mental health of children and young people in Great Britain*, Department of Health, London.
14. Chitsabesan et al. (2006) 'Mental health needs of young offenders in custody and in the community', *British Journal of Psychiatry*, vol 188, 534-540.
15. Campbell D (2010) '32 per cent of pupils skip breakfast before school, study find: report stokes concern that children who miss morning meal are much more likely to develop chronic diseases in adulthood', *The Guardian*, available at <http://www.guardian.co.uk/society/2010/aug/16/third-pupils-skip-breakfast>.
16. Storey HC, Pearce J, Ashfield-Watt PAL, Wood L, Baines E, Nelson M. A randomised controlled trial of the effect of school food and dining room modifications on classroom behaviour in secondary school children. *European Journal of Clinical Nutrition*, advance online publication 27 October 2010; doi: 10.1038/ejcn.2010.227.
17. Puffett, N. (2010) 'Youth jails branded a 'disgrace' for leaving offenders in cells', *Children and Young People Now*, available at <http://cypnow.co.uk/Archive/978010/Youth-jails-branded-disgrace-leaving-offenders-cells/>.

Secondly, with staff ratios as low as three officers to a wing of 60 children, there are simply not enough staff to facilitate all of the children dining out for every meal. This compares to a ratio of four staff to eight children in a secure children's home where children dine out with staff as a matter of course. As Rose argues, 'this is not just an issue of numbers, but also reflects a quite different understanding about the role of staff in terms of their expected relationship to the young people'<sup>18</sup>. This systemic problem undermines the possibility, not just of opportunities to be out of their cells, but for children to benefit from positive relations and staff and role-modelling. Research substantiates that lower staff ratios affect children's behaviour, as both the low numbers and underlying ethos they represent lead to an over-emphasis on regime security and greater use of punitive sanctions<sup>19</sup>.

This epitomises the wider issue that YOIs are unable to meet children's needs. Research is consistent in showing that the ways in which daily routines of residential living are provided and delivered have the greatest impact on young people and also influence their responses to the more formal aspects of prison, such as education and offending behaviour work<sup>20</sup>. However, rather than providing the foundations for success, one of which would be to instil basic social and interaction skills the majority of children learn in the community, YOIs continue to reinforce the cycle of deprivation these children have been brought up in.

There are also few facilities or opportunities for children to learn about or prepare their own food. Not only would such opportunities provide them with a programme of nutritional education that would help them when released, formal qualifications would aid them to enter into sustainable employment and live a crime free life.

This is one example of the issues surrounding limited educational opportunities that YOIs provide (explored in depth in *Life Inside 2010*). This is of particular concern given that Ofsted concluded; 'a significant barrier to changing the behaviour and expectations of children and young people of all ages who offend or who are likely to offend was the lack of access to education, training and employment and, in particular, the lack of appropriate provision'<sup>21</sup>. Again, this shows that YOIs are unable to provide meaningful rehabilitative opportunities for children who are in conflict with the law.

## Conclusion

The Howard League for Penal Reform believes that all children should be treated equally. What a child has done is separate to who they are, and if a child commits a criminal offence, that offence should not define them. Only by providing a foundation for success through addressing the needs of the whole child can enduring solutions be found, reoffending cut and our communities made safer. Providing an appropriate diet plays its part in this.

The issue of food in children's prisons represents a plethora of failings, which demonstrate that they are unable to meet children's needs and in many ways exacerbate the issues that have arisen from backgrounds of chaos, neglect and abuse, which are the underlying causes of child offending.

All of the issues raised in this article came directly from children incarcerated in YOIs. Only by listening to their voices and acting on what they raise can we improve their life chances and reduce reoffending, for the ultimate benefit of all our communities.

18. Rose J, 'Types of Secure Establishment', in Blyth M, Newman R, and Wright C, (2009) *Children and Young People in Custody: Managing the Risk*, Policy Press, Bristol, page 27.

19. Howell, J (2003) *Preventing and reducing juvenile delinquency: a comprehensive framework*, London: Sage Publications.

20. Rose J, 'Types of Secure Establishment', in Blyth M, Newman R, and Wright C, (2009) *Children and Young People in Custody: Managing the Risk*, Policy Press, Bristol.

21. Ofsted (2010) *Transition through detention and custody: arrangements for learning and skills for young people in custodial or secure settings*, Ofsted, Manchester, page 4.

# Reviews

## Book Review

### ***Effective Practice in Youth Justice***

(second edition)

By Stephenson, M., Giller, H. and Brown, S.

Publisher: Oxon, Routledge (2011)

Price: £22.99

This book has undergone significant revisions since its first edition in 2007, although its primary focus remains as the key text for those undertaking youth justice courses with the Open University. The authors have responded to policy changes that have taken place since the first edition, as well as to the comments of reviewers of the first edition, and to reviews of evidence undertaken by the Youth Justice Board. Acknowledgement should be made at the outset that the timing of the new edition, and to a large extent its content, are dictated by the learning outcomes of the course for which it was produced. The focus of the text is on 'the relationship between research evidence and practice and key skills such as critical reflection and acquiring and using the information needed for effective practice in youth justice' (p. xvi). This is a tall order and, whilst the authors have produced a text that summarises and discusses a wide range of research evidence in a format that is useful and informative for practitioners, within a framework that attempts a degree of ongoing critical debate regarding the context and nature of the evidence base, some aspects of the text are more successful than others.

The introductory chapter of the book is a particular strength of the text and is entitled 'Evidence-based practice and effective practice' and provides a succinct and helpful overview of the rise of the centrality of evidence within the criminal justice system in general, and the youth justice system in particular. Its strength lies in its accessibility for practitioners; for example, with the summaries of pertinent issues which are brought together to explain the rise in adoption of evidence-based practice (such as the risk society and managerialism), but then to move onto the ways in which these ideas (for example, the principles of effective practice) may then be employed by practitioners in order to add to their 'evidential storehouse' (p. 37). A newcomer to the rise of evidence-based practice and the centrality of the health-based approach to evaluation (such as the randomised controlled trial) will find this chapter invaluable in understanding how and why 'evidence' has become so central to the youth justice field. The chapter then provides a summary of the principles of effective practice drawn from McGuire and Priestley<sup>1</sup> and Lipsey<sup>2</sup>. These are identified as: risk classification, criminogenic need, dosage, responsivity, community based, intervention modality and programme integrity. The remaining chapters are topic-based and each addresses these principles in turn as a framework for discussing the available evidence, as it relates to each topic

covered. Some of the chapters in the first edition have been removed (such as targeted neighbourhood intervention, mentoring and ISSP), a new chapter has been added (engagement) and others reworked. The principles of effective practice themselves are said to offer 'a framework within which projects can be developed and evaluated, or guidelines when constructing a package of interventions' (p. 25). Discussion of these principles provides a structure for each of the following chapters, which is a helpful device for those attempting to make sense of the evidence base, but at times it seems to constrain the discussion.

One of the key criticisms of the first edition of this book was that it failed to discuss the centrality of engaging with young people as underpinning all the work that takes place with them in order to reduce offending. This is now addressed in some detail in a new chapter entitled 'Engaging young people' which is a brave attempt to review the state of knowledge about engagement. What emerges is the acknowledgement that the research regarding engagement is very limited and that there are significant issues with defining it. This issue brings to the fore an ongoing difficulty with this and the remaining chapters, which is that the text does not convey the reality of the very messy business of adults and young people colliding in an involuntary relationship in which one (the adult) is supposed to bring about change in the

1. McGuire, J. and Priestley, P. (1995) 'Reviewing What Works: Past, Present and Future', in J. McGuire (ed.). *What Works: Reducing Reoffending (Guidelines from Research and Practice)*. Chichester: J. Wiley and Sons.

2. Lipsey, M. (1995), 'What Do we Learn from 400 Research Studies on the Effectiveness of Treatment with Juvenile Delinquents?' in J. McGuire (ed.) *What Works: Reducing Reoffending: Guidelines from Research and Practice*. Chichester: J. Wiley and Sons.

young person. Given the importance of this topic to everything that is discussed thereafter, it is unclear why this chapter does not appear immediately after the introductory chapter. It is also unclear, although this may well be a reflection of the research evidence itself, why there is so little attention paid to discussing gender and 'race', given the important structural context within which youth offending (and indeed, all offending) takes place.

As the authors state, they find themselves publishing at a particularly difficult point in time (at

the start of a new administration) in which the direction of future policy in youth justice can only really be guessed at. Despite this, they have made considerable efforts to strengthen the contextual element of this book, as well as the specific practice-based chapters and have succeeded, to some extent, in responding to their critics, most notably by including the chapter devoted to engaging young people. Their aims, however, remain difficult to achieve given the balancing act they are attempting and the extent of the ground that they are covering. On one hand,

they are attempting a critique of the notions underpinning effective practice (of which there are many), whilst having to engage with these notions as they apply to practice in specific areas of engagement with young people. This is no easy task, but as an introductory text, it should prove invaluable to practitioners within youth justice, whilst also being relevant to the wider criminal justice community of practitioners.

**Louise Sturgeon-Adams** is a Lecturer in Community Justice at the University of Hull.



# The Interview: John Drew

*John Drew is the Chief Executive of the Youth Justice Board, a post which he has held since 1 January 2009. He is interviewed by Karen Harrison who is a Lecturer in Law, University of Hull.*

**John Drew is the Chief Executive of the Youth Justice Board, a post which he has held since 1 January 2009. Prior to this he was employed as Director of Housing and Community Services at the London Borough of Redbridge where his responsibilities included adult social care and adult education, leisure, housing, and payments and benefits. He has been Chair of the Management Board of the Youth Offending Team and Youth Crime Prevention Teams in Redbridge and led the establishment of Redbridge Children's Trust. Prior to this, John was Chief Children and Families' Officer at Redbridge where he established the local youth offending team and developed the local authority's youth justice strategy. His career has included social and children's services experience across a range of local and county authorities, including Tower Hamlets, Essex and Lancashire.**

The interview took place in London in May 2011.

**KH: What do you see as the role of the Youth Justice Board (YJB) and in particular your role as Chief Executive?**

**JD:** The YJB's role is written down in statute and actually the statute is not bad at describing the main things that we do. So, it's a role of advising government; monitoring performance; setting standards; identifying good practice and contributing to its dissemination; making grants; commissioning research; commissioning the secure estate for children; and placing children within the secure estate. They are the broad issues. However, although it's helpful to tell you what we do, it doesn't really tell you how we go about it. The metaphor that I like to use which I think describes us much more accurately, both our role and how we do it, is that we ought to act as a bridge between various constituent parts of youth justice. First, there is a bridge between policymakers and ministers and the front line delivery of youth justice. This has to be a two-way bridge in which both speak to each other and we are the body which facilitates that process. Another bridge is that between children's services and the criminal justice system and again it's very important that they talk to each other and we learn from both sides. There is also a bridge between central government and local government. This is different to the bridge between

policymakers and front line services because here we are talking about two different types of government; both of whom have a significant contribution to make to the delivery of services. One of the biggest problems here is that they can often assume that they are alike and often they are not, so we help to interpret each to each other. Another really important bridge which applies across criminal justice is the bridge between custody and community and not least because, unlike NOMS, we don't have one organisational umbrella under which they all sit, so the YJB tries to bring all of these services together. So in essence we try to think through the 'before, during and after' part of youth justice. The last part of the bridge, although it's just a small proportion of our business, is government in Whitehall and government in Cardiff, as much of the services that relate to youth justice in Wales have been devolved. So it is important that each other understands what the other is doing. Within all of this, the Chief Executives role is to ensure those bridges are in place and that they work as well as they might and to constantly look at the horizon and try to identify things which are coming and then work on them. I also act as a national spokesman for youth justice and it's important to be able to articulate how the youth justice world thinks about issues that are of interest to the public. I also work with an array of governmental ministers in terms of the bridging work which I've outlined above. Lastly I have to ensure that we are acting as a prudential organisation, in terms of keeping within our budgets and our statutory and other missions.

**KH: What made you move from practice into the YJB?**

**JD:** My story is a simple one to tell. When I arrived at University as a fresh faced student I was asked, in my first week, what I intended to do on Wednesday afternoons. I said I didn't know and was taken to a project working with youngsters in trouble, principally with the law, which I found gripping. I worked with this project for four years and when I left University I wanted to find a job working with young offenders so I started working as a local authority social worker. For the next eight years that was the main part of my working life, although then you wouldn't just work with young offenders. It was the late 1970s, early 1980s, which was a fascinating time for youth justice. We were grappling with the

intentions of the Children and Young Persons Act 1969, which attempted to bring together the welfare and justice themes, and we were re-discovering everything around treatment and in particular trying to reduce levels of custody. By 1977 levels of custody for children were considerably higher than they are now. It was a really lively time. My career took me into management, where I was when the Crime and Disorder Act 1998 was enacted and we were faced with the task of creating Youth Offending Teams. My Chief Executive at the time was really behind this multi-agency approach and so I came back to youth justice. This opportunity at the YJB then arose and it really is one of the best jobs in government if you like youth justice and children's services. I was over the moon when I got it and I feel the same every day.

**KH: What do you see as being the main challenges for the YJB?**

**JD:** The main challenge in overarching terms is tackling offending, particularly the really recalcitrant figures on reoffending. That is the most difficult thing. There are then a whole series of sub-sets of what is challenging below that such as, identifying effective practice and the dissemination of that and encouraging people to pursue valid models which have some degree of fidelity. There is also the major challenge of resettlement, it is something of a scandal that we still have cases of young people who a week or two before they leave custody still don't know where they are going to live or don't

have an education or employment placement. I visited a young person last week who had four weeks left on his sentence and he didn't know where he was going to live on release. He was in a STC [secure training centre] and so here is the state spending the equivalent of £166,000 per year accommodating him and suddenly there is this huge precipice approaching and it wasn't apparent that a suitable degree of attention and focus had been paid to his release and resettlement plans. There are also some very important individual issues, for example, how we can better incorporate the voices of those who have experienced the youth justice system, so we can learn from that; a better consideration of black and minority ethnic children both in terms of overrepresentation in the system and also the suitability of our programmes and services for them; the challenge of young women, again in terms of

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programme suitability and then finally the issue of restraint. We need to come up with a system that equips custody staff so that they can properly carry through their functions but at the same time has a degree of public confidence.

**KH: What have been the major successes of the YJB since your time here?**

**JD:** My time or otherwise, in the last three years in particular, all the main indicators in relation to youth justice have been moving in the right direction. First time entrance has been significantly reduced, by 23 percent from 2008/09 to 2009/10. The frequency of proven reoffending has also decreased. One of the most rapid areas of reduction in the volume of reoffending has come from those children who have been in custody. We also take a lot of heart from the reduction in the numbers of children and young

people who are being held in custody, particularly the use of custody for young children. The all-time high, in terms of custody was five years ago, when there were 3,200 under 18s in custody. Last night there were 1,950. The principal achievement in this has been over the last two years. With regards to young children (under 15s), we have seen a 52 percent reduction over the last three years. These are our three banner achievements.

**KH: What do you see as the purpose of imprisoning young people?**

**JD:** That is a really interesting question. We start with the idea that prison and the withdrawal of liberty is clearly a punishment and is perceived as such and I believe that is right. But what do we do when we have children in custody and how ambitious should we be about what we might achieve? What we are trying to do is to impact on their rates of re-offending thereafter and this also takes us back to issues of resettlement. Increasingly we are focusing on the opportunities for assessing the child's needs. We only have them for a very short period of time, the average custodial stay is only 80 days, so we can't transform them or run therapeutic communities, although there is more scope with those who are held longer. However, we can take a stock of this young person, so that when they leave us they have got a much more thorough assessment of their needs and this then, through an individual resettlement plan, acts as a passport for the sort of services which they need in the community. Taken all

together this gives us a greater chance of preventing their re-offending. This could include a passport to health services, education, employment and housing. We are not perfect in this, but in the near future this is what we will be concentrating on. Clearly in custody other things will happen as well, so sometimes a young person will encounter a prison officer or member of the care staff and perhaps for the first time they will have a really satisfactory relationship with someone. One of the most distinctive things about young people in the youth justice system is that unlike teenagers in the population at large they have very rarely encountered inspirational adults who have acted as mentors or role models. So we have an opportunity, even within 80 days to do something in this area.

**KH: Do you think we should be imprisoning children as young as 10?**

**JD:** I would answer this in two ways. First, is it right that the age of criminal responsibility is 10 and if it is, is it right that custody is one of the options available? Is it the case that most children of the age of 10 can distinguish between right and wrong? I think they can. Will we encounter some children who just can't? Yes. Should our system be clever enough to identify those children and route them away from the criminal justice system because they clearly have needs which are way beyond those which we can deal with? Yes.

However I'm comfortable with the idea that a child as young as 10 can be held criminally responsible for his/her actions. However, it does place a burden on the youth justice system when we encounter children of that age, because we need to be quite sophisticated in how we deal with them and need to ensure that we don't push them in a conveyor belt way through the youth justice system. This sophistication can happen through a number of diversionary techniques. Secondly, in terms of whether it is right that some young children should be held in custody, there are some children who need to be held in a secure setting. This is to protect the public, for their own safety or to deal with issues where things have gone really badly wrong. This is why we have secure children's homes. We have very few 10, 11 or 12 year olds in custody; usually they are

in single figures. Unless there is a really significant offending problem a very young child being held by the criminal justice system will live alongside those who are under the welfare system and all of them will live under the same regime.

**KH: How successful has the Intensive Fostering Pilot Programme been? Should this be used instead of custody?**

**JD:** Intensive fostering should be used as an alternative to custody and certainly that is the intention of the programme and should not be used for other purposes. It is a high-end tariff disposal that should be used when a court is thinking of sending a child to custody. The pilot is very promising, but I

should qualify that by saying that the numbers involved have been quite small, around 100. It has been successful particularly during the period when the young people are in foster care, which is typically about nine months. The young person is placed with foster parents and we have seen that their offending behaviour, during this time, falls away dramatically. That is very stark when compared to what you would expect if they were simply in the community. The next issue to deal with is improving reoffending rates once the children leave foster care. The model came from the US and whilst the benefits during fostering do not appear to be as high in the States as they are here, according to the evidence so far, the benefits post foster

care continue at a higher level over there. My take on this is that we need to deal with the resettlement dilemma that I've outlined above. At the moment we only have four experimental sites and it only exists where central funding has been given. As of yet, there are no local authorities who have decided to fund the scheme, so it is still early days.

**KH: The number of young people in prison has dropped over the last two years, why do you think this is?**

**JD:** This is multi-factorial, but we have a good idea what the different factors are. First, we have a youth justice system which sucks fewer children in. There are therefore fewer children in the system and so the system is cooler. This is further helped by the fact that there have been no recent moral panics by the public with regards to young people and crime; in

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the past rises in youth custody have been fuelled by cases which have gone wrong. Next, practice has really improved. For example, the police have learned about not going after the 'low-hanging fruit'. There is a huge interest from them in restorative practices and bringing a more restorative approach into community policing. YOTs, which are now 10-12 years old, are more mature organisations and we have done a lot of work with them to identify what is good practice, what sort of things magistrates will respond to and what they need to know in relation to custody and non-custody. We work closely with the Magistrates' Association and there has been a real sea change in the use of custody with young people in the sense that they believe it is worth spending time imagining what the alternatives could be. It is also the case that there are fewer adolescents around at the moment, and I wouldn't duck from that and this again gives the system another chance to be cooler. This all allows the system to work in the way it was intended to.

**KH: How have the £325m savings announced by the Ministry of Justice effected the YJB?**

**JD:** We are taking our share. Over the five year period of the Spending Review 2010, our budgets will go down by about a third. Our budget comes in three parts. The first, worth £15 million, is for our core operating costs and we immediately decided that our first priority would be to reduce these and so reduce the reductions to the rest of the youth justice system. For example, 1 April 2010 we had around 400 staff, 1 April 2011 we had around 250, so we are playing our part in downsizing. The second part of our budget, the largest by a long way, is our budget for custody. The decrease in the number of young people in custody has meant that over the last few years we have been able to decommission some 740 places in YOIs and we will continue to do that as long as the downturn in custodial places continues. However, we also want to make some investments, particularly in the YOIs, to make them fitter for purpose. For example, a week and a half ago the minister announced that we would be funding social workers to be deployed into every YOI to work on safeguarding issues and to work with those children in custody who are from the care system. We are also looking to introduce a new restraint system into YOIs and STCs and there are costs associated with doing that properly. We are also introducing a

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new approach to searching, where children will only be searched on the basis of an assessment of risk rather than on an automatic basis. Finally, we also spend nearly £120 million a year on grants to YOTs. This provides up to 35 per cent of their costs and we have had to reduce our contribution by almost 20 per cent, this year, although we hope we won't need to make similar levels of cuts in future years. It's important that we continue to provide significant funding to YOTs, otherwise the number of children in prison may increase and we would therefore need to commission more places.

**KH: How do you think the 'Rehabilitation Revolution' will effect the juvenile secure estate?**

**JD:** The phrase 'Rehabilitation Revolution' makes perfect sense to me. Let's relate it to resettlement. We actually started the revolution about 12 months ago when our Chair, Frances Done, led an initiative at HMYOI Hindley, where she brought all of the local leaders, Chief Executives and the like, together to support them in making plans for the young people held within the YOI. The engagement of those involved was really impressive and so we are spreading this to HMYOI Ashfield and elsewhere. The idea is to have a local community that is actively working in partnership with the YOI. It is about reminding them that these children are still their responsibility. As was said to me last week about children in the youth justice system, it's not that they are hard to reach, they are just too easy to forget. As soon as you stamp offender across a child's forehead it's very easy for mainstream services to forget them and think that they are not responsible for them. There is a way to go and it is about galvanising all of the services in the community. We are however already running community services on a multi-agency basis, many of these involve charities and the voluntary sector; so in this sense we are a little ahead of the game.

**KH: In October 2010 it was announced that the YJB was to be scrapped. What is the position today?**

**JD:** There was a vote in the House of Lords at committee stage and we are currently not in the Public Bodies Bill. The government has said that it is still its intention to put us back into the Bill so the Lords and the Commons will need to resolve this. I have no idea what will happen. Thankfully, however,



the Ministry of Justice has said that if we are to be abolished we will be placed within the Ministry as a Youth Justice Division. The idea is to keep the knowledge and expertise together. Whilst it might have been tempting to fit us within the NOMS umbrella, it makes sense not to do that, but to keep us as a separate division with a specific brief for criminal justice services for children. This seems the best solution.

**KH: Will being a part of the Ministry of Justice mean that the needs of a greater adult population will subsume the needs of young prisoners?**

**JD:** Of course in such a big organisation, with so many different responsibilities, there is a risk that one small function gets overlooked at times. There is, however, another way to look at it. Sometimes, as an quango operating outside of Government you can be marginalised and can't actually get to the table to

discuss things or get the attention of busy ministers; so sometimes it is easier if you are a part of the Ministry. We have loved being a non-governmental organisation, but I can see the benefits of being a part of the Ministry of Justice as well as the downside of this.

**KH: Where do you see your future?**

**JD:** My contract with the YJB expires at the end of this year, so if the YJB continues then the Board have got to decide what to do about that. If we go into the Ministry I have already been offered the opportunity to lead the new division, which I am really up for. I would love to stay associated with youth justice for as long as I can. It's great to have a full circle from being 18 and working with youngsters and now coming back to that. After University I spent my first 10 working years working with young offenders and I would like to spend the next 10 years doing the same thing.



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