

Locking up children

Barry Anderson describes a bewildering range of options.

There are currently 33 secure units¹ in England and Wales, holding some 470 children and young people at any one time and several times that number in the course of a year. During 1997, capacity will rise to around 510. Yet, outside the childcare and criminal justice systems, these places are little-known. What is secure accommodation? Who is it for? How do secure units differ from penal institutions? What role do they play within the youth justice system?

Amazingly, secure units are one of five kinds of institution designed for the detention of children and young people. By comparison, there are two ways in which adults can be compulsorily detained; in a hospital under mental health legislation or in some form of prison establishment if accused or convicted of criminal offences.

These have their juvenile equivalents in, respectively, secure adolescent psychiatric units and the prison service young offender estate. The latter category encompasses young offender institutions², remand centres, prison remand wings (where 15 & 16 year-old boys continue to be held in some of the worst conditions within the entire prison estate) and women's prisons (where girls as young as 15 are held alongside adult prisoners).

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A third institution, the Secure Training Centre, has yet to open. Five STCs were planned, each holding 40 young offenders, aged between 12 and 14, for periods ranging from six months to two years. Contracts were signed before the General Election for the first STC, to be run at Cookham Wood in Kent, by Rebound plc, a consortium formed by Group 4 and Tarmac. However, though no official announcement has been made by the Home Office, it is

widely believed that an alternative use will be found for the premises built by Tarmac and that the new government will not proceed with the development of the other four.

Finally, there are two classes of secure accommodation - the Youth Treatment Centre (YTC) and local authority secure units. The YTC is run by the Youth Treatment Service Agency and based at Glenthorne in Birmingham. It caters for children too dangerous or difficult to be dealt with safely in local authority secure units.

The 32 local authority units cater for three groups of children:

- those denied bail by the courts; held sometimes for a relatively short period, usually a week at a time.
- juveniles convicted by the Crown Court of 'grave crimes' and sentenced to a long period of detention under Section 53 of the Children & Young Persons Act 1933.
- those detained under 'welfare' legislation because they are considered to be a danger to themselves or to others if not so detained.

The three groups are roughly equally represented in the national secure unit population, so alleged and convicted offenders together account for two-thirds of the total. This preponderance of young people from the youth justice system has come about because secure units are seen as preferable to prison institutions, in cases where a decision is taken to lock-up a child³. Unfortunately, however, secure accommodation has never actually replaced the less appropriate institutions to which it is preferred. Instead, it has been developed alongside them.

Many observers believe this could happen again. Section 60 of the Criminal Justice Act 1991 provides for the abolition of remands in prison custody for boys aged 15 and 16. The Act instead gives courts the power to remand 15 and 16 year olds of both sexes into secure accommodation. These provisions were not immediately implemented⁴, the government deciding first to build additional secure provision. An additional 170 places will have been provided by the end of this year. One waits to see whether the new government will then implement S.60. If not, we risk a 'worst of both worlds' scenario in which prison remands are retained (with the tragic consequences which all-too-frequently ensue) whilst our total capacity for locking-up children is greatly increased.

Catering for a varied clientele

can cause problems; children become confused about why they have been detained; vulnerable children are bullied. Staff have to meet a range of expectations, controlling a potentially volatile and constantly changing 'mix' of children, with widely differing needs. Local authorities find it difficult to plan the work of secure establishments and the police and courts complain that their work is hampered by difficulty in finding 'emergency' places⁵. There is confusion, too, among politicians, press and public, reinforcing the myth that the youth justice system is powerless to deal with younger children. In reality the most severe restriction of liberty is available in a much wider range of circumstances than would be tolerated for adults.

At the heart of the problem is a lack of clarity on two key points:

- when and in what circumstances is it appropriate to lock up children?
- what kind(s) of establishment should be provided for the purpose?

One hopes that the new Home Office task force on youth justice might address these issues. Ultimately, however, this is a question of how society values children and young people, and chooses to deal with those who are 'troubled and troublesome'. Such questions call for a more fundamental and wide-ranging review.

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Notes:

1. The Youth Treatment Centre at Glenthorne in Birmingham, and 32 local authority secure units.
2. YOIs include a wide variety of establishments and regimes; senior and junior, open and closed, glass house and boot camp.
3. That line has not been consistently followed, however. The last government worked hard to overturn a Lords amendment to the Criminal Justice and Public Order Act 1994 which would have seen 12 to 14 year olds serving Secure Training Orders in Local Authority secure accommodation.
4. It was amended by the Criminal Justice and Public Order Act, 1994 to reduce the minimum age for a new 'secure remand' from 15 to 12.
5. The problem is seldom simply one of no place being available. Often, places are withheld because of differing views about priorities.