

Growing Up, Shut Up factsheet

1. The child behind the crime

Many of the children in custody are among the most vulnerable and challenging, with chaotic family backgrounds and histories of neglect and abuse.

- 29 per cent of boys and 44 per cent of girls in prison custody had been in care¹
- Two out of five girls and one in four boys in prison reported having suffered violence at home²
- One in three girls and one in 20 boys reported being sexually abused
- 81 per cent of boys and 76 per cent of girls in custody had been excluded from school³
- Around 15 per cent of children in custody have statements of special educational needs, compared to 2.9 per cent of the general population⁴
- 90 per cent had used illegal drugs⁵

2. Prison custody for children

Prison custody is not being used as a last resort

- There are over 3,000 children in custody. The vast majority (around 85 per cent) are held in prison custody. Seven per cent are held in secure children's homes and eight per cent are held in privately managed secure training centres
- Around 19 per cent of the children in prison custody are on remand
- England and Wales lock up more children than any other country in Western Europe. In 2006 there were 2,440 children in prison in England and Wales compared to 646 in France, 244 in Germany, 10 in Norway and none in Spain
- Children comprise 3.1 per cent of the prison population in England and Wales compared to 1.8 per cent in Germany, 1.1 per cent in France and 0.2 per cent in the Netherlands⁶
- In April 2008, 796 (43 per cent) of the 1,855 children sentenced to prison custody, had committed non-violent offences⁷
- 42 per cent of the 567 children remanded to custody in April 2008 had been charged with non-violent offences⁸

¹ Young people in custody 2004-06. Her Majesty's Inspectorate of Prison and the YJB

² *ibid*

³ *ibid*

⁴ ECOTEC An audit of educational provision within the juvenile secure estate 2001

⁵ Youth Justice 2004, a review of the reformed youth justice system, Audit Commission

⁶ Council of Europe Annual Penal Statistics –SPACE I-2006

⁷ Population in custody monthly tables, April 2008, Ministry of Justice

⁸ *ibid*

- Between 1996 and 2006, the average length of custodial sentence for children increased from 20 to 22 months. The average length custodial sentence for the non-violent offence of fraud and forgery increased from seven months to 19 months⁹
- The age of criminal responsibility in England and Wales is 10 years old, one of the lowest in Europe. The age of criminal responsibility is 13 in France, 14 in Germany and Italy, 15 in Norway and 16 in Spain

prison custody is not safe

- 30 children have died in custody since 1990. This includes 28 children in prison and two in secure training centres
- 29 of the deaths were self-inflicted and one followed restraint by staff
- In 2007, there were 1,007 self harm incidents among 15-17 year olds in prison
- Between November 2005 and October 2006, physical restraint was used 3, 732 times on boys in prison
- The Howard League for Penal Reform found that up to one in five instances of restraint resulted in an injury to the child or staff member
- Strip-searching is routinely carried out on all children on arrival in prison. Children are being forcibly strip-searched if they refuse to comply
- Between January 2005 and October 2006, the forcible strip searching of boys took place 100 times
- On average, there is one social worker to every 171 children in prison custody. In four prisons, the ratio is one social worker to over 200 children and in three prisons, there is no social worker at all

prison custody is ineffective

- Her Majesty's Inspectorate of Prisons found that 59 per cent of boys and 44 per cent of girls in prison had been in custody before¹⁰
- 79 per cent of boys and 57 per cent of girls aged 15-17 released from custody re-offend within two years¹¹

Every child a safe home

- Up to 1,000 young people per year are remanded to custody because they lack somewhere suitable to live. In addition, up to 800 young people receive custodial sentences because their housing is unsuitable¹²
- Only 15 per cent of the children leaving custody have suitable accommodation, according to YJB statistics
- Each year, around 9,000 children in England and Wales are placed in unsuitable accommodation after leaving custody. This includes children under 16 and care-leavers¹³
- The Howard League for Penal Reform has legally represented over 100 children who had been released from custody with no support or accommodation

⁹ Sentencing statistics 2006. RDS NOMS

¹⁰ Young people in custody 2004-06. HMIP and the YJB

¹¹ Home Office statistical bulleting (2006) Reoffending of juveniles: results from 2004 cohort, June 2006

¹² Youth Justice 2004: a review of the reformed youth justice system. Audit commission

¹³ ibid

Access to justice

Court

- A small dip survey conducted by Her Majesty's Court Services in April 2008 found that 10 per cent of children in court had not been legally represented. In two courts, a quarter of the children had not received legal representation¹⁴
- Children as young as 13 are not receiving legal representation in court¹⁵
- Children charged with offences including theft, possession of drugs, assault and driving offences had not received legal representation¹⁶
- A 15 year old child charged with criminal damage was refused legal aid¹⁷

Parole

- In a judicial review¹⁸ brought by the Howard League for Penal Reform in 2006, the court held that children must be informed of their right to seek an oral hearing before the parole board, and that adult assistance should be offered in making representations to the parole board
- Following a freedom of information act request by the Howard League for Penal Reform, the parole board conducted a review of cases regarding children. It found that between April 2002 and August 2007, the cases of more than 32 children in custody had been considered by the parole board. Of these, only six children had been visited by a member of the parole board prior to their panel, in order to explain the parole process to them and to ask their views¹⁹. Only four of the 32 children received legal advice regarding their parole application and all four children had been represented by the Howard League for Penal Reform
- In 2007, The Howard League for Penal Reform published 'Parole 4 Kids'²⁰. It recommended that the parole board should adopt a more child-centred approach to parole.
- Subsequently, the parole board has made several important changes concerning child applicants. All children serving an extended sentence, who apply for parole before reaching the age of 18, are entitled to an oral hearing as of right. The parole board has published a guidebook written for children going through the parole process, explaining what the parole board is and how the process works
- The Howard League for Penal Reform legal team has found that many children are still struggling to find expert legal representation for parole hearings, causing unnecessary delays

¹⁴ HMCS youth representation dip sample, 7 April 2008

¹⁵ *ibid*

¹⁶ *ibid*

¹⁷ *ibid*

¹⁸ R (K) and the Parole Board [2006] EWHC 2413 (Admin)

¹⁹ Letter from the Parole Board, 3 August 2007

²⁰ The Howard League for Penal Reform (2007), Parole 4 Kids, a review of the parole process for children in England and Wales.