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2020

## Care of Young Offenders: Progress or Decline?

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Organised by: The Mulberry Bush Child Care  
History Network &  
The Dartington Centre for Social Policy

*2 connected 3 hour Zoom seminars*

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*"Lessons have been learnt"* is the familiar response from government or independent agencies after findings of incompetence or bad practice. Do we need to learn lessons from the past to avoid disasters in today's provision for young offenders or is all well in the service now on offer? Join us for these important seminars of reflection and awareness!

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Showing the way in therapeutic care

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## DAY ONE

### Session A: Introduction – John Diamond

John Diamond, CEO of The Mulberry Bush, opened the seminar by explaining that the discussions over the two days had three aims:

- to review where we are in terms of dealing with young offenders and providing services, especially in the secure estate
- where we would like to get to in the short and long-term and how we might do this
- where we do not want to get to and how to avoid this happening.

## Session B: The History of Approved Schools - Jim Hyland

### Origins, development and decline of residential care for young offenders

#### Aims

I have the pleasure of starting today's seminar with my talk on the origins of the approved school system and of its workings, its eventual decline and its evolution into other systems of provision. I will illustrate my points with slides.

I will explore the origins and development in England and Wales of a major service established to deal with the criminal or potentially delinquent behaviour of children and young people from its establishment in the 1930s and up to its demise in the 1970s.

My main purpose is to put these matters into some kind of perspective and context showing how services have developed in accordance with the attitudes and beliefs of the times in which they emerged. In doing this, it is my aim to better equip us in our reflections later and then, when we come together again, to think about our existing provisions for dealing with these matters.

#### My book

From the late 1970s to the early 1980s I was employed by a regional charity in the North East of England, firstly as the manager of a CHE for 44 young people and then then as director of care services of the charity. During this time, I spent four years doing an external M.Ed. degree, exploring the rise and fall of the approved school system and then of the CHE structure, as this was happening, and I later used this as the basis for my book on the same subject, entitled *Yesterday's Answers* published in 1993.

#### My study –The beginning of a separate service

In the study I began by looking back to the beginning of our modern industrial era, to the time when the growth of new industries brought people flocking to the cities for work in the mills and factories following the beginning of the Industrial Revolution.

People came from the countryside and from famine-struck Ireland in massive numbers and lived in the ever-expanding cities, often in appalling conditions. They were paid such a pittance that even if they did find work, they were often unable to care for their children and some even sent them out to steal just to survive. Those in positions of power were so alarmed at the resulting almost lawless state of affairs in many these cities that they responded by imposing savage and harsh laws.

Children as young as nine and ten were condemned to hanging for stealing a loaf of bread or an article of clothing. Many others were condemned to be transported to the new colonies, thus providing them with cheap labour and supposedly ridding the country of its criminals. The children waited in the holds of ships moored off the ports in places such as Liverpool, London and Newcastle. Many other children were incarcerated in prisons with adults in such cramped and unhygienic conditions that many died.

The plight of these and other neglected children moved the hearts and consciences of such people as Mary Carpenter and Matthew Davenport Hill to campaign for special separate provision for children exposed to such dangers.

### **Timeline**

Eventually, in 1854, after years of argument, it was at last acknowledged by Parliament that children who broke the law should be dealt separately from adults, with the passing of the Youthful Offenders Act. The main result of this was that as alternatives to prison, two types of residential school were formed for dealing with criminal or vulnerable and uncared for children- these were the reformatory schools and the industrial schools. Both applied controlling regimes with varying degrees of discipline and punishment, together with trade training to prepare their residents for work and adult life.

At their peak, by 1912, there were 44 reformatories and 116 industrial schools sheltering over 25,000 children. However, after the First World War, with the option of probation, a basic universal education system and the introduction of some state financial aid for the poor and unemployed, the numbers in these schools dropped dramatically.

Both types of school were managed by voluntary groups, often sponsored by various Christian agencies, each with their own semi-autonomous board of managers, accountable only to the Home Office and in the case of larger voluntaries, to their national governing body. Although the local and central government provided the funding for the schools, this was expected to be supplemented by the inmates producing goods for the school to sell. But by 1880, the state, mainly local government, provided 90% of the funds with private subscriptions 7% and parents and inmates 3%.

With the gradual introduction of social reforms noted above, crime rates decreased and, together with the greater use of non-custodial measures, such as probation, the demand for the schools decreased. By 1926 there were just 28 reformatories and 56 industrial schools with a total population of 6,871.

<b>Summary of Timeline</b>	
1854	<b>Youthful Offenders Act</b> allows courts to sentence children under 16 to a stint in a reformatory for between two and five years as an alternative to prison – but they must serve an initial 14 days in prison.
1893	<b>Reformatory Schools Act</b> gives courts the option of sending children to reformatories without the initial two weeks in prison. The prison element is finally abolished in the Reformatory Schools Act 1899.
1901	<b>Youthful Offenders Act</b> permits remand homes for children who are committed for trial. Young people may be held in remand homes or in workhouses instead of being kept in adult prisons.
1902	<b>The first borstal institution</b> for young males opens on an experimental basis near Rochester in Kent. Sir Evelyn Ruggles-Brise introduces a strict regime based on physical drill, training and education.
1907	<b>Probation of Offenders Act</b> allows magistrates to discharge offenders on the condition that they are supervised in the community. Initially, it is principally aimed at replacing punishments for young offenders.
1908	<b>Children Act</b> establishes a separate juvenile court for the first time, dealing with both crime and welfare issues, abolishes custody for children below 14, and now requires the police to provide remand homes.
1908	<b>Prevention of Crime Act</b> rolls out borstals nationally for males aged 16-20 on an indeterminate sentence between one and three years. Release is followed by a supervised licence period of resettlement in the community.
1933	<b>Children and Young Persons Act</b> requires courts to have regard to a child's welfare, raised the age of criminal responsibility to eight years old, and abolishes the death penalty for the under 18s.
1933	<b>Home Office approved schools</b> are also created by the Children and Young Persons Act. Replacing both reformatories and industrial schools, the voluntary units house both children deemed criminal and those beyond parental control.

### **The emergence of approved schools**

In 1933 the Government decided, as part of the provisions of the Children and Young Persons Act 1933, to merge the reformatories and the industrial schools. They would remain under the auspices of the Home Office and it was to be its responsibility to approve the schools, which became known in a rather literal way, as "approved schools", as being suitable to provide the services to children and young people judged by the juvenile courts as being offenders, in moral

danger or beyond the control of their parents, thus combining the three main roles of their predecessor institutions into one system.

The local authority in which the child lived was required to cover some of the cost of this provision although parents were expected to make a means-tested contribution to the cost of their child's stay in an approved school. In practice this was a very small proportion of the actual amount spent on keeping a child in a school.

The general income for running the school came from a 50% central government grant and 50% from the local authority. The removal of this funding formula, thus requiring the LA to pay the full cost, was to prove be a significant factor in the collapse of the successor provision of the community homes with education system.

## **The new approved school system**

### *Number of schools*

On merger of the industrial schools and the reformatories into approved schools in 1933-4 there were 84 establishments, the majority being former Industrial Schools. By 1938 there were 104 approved schools containing 7,268 boys and 1,496 girls. Most of the new schools formed, rising from 18 in 1933 to 31 by 1938, were for girls. By 1950 there were 140 schools offering places for nearly 10,000 boys and girls,

### *Age range of schools*

Junior schools for those aged eight (then 10 with the raising of the age of criminal responsibility in the 1960s) to thirteen on admission.

Intermediate schools for those aged thirteen to fifteen on admission.

Senior schools for those aged fifteen up to seventeen on admission. Many residents were thus above the statutory school leaving age which was 14 until 1944, 15 until 1972 and 16 thereafter.

### *Size of schools*

Up till the mid 1950s, the average number of places in a boys school was 100, with a few having up to 150 places but very rarely more than this.

Some schools for boys offered only 50 places.

Schools for girls were much smaller, with an average of 35 places.

## **The Curtis Committee**

In 1946, the Curtis Committee, was appointed to enquire into the public care of children after a child had died in foster care. In the course of it enquires, the members visited 52 approved schools and so were well placed to comment on the state of the service as they found it shortly after World War II. They recorded some detailed descriptions of the schools and these records give a useful account of the range and type of service then on offer.

An example of a senior boys school with 140 places shows that the building had been taken over from the public assistance authorities in 1936.

"The living quarters were in one block divided into two identical halves. There was no living room other than a dining room which also served as a recreation room. In the dining room each table was for 10 boys. Each of the dormitories housed 70 boys in four long rows of beds. There were long concrete floored and tiled wall corridors. Effort had been made to brighten the rooms by paint and distemper. The place looked clean and polished."

A contrasting example of an intermediate school for 120 boys described a Jacobean country house set in 36 acres of garden and playing fields. "Some of the staff lived in cottages on the estate. The boys living and recreational rooms were excellent. There was a beautiful dining hall with tables seating six children. The entire place was cheerful and attractive".

## **Powers of the courts and the school managers**

Children could be made the subject of approved school orders by the magistrates in the juvenile courts. As a result of this, children could be detained in a school for up to three years or until their eighteenth birthday. Schools had the option of releasing children home on licence after one year in the school, depending on a recommendation by the headteacher to the school management committee, but a child, once home, who re-offended could be recalled if this happened prior to the expiry of the approved school order to serve all or some of the remaining period of the original order.

## **Types of training**

Schools were required to focus on education and trade training. Most of the schools, especially for the fifteen-plus age group, had a particular trade speciality. There were a few schools which were nautical schools, where the emphasis was on preparing boys for the merchant navy. There were also a number of schools directed to occupations like farming and building.



## **Measures of effectiveness**

The Home Office produced annual reports on the operation of various aspects of the approved schools. There was a particular emphasis on assessing the effectiveness of the system. The main way of measuring the success of the schools was based on a system devised in the days of the reformatories. Any young person who did not offend in any way within three years after their discharge from a school was deemed to have been a 'success'. In early years the success rates were around 70%, but by the 1960s this had fallen to around 34%.

In some ways reoffending rate was a very inadequate measure, for no matter whether the offence was riding a bicycle with no lights or breaking and entering, it was deemed a crime and so a failure of the system. There no measure of the longstanding impact that the schools training may have had on each individual, for good or ill. Nevertheless, this was the standard which was used and by that standard the schools were becoming much less effective as the years progressed.

## **Headline problems**

The approved schools attracted a lot of attention from the media and they reported, some at times with complex motives, incidents where things went seriously wrong. There were three major occurrences. The first was in 1947 in a school in Staffordshire, Standon Farm, where a group of boys stole rifles from their army cadet armoury and after setting up a device to kill the headmaster shot dead a housemaster; in 1959 there were riots at a school in Bedfordshire - Carlton School, which was swamped with media hordes and lasted on and off for two days and involved most of the school's ninety-plus boys absconding. Then in 1967 there were revelations of excessive use of corporal punishment in a school in Surrey, Court Lees, with publication of photos on the front page of the Guardian of the badly wounded bare behind of a boy maltreated in the latest incident.

In each case questions were asked in Parliament and ministers were held to account. These incidents were all linked to inept staff attempts to control groups of delinquent boys. In the first two cases, it was by a policy of reducing the chances of early discharge home on licence, the usual option in other such schools, and restricting reception of letters. In the final instance by frequent excessive use of permitted corporal punishment.

## **Outcomes**

In 1947 and 1959 any offending behaviour of the boys involved and shortcomings of individual staff who oversaw the mismanagement were dealt

with internally in various ways, but in 1967 not only were the individuals castigated and the school closed but the whole approved school system was also seriously questioned.

### **Revised thinking and the arrival of CHE's**

It was against the background of concern at falling success rates, the headline malpractice of some schools and a general feeling that children and young people should not be given the stigma of being labelled as criminals that, after a series of government White Papers, the Children and Young Persons Act of 1969 was introduced.

### **Task force**

The DHSS appointed a special task force, led by Barbara Kahan, and former children's officer and then Director of the Development Group at the DHSS, to spearhead changes in approach by the former approved schools and a series of conferences and training events were mounted countrywide. It established three community homes project partners where they worked intensely with management and staff over a three year period to develop a more child centred system and published a number of reports and guidelines, some influenced by the 1970 Home Office publication *Care and Treatment in a Planned Environment*.

In 1979 it summarised its endeavours by saying:

"In the 8 or 9 years since its inception the Group has undertaken many projects and has produced a long list of publications, 9 of which have been published by HMSO. The Development Group's programme for 1976 involved work with 1,300 people, including 68 English and 7 Welsh social services departments, 37 education departments, 34 probation services and 11 police forces".

The new CHEs became more staff-intensive and much greater emphasis was put on the importance of personal relationships which led to a higher staff ratio, with associated costs.

Trade training was generally discontinued as being outmoded. The religious persuasion of the young person was no longer a factor in deciding where to place a boy or girl. In theory children who were sent to CHEs were no longer convicted offenders, although in practice many still were. In the mid-1970s numbers being referred to the schools remained on a par with those previously sent to approved schools.

## **New referral system**

The new legislation radically changed the referral and placement system for the schools and child in general. Magistrates could no longer send a child to an institution of any kind. They could make a care order but it became the responsibility first of the local authority children's department and then, following the 1974 amalgamation of all care services into one body, namely social services departments, to take what action they thought appropriate. At first, many local authorities and magistrates interpreted the making of a care order as an expectation that the child would be placed in residential care but the local authorities soon began to realise it was up to them what happened.

Most of the former approved schools therefore continued to function but under a new name, philosophy and structure.

## **Regional planning**

An important organisational innovation was Regional Planning. All children's establishments, be they children's homes or former approved schools, were to be called community homes. The schools themselves pushed for it to be made clear that they also had an educational function and so to distinguish them from other community homes, they were called community homes with education on the premises or CHEs for short.

Services in England and Wales were divided into twelve regions and each had to form a Regional Planning Committee made up from the member local authorities and other interested parties. This was with the aim of each region becoming self-sufficient in the resources it required to meet the needs of all but the most extreme cases of its children and young people. The Home Office lost all responsibility and oversight with the introduction of the new structures, with responsibility being transferred to the newly formed central government Department of Health and Social Security.

## **Escalating costs**

A major concern, as with the approved schools, continued to be the weekly cost per occupant of the schools. In the London Boroughs Region, for example, costs for these schools and assessment centres rose from £82.5 million in 1973 to £116.5 million in 1983.

Weekly rates per resident went up from around £90 per week in the early 1970s to nearly £500 per week per child in the mid-80s. With all the other pressing demands on social services budgets and ever-increasing government cutbacks in grants, the schools became an easy target for savings. Between 1977

and 1990, 87 of the 110 CHE's ceased to operate and not many years after that the remaining 23 also closed.

As the CHE's randomly collapsed during the 1980s and 90s, the staff and the skills that many had acquired and the training courses on which they were trained were discarded and courses closed. It also worth noting that the financial savings made from all these closures did not, for the most part, go to enhancing children's services but were used instead to cover other local authority services or to reduce their overall debts.

### **The end approaches**

Over the period from mid 1980 to the early 1990s, the whole residential system for dealing with younger offenders and troubled children began to collapse. And, incidentally, a decade or so later, much of the voluntary and local authority residential provision for children also closed.

It is clear many of the approved schools had become dysfunctional in various ways. But at the onset of the new CHE system, central and local government and other official bodies had invested much time energy and ideas in trying to create a more child centred system. I do not think the approved schools and CHEs entirely failed but with financial and new thinking towards community based services, it was clear their viability was fast diminishing. But I do think that the closures could and should have happened in a planned and orderly fashion, with the reallocation funding to provide continued support for young people in community-based ventures and in specialist residential provision where necessary. This only happened to a very limited extent.

### **Conclusion**

- It became clear in the 1960s that the approved schools were no longer in tune with the changing philosophy of a changing society. In response the Government made serious efforts to reform them by changing them into CHEs.
- At the onset of the new CHE system, central and local government and other official bodies had invested much time energy and ideas in trying to create a more child centred system.
- Although they did not entirely fail in this, with loss of confidence in the system, together with financial pressures and new thinking about community based services, made it was clear the viability of CHEs was fast diminishing and so they closed in a generally uncoordinated way.

- A final question then. Have we really created an effective replacement service that serves young people and society well or are we still struggling to find the answers?

I hope at the end of this compacted look at the past that it has been helpful to you as we go forward with our thinking about present and future provision.

## Session C: Discussion

### **The control-treatment tension**

The age-old conflict between control and treatment for young offenders and views on whether they should be seen as deprived or depraved, or both, are still salient. The CHEs for boys that evolved from the approved schools in the 1970s widened their intake by admitting troubled children who had not offended in addition to offenders. This confounded the aims of the establishments and raised two fundamental questions which had previously been suppressed - what is the purpose of custody for children? What should be the balance and relationship between control and treatment? Interestingly, this justice-welfare distinction was less marked for girls and perceived differences within the resident population tended to be based on other criteria, such as risk of moral danger or likely self-harming.

### **The importance of language**

Questions were raised about the use of language as it symbolises attitudes to young offenders and sets the tone for ways of dealing with them. One commonly held perspective is derogatory and negative, using terms like delinquency, deviance, control and reform, while another pays less attention to criminal activity and views the child as 'someone in need who happens to offend' and likely to be best helped by therapeutic and supportive services.

This contrast is manifest in many official documents where the term 'children' is deliberately used to indicate immaturity, anti-social rather than criminal behaviour and the influence of families as opposed to intractable criminality as a deep-seated personality trait. Confusion can arise from using the term 'children and young people' as it blurs age differences and leads to the 'adultification' of children. It was considered by current practitioners that all under 18s should be referred to as children.

A particularly damaging effect of focusing solely on the child is that he or she comes to be viewed as different and separate from others and gets targeted, whereas it is often the parents who are the greater offenders.

These contrasting perspectives and associated language often reflect wider beliefs about social problems and human behaviour. The *raison d'être* of the approved schools was offending, so the residents were a clearly defined group and the focus was on them as individuals who needed to be kept away from society and reformed. There was little consideration of their wider social context, much of which, such as families and peers, was seen as baneful. It is always necessary,

therefore, to be mindful of regressive forces in society and what directs our and others' thoughts on social issues.

Interestingly, the approved school system separated younger from older children with three levels of schools - junior, intermediate and senior - depending on the child's on admission. This shaped the resources and activities provided, such as the type of education and trade training. However, there is little differentiation in the current YOI system and 14 and 17-year-olds freely associate with one other.

### **Other forces shaping policy and practice**

An important force shaping criminal justice policy and practice is funding. It limits resources such as staffing levels, especially at evening and weekends, and determines the range of staff skills that can be harnessed.

Equally significant is the autonomy accorded different establishments. There have always been official guidelines and standards but traditionally establishments have been fairly free to operate their own regimes and develop their own specialities. However, staff currently working in YOIs say they feel more hemmed in than ever and this is limiting therapeutic options, especially since the Covid-19 pandemic restrictions.

Finally, questions were asked about how the recent reduction in numbers of children in custody has been achieved and what it means for establishments and support services. Similarly, the significance of the growing proportion of BAME entrants, which was not a major issue fifty years ago, was raised.

## Session D: "That sort of girl..." Approved Schools for Girls in England and Wales, 1933-1973: A summary of research – Jessamy Carlson

My session today will be based on the four years of doctoral research I've recently undertaken as part of my PhD in Sociology at the University of Essex, where I am supervised by Prof. Pamela Cox. In my day job, I work at The National Archives in Kew, so I bring the insight of both archivist and historian to this research. I came to this field of research after a stint in the modern records unit at a county council, which I undertook the summer before my Masters degree. I was asked to weed the case files of children committed to the approved school there, though at that point I had little concept of what the school was or did. The contents of the files there have stayed with me to this day, and several years ago, as the Serious Case Reviews for Rotherham, Rochdale, Derby, Bristol, Aylesbury and so forth came into the public domain, I realised there was considerable overlap between the language used to describe the children in that school in the 1930s and the circumstances set out in the SCRs in the late 1990s and early 2000s. It appeared to me that there was potentially a gap here for further research into these schools, and so, here we are today.

This paper will be split into two parts, which are as follows: In the first part the approved schools system (in general) will be discussed, building on Jim Hyland's paper, and discussing what we see in the girls' schools, distinct from the boys in my preliminary findings. In the second part, the three schools used as the basis of my research will be discussed and my findings to date will be set out, discussing how these sit within our existing understanding of the approved schools.

### **Approved schools for girls: a brief overview**

So, as Jim Hyland expertly laid out, approved schools for girls (and boys) existed in England and Wales between 1933 and 1973, brought in by the Children & Young Person's Act, and phased out forty years later by the 1969 Act of the same name (although most schools continued to operate until 1973). During this period, around eighty approved schools for girls operated for some or all of that time, with twelve staying the course and operating for the duration. Many of the schools open in the early years in this period were direct 'converts' from the predecessor reformatory or industrial schools. Those schools which were still operating in the 1970s, and which continued to operate thereafter became Community Homes for Education (CHEs).



During this period, on an annual basis, the approved school population of girls and young women was in the region of 1000-1600 at any given moment, in comparison to the boys, whose population ranged in the region of 7-10,000. Home Office statistics in the 1960s estimated that 90% of the approved school population comprised boys and young men, and that these proportions were consistent throughout the operation of these institutions.

The majority of the schools, like their predecessors, were owned by voluntary organisations which had been founded by people with a definite religious commitment. A number of schools were run by the Church of England and others by non-conformist organisations such as the National Children's Homes, or the Salvation Army. There were two schools run by Jewish orientated groups, although very few Jewish children are thought to have been sent to approved schools. The Roman Catholics were the most insistent on children of their faith being sent to their own schools. The Home Office respected and endorsed this belief in the importance of religion in the approved schools system. Indeed, this is reflected in the statistics, which are convened into Catholic and Non-Catholic children well into the 1960s within Home Office files.

Approved schools were divided into categories, designated according to the age range of children they accommodated. This was partly to ensure that the educational provision was age appropriate, and partly to segregate younger children from the influences of older children. Approved schools for girls were, until 1964 – 1965, divided into Junior for girls under 15 of age and Senior for girls over 15 years of age. Latterly, however, Intermediate Schools were provided for girls aged between 14 and 16 years, and some of the senior schools retained older girls in an associated or attached hostel, so that they had a secure base from which to go out to work or further training. In comparison, the gradings for boys were: Junior, up to age 13 on admission, Intermediate, between the ages of 13 years and 15, and Senior, up to the age of 17 years, for the duration of the operation of the approved schools.

Approved schools acted as a final port of call for children coming through the Juvenile Courts, and in some cases, were the precursor to Borstal. Children found themselves in front of the Juvenile Court for a wide variety of reasons: the rationale for committal to an approved school might be because they had been convicted of a crime which, were they an adult, they would have been imprisoned for, but it was also a place where children might be sent for their own welfare or safety. Children were removed from their parents on a regular basis through the mechanism of care or protection, later care or control orders throughout this period.

In the contemporary discourse around the operations of the approved schools, and particularly in the Approved Schools Gazette, it becomes very clear, very quickly, that the majority of theory, practice and discussion reflects upon the experiences of the boys' schools. This is perhaps inevitable. As Jim has said, upwards of eighty five percent of the children in the approved schools operating at any given point between 1933 and 1973 were boys, and there were significantly higher numbers of boys going through the juvenile court system. It is a matter of fact that boys make up the majority population of approved schools in the mid twentieth century. Girls were in the significant minority, but they were present. Between 1,000 and 1,500 girls were committed to an approved school in any given year during this period. It is, however, often difficult to believe this when one considers the professional discourse around the approved schools. Girls are rarely referred to specifically, and when articles discuss 'children' it quickly becomes clear that they mean 'boys. In all the articles of the Gazette, the words 'girl' or 'girls' appear in fewer than five percent of titles, whereas boys appear in more than fifty five percent.

Girls and boys are presented very differently throughout discussion of approved schools, be that in Parliament, in the professional journal associated with the schools, or in the press. Girls are difficult, sometimes immoral and in need of protection, but broadly speaking, not discussed in terms of criminality. Historic Hansard is a very useful source for such commentary, be it evidence based, or principally anecdotal. For example, in 1938, James Ede, the Hon. Member for South Shields discussed his experience working with the local education authority, and the provisions made for "difficult children" in a House of Commons<sup>1</sup> debate on approved schools.

"Certainly, one girl that we had there, a girl nearly 17 years of age, did present certain moral problems in association with younger girls that made her case exceedingly difficult. We have not had to face the same trouble with regard to boys in the same degree, but I think there will really have to be, where it is possible, some grading of remand homes, so that even from the first time that a child is sent to a remand home it shall be sent to some place suitable to the grade, and that some of these children who are merely brought in because they are in need of care and protection—and this again applies more to girls than to boys—shall not be brought in contact with the type of child mind with which I have just been dealing."

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1. Approved Schools, etc., England and Wales, House of Commons Debate, 01 March 1938, vol. 332 c. 965 via.

In 1950, Christopher Hollis, the honourable member for Devizes commented that

"the approved schools now consist of boys and girls guilty of quite concrete offences, and others who are in no kind of sense criminal but merely rather difficult. I understand that one of the reasons against recommendations to Borstal is that it would be wrong to recommend Borstal for those who have committed no offence. Whether it is desirable that those two sorts of young people should be mixed together, in the sense that they are mixed together at present, in the approved schools, is something which I am not at all certain is right or wrong."<sup>2</sup>

And in 1963, Alice Bacon, later Baroness Bacon, the honourable member for Leeds South East, in drawing together proposed reforms to the Children's Act, made the following observation:

"A good many children in approved schools, particularly girls, have never committed a crime. They are in the school because they were in need of care and protection. I speak from memory. But I think 64 per cent. of the girls and only 5 per cent. of the boys are in these schools because they were found to be in need of care and protection. They have not committed any crime, and yet their parents have no chance whatever to go to a court and to say, "We think that our child should be released from the approved school. There is evidence of some astounding cases."

From my perspective, this is where the differences between the schools becomes really interesting. The rationale for committing a child under a care or protection order ought to be gender neutral. Violence in the home, exposure to abuse, and other welfare concerns are not only experienced by girls, and it is worth noting that this mechanism is so extensively used in the care of girls, but not of boys, based on the data provided by the Home Office. Are girls overprotected? Are boys under protected? Perhaps it is a bit of both?

In comparison to boys, where, at the lowest point, fewer than 1% committed to approved schools were so under CPOs by the 1960s, in comparison to over 67% of girls being committed to approved schools under such an order. In fact, when the Home Office were drawing together their projections for the future of approved school occupancy in 1961, one official remarked to another, the illustrious Miss Nunn, that he had

"not attempted a projection for girls. More than half of the girls in

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<sup>2</sup> Approved Schools House of Commons Debate, 14 June 1950, vol. 476, cc 512 via <https://api.parliament.uk/historic-hansard/commons/1950/jun/14/approved-schools>

Approved Schools are "care or protection" cases, and the trend in these is not closely related either to population or to crime-rates. There is a recent tendency to commit fewer girls and to keep them a shorter time, so that there is not likely to be an accommodation problem."<sup>3</sup>

The Home Office was firmly of the view that boys and girls in approved schools were quite different, and that for the majority of the girls, since they were non-criminal, they were not a useful addition to the statistics. The majority of our understanding of approved schools is, as a result of the weighting of boys and girls within the approved school population, predicated on the experience of the boys, even where discourse discusses 'children'. But there is evidence that everything from the reasons for committal to the daily routine to the outcomes differ for boys and girls, and comparatively little is published on the girls.

### **Gisburne House, Princess Mary's Village Homes and Burford House**

My research to date has focused on three approved schools for girls situated in the South East of England. They are:

- The Gisburne House Approved School for Girls, a junior approved school which operated in Watford between 1933-1956;
- The Princess Mary Village Homes for Girls, an approved school in Addlestone, Surrey, which took children of virtually all ages for the entire period of operation of the approved schools, including older and pregnant girls;
- Burford House Approved School, (formerly Elm House Approved School and latterly, Burford House Approved Hostel), which collectively operated in and around Putney, from the 1940s until 1973. Initially a junior school, it converted to senior girls after the Second World War when it moved premises, before converting into a hostel in the late 1950s, specialising in the oldest girls in the system and acting as a base for young women as they completed their time on license and undertook employment and or training.

The decision to look at these three schools came about from three factors: the duration of the school's operation, the survival and availability of the records for research (as negotiated in advance) and the proximity to London, a key factor for me since I work and parent full time, on top of my doctoral research.

It is fortunate indeed that there are a good selection of records surviving for all of these schools, including admission, discharge and licensing records, as well as formal reports to their management committee. These schools are quite

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<sup>3</sup> TNA BN 29/1855

different in some respects: as junior and senior schools respectively, they took children of different ages, but there are commonalities regardless. All of these schools, for example, had a close connection with the children's department at London County Council, and a significant proportion of the children committed to the schools were resident within London. However, children were sent to all of these schools from across England and Wales. Burford House, an institution which came to deal predominantly with older girls, regularly had girls transferred to them from both Gisburne and Princess Mary's, and it is also clear from the admissions registers that girls moved between Gisburne and Princess Mary's too. However, girls came from all over the south of England to Burford House, partly because there weren't many such institutions, and partly because London offered a broad range of employment opportunities and a degree of anonymity for young women attempting a fresh start. Although children under the care of London Country Council do make up a significant part of these school populations, there is a wide geographical frame for children committed to these institutions. Children at Princess Mary's, for example, came from as far afield as Monmouth, Loughborough, Dorset, Kent and the Channel Islands.

### **Research to date**

So having earlier pointed to the difference in reasons for committal between boys and girls, this is borne out in the sample of 600 girls, who were sent to these three approved schools I have researched to date, girls who were committed, by and large, for three main reasons, in broadly equal proportions:

- i. Non-attendance at school, and therefore, a breach of truancy proceedings brought against their parents, and which often saw the removal of siblings collectively; [there is a discussion here about who is being punished in this scenario... but it is probably for another time and place.]
- ii. Care or protection orders (which encompassed a variety of situations, the majority of which were well beyond the control of the children themselves);

Care or protection orders could be granted for an extensive list of reasons but the most common listed in my sample were as follows:

#### *Section 61:*

"For the purposes of this Act a child or young person in need of care or protection means a person who is

- a) a child or young person who, having no parent or guardian or a parent or guardian unfit to exercise care and guardianship or not exercising proper care and guardianship, is either falling into bad associations, or

exposed to moral danger, or beyond control; or

b) a child or young person who

- i. being a person in respect of whom any of the offences mentioned in the First Schedule to this Act has been committed; or
- ii. being a member of the same household as a child or young person in respect of whom such an offence has been committed; or
- iii. being a member of the same household as a person who has been convicted of such an offence in respect of a child or young person; to
- iv. being a female member of a household whereof a member has committed an offence under the Punishment of Incest Act, 1908, in respect of another female member of that household; requires care or protection; or

c) a child in respect of whom an offence has been committed under section ten of this Act (which relates to the punishment of vagrants preventing children from receiving education).

*Section 61 (2)*

For the purposes of this section, the fact that a child or young person is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether to not there is any pretence of singing, playing, performing or offering anything for sale) or is found loitering for the purpose of so begging or receiving alms, shall (without prejudice to the generality of the provisions of paragraph (a) of the last foregoing subsection) be evidence that he is exposed to moral danger"

*Section 62:* "A juvenile court is satisfied that any person brought before the court under this section by a local authority, constable, or authorised person, is a child or young person need of care or protection."

*Section 64:* "Where the parent or guardian of a child or young person proved to a juvenile court that he is unable to control the child or young person, the court, if satisfied a) that it is expedient so to deal with the child or young person; and b) that the parent or guardian understands the results which will follow from and consents to the making of the order."

- i. Larceny. Very occasionally girls were committed to approved schools for other criminal offences, but in my research, I have only turned up non-larceny offences in fewer than 0.1% of the children committed for

criminal convictions to the schools I have worked on. Boys were admitted for a far more miscellaneous range of offences such as TWOC, breaking and entering, and ABH.

Thirty-seven per cent of the girls committed to Gisburne House in this period, for example, were committed for larceny, (i.e. for criminal offences) and almost 63% of the girls were committed under either care or protection orders, or as a result of truancy orders (i.e. for non-criminal "offences".) At the Princess Mary Villages Homes, between 60% and 70% were committed under care or protection orders in each and every sample year, the percentage increasingly slightly across the period. And at Burford House, 37% of the girls were committed for various forms of larceny, while the remaining girls were committed for variant offences defined in care or protection orders. It is worth noting that the rationale for care or protection orders does alter as the girls get older. Truancy orders fade away as the girls become older, an inevitability when one considers the school leaving age during this period, while "beyond control" or "refractory" becomes increasingly common as older girls are dealt with, though without case files available, it is not easy to determine exactly what behaviour or circumstances might be determined as such. It is worth noting that the distinction between these two is that if a child is "beyond control" they are still in their parents' care and if they are "refractory" they are in the care of the local authority. The behaviour may be exactly the same, but in a different setting. It is clear that this is a mechanism used extensively to police and control the behaviour of girls and young women. "Moral welfare" is a notion discussed regularly pertaining to girls but is not a concept I have seen much reference to in any context relating to boys.

Yet, if the discourse in Parliament and the ASG are to be believed, care and protection dominates the girls' schools. The evidence however, based on this sample, reveals this additional element of larceny, which is barely spoken of. It is also interesting that it appears that larceny is the crime girls are convicted of with such regularity, and that other crimes barely appear amongst the convictions of girls. Occasionally (and usually where a girl has repeatedly absconded from the school) regardless of the reason for her committal, she might be transferred to Borstal. However, since Borstals were largely in place for boys, and there were often insufficient places secure enough for such girls - the nearest unit was Aylesbury - they often ended up in HMP Holloway, which knowing what we know of mid twentieth century prisons for women, can reasonably be understood to be far from ideal.

One of the other points of interest is the age of the girls being committed to the schools. Approved schools were intended for children between 10 and 16,

by and large, with the occasional child staying until she was 17, although this is unusual. Even Burford House mostly dealt with girls in work or training who were 16. What is interesting is the range of younger children committed to the approved schools in this sample. Across its operation, upwards of 15% (on average) and up to 33% (at its height) of the children committed to PMVH were ten years old or younger, even though this is supposed to be exceptional. 15% over 40 years probably does not constitute exceptional but rather suggests an alarmist regularity. In all of these cases, the children were committed for non-criminal reasons: some were sets of siblings. One group of sisters from Monmouthshire comes to mind. A seven-year-old, her eight-year-old and ten-year-old sisters were all committed to PMVH, in Addlestone, some 130 miles from home, where they stayed for upwards of four years each. Their oldest sister, at almost 13 was not committed, possibly because she was so close to school leaving age that other approaches were determined more suitable. The sisters did not return home until their older sister married when she was 16. It is interesting that there was clearly an attempt to keep the siblings together, which did not always happen. Such younger children were also committed to Gisburne House, but unlike PMVH, at GH, younger children were fostered out with immediate effect, sometimes only entering the school 'on paper' while on other occasions lasting only a few hours before being collected by foster parents, with whom they stayed until the end of their committals, and sometimes beyond. So, while younger children appear in the statistics, the reality is that their time in the school was really very limited. London County Council, the proprietor of the school, operated an extensive foster care network in Hertfordshire, which it put to good use in cases such as these.

In summary therefore, my research to date has shown that the rationale for committal, and the public perception thereof (historic and contemporary) is more complicated than widely acknowledged, and that although care and protection cases (or at least non-criminal cases) made up the majority of girls committed to approved schools in this period, there was a not-insubstantial proportion of girls with criminal convictions in the schools. It has also shown that that these non-criminal cases are more nuanced than sometime represented, and that truancy played a significant role in committals to approved schools, particularly in the earlier half of the period, and finally, it has shown that a significant number of children younger than the act intended passed through these schools, which in turn has revealed attempts to keep siblings together, an arguably more progressive approach than seen in predecessor organisations. This has been a brief run through my findings to date, but I hope has been of use and interest.



## Session E: Discussion

### **The neglect of a focus on the needs of girls**

It was noted that traditionally much of the discussion on policy and practice in juvenile justice focuses on boys; what was deemed suitable for them was often seen as appropriate for girls, perhaps if watered down. There were specific concerns peculiar to girls, such as risky sexual behaviour and mental health issues and differences in practice were apparent in things like the checks made for VD/STIs when they returned after absconding. Age therefore is especially significant in fashioning services for girls.

### **The importance of language**

As before, the language used to describe girls' needs and characteristics is often derogatory, marked by terms such as promiscuous and exploited, words rarely used about boys. In providing residential care, girls are also seen as more mature, for example in looking outside for friendships and boyfriends. This sometimes causes local authorities to set a high threshold for taking action and avoid getting involved unless absolutely necessary as when they do intervene, it is harder to implement an effective care plan than it is for boys.

### **Abuse in establishments for girls**

Various examples from the past of grooming and sexual activity involving staff in girls' establishments were described, an activity that has been little recorded or scrutinised compared with abuse in male establishments.

### **Has change been all good?**

The number of girls under the age of 18 in prison custody in England is now very small, probably about 30, with no apparent rise in demands on mental health facilities or secure children's homes. Questions were raised as to whether this decline was really progressive or simply denying vulnerable girls the treatment they needed and could only get in a residential setting. Reference was made to the Child X case and the comments made by Family Division President James Mumby in 2017 on the consequences of there being no care plan or suitable placement for a deeply troubled 17-year-old girl. So, are the current services for vulnerable girls better or worse than before? Difficult behaviour is treated differently these days, parents are supported more and issues like truancy are no longer dealt with by the judicial system, so it is hard to say.

### **Coeducational initiatives**

Although the approved schools were single sex, there were several initiatives for coeducation in the early 1970s. The case of Mary Bell in 1968 revealed the lack of secure facilities for young girls and the secure unit at Redbank approved school was adapted to admit her. Also, the two secure youth treatment centres at St Charles and Glenthorne set up by the DHSS in 1970 and run directly by them were both mixed as was the new secure unit at Aycliffe.

## Session F: On the Outside Looking In - Darren Coyne

Good morning, my name is Darren Coyne, I am 48 years old, born in February 1972. I have been asked speak as a care leaver and a person with criminal convictions, having spent time as a child and young man in various forms of care, some more secure than others, and in youth custody as well as adult custody.

I should also point out that I work in the criminal justice system, specifically with those who have experienced the care system. For example, one piece of work I recently undertook was in HMYOI Wetherby where I delivered a user-led piece of work called 'Clear Approach', aimed at supporting children looked after and care leavers to have voice and influence. Most of the people I work with are older care leavers and through this work, we seek to build positive narratives. I spend much of my working week advocating for those younger care leavers with entitlements to support from local authorities. I sit on the National Care Experienced Forum, a number of related research advisory groups and I contributed to the Lord Laming Review; I do a great deal of work in campaigning for policy and practice changes in how we respond to Children Looked After and Care Leavers.

### **Title**

I would like to call this talk ... 'On the Outside Looking In', which reflects the sense of helplessness I felt as a child, abandoned and abused by all the adults in my life who should have cared for me but didn't and, indeed, left me on the outside looking into my own life as though I were not an active participant it.

### **Background**

By the age of 22 months, I was lucky to be alive after prolonged systematic physical abuse at the hands of the man who became my childhood tormentor. I had been admitted to Bradford Royal Infirmary (BRI) with severe bruising aged five months in July 1972 and placed on the child protection register; my mother said it was an accident. Then a month later, I was admitted with a fractured skull, again my mother said it was an accident. I was then admitted to BRI in October and November with a number of infections due to maltreatment at home; my mother confessing to the doctors that she could not cope and admitted to panic attacks when I cried, raising the doctor's suspicions and delaying my discharge on two separate occasions due to neglect. Within this period, I am told that I was given my last rites in a hospital bed; I can find no details of this in my files and this is a story I have picked up through the very many bits of conjecture that a kid from care gets from the occasional contact with a dysfunctional family. That's the thing with a care file you see, it helps to verify, or otherwise, the

details of these 'bits and pieces' you pick up. It gives you control of your history and takes the power of what you know of your life out of the hands of those who choose to be more or less responsible for your understanding of your history, your present and your future.

By January 1973, my abuser was due to receive a jail sentence for theft and other misdemeanors and by February of 1973 my mother had taken me back to the hospital claiming she couldn't cope with looking after me. She offered me up to social services for voluntary care, they obliged.

What is clear is that there is substantial evidence of my family being hopelessly dysfunctional, abusive towards me, neglectful of me and a mother who admits that she is unable to cope. A point borne out by the fact that I am in and out of hospital in the very early stages of my life for a number of apparently accidental and very severe injuries, as well as neglect as observed by two separate doctors.

By the July of 1973 the state had a serious case conference on me and recommended that I be supervised, but allowed me back home to the care of my mother, even though they admit to knowledge of all the abuse and refer to other times that I have been seen with marks and bruises on my body which are not the result of play.

By the August of 1973 I was observed by a health visitor to have a black eye and other fading bruises on my abdomen and back. The social worker to whom this was reported was the one charged with the responsibility of supervising me following the case conference in July 1973 and his response is recorded as being; 'no action to be taken'. I was then admitted to Huddersfield Royal Infirmary (HRI) with an injury to my leg and foot, x-rayed and sent home; this was followed by a beating in which I was severely injured.

This beating was in the December of 1973 when I was only 22 months old and my mother's partner is recorded as having beaten me severely with a scrubbing brush; so much so that I was in hospital critically ill until January 1974. The doctor's report states that I had extensive bruising, particularly marked over both my buttocks, both my forearms and on the soles of both of my feet, with two black eyes due to a blow on the face and a bruise on my right cheek. I had other smaller bruises all over my body.

When I was older I was told that he had done it because I would not use the potty and when I cried he beat me. He was jailed for the December 1973 abuse; 2.5 years he got, but that was for other things he was in court for too.

I've spent a life-time resenting a care system that never cared for me and abused me, a family that abused and neglected me and a community that never accepted me ... I was lost, I was abandoned and very much alone and isolated.

I committed crime, hurt society, community, the care system and anything else that seemed game. Me and my 'mates' were daring and that's all we had ... reputation.

I spent my childhood in many short term emergency foster care placements that were to protect me from abuse. Social workers and police would come and collect me from home or often from a women's refuge that we had managed to escape to. Soon thereafter I would go to a children's home. These usually housed 7 or 8 children and I would spend anywhere between 6 and 18 months there. They would then send me home to mum, believing the cause of the abuse, i.e. her partner and also her abuser, had left and/or was in jail.

However, he was never out of the way and was able to convince her to convince social services that he was not around. Inevitably, the abuse recurred and I would go through the foster care placement and on to a children's home routine. This continued from being baby and, according to the dates in my care files, ran from age 5 months old to age 11/12 by which stage I had become entrenched in offending, absconding and hanging out with much older guys.

Eventually I was placed into an assessment centre in Mirfield and from there I went to a CH(E) in York, which went by the name of Stockton Hall and which is now a secure hospital. Arriving at the building you would think you had arrived at a stately home; however it was far from that. It was a regimented system of three units, Milburn, Whitman and Shipley. The former was where you were placed on arrival and I remained there for the first 6 months. There were many boys there who were older and on remand, so only there short term until the court sentenced them. The latter two units were where you went if you were there for the long haul ... I went to Whitman. We were schooled there and the education was poor to the point we were not expected to take any exams, so I left with no formal education or qualifications. Life worked on a privilege system of 1 – 4, with 4 being the lowest. The highest would allow you to have one evening per week in York unaccompanied and 4 would not allow you out at all. 2 and 3 gave you varying options of accompanied outings with staff. Most boys went home on weekend leave for holidays and I was unable to do that as home was no longer a suitable place for me by this stage.

Punishments ranged from loss of privileges to hours of work. The work would be demeaning and you had to do it until the hours were worked off. There are many occasions I recall of physical abuse by staff to myself and other boys.

I was 12.5 years old and remained there until 15.5, when I absconded for the final time and never returned to care, living on the streets for a couple of years. Inevitably, or at least it seemed at the time, by age 17 I entered the youth custody system following numerous periods of time on remand on the YP wing in what was then called HMP Armley, now known as HMP Leeds .

It is from the age of about 12 that my memory serves me best ... although I do remember life before then, it is safe to say life was more chaotic prior to this. Life was violent and couched in fear. In some respects, the CH(E) rescued me as it took me away from the back and forth of life in care and at home. Because of this I grew, but it took time and my behaviour and offending escalated, with me as a child becoming more aggressive. One might say I was damaged by this stage of my life and very little in the way of intervention would have worked. I do believe I did not care to live nor die at this very young stage of my life.

Accessing my social care files has helped me piece together my young life as various reports give me a chronological history and tell me where we lived and what involvement there was from social services, the police, hospitals, health visitors various voluntary children's charities, case conferences and many other 'professionals'. These reports give me a chronology of my life; times I spent in care, which homes, emergency foster parents or assessment centres, for how long, and it also shows times I was sent back to a family home as deemed to be 'safe'.

During my years in that CH(E) I never once assumed I would be released. I say released because it was made clear that my time there was very much a punishment for my inability to live well in other aspects of the care system. As mentioned, I did foster care, smaller community homes and assessment centres. Absconding and committing crime led to a harsher placement each time until I went to that CH(E) and during my time there lots of episodes of absconding and committing crime.

It was not a prison as such with barbed wire and the like, but we were very contained within units and were schooled there. It was very much semi secure. I guess you never think of being released, you just give in ... I know as a child it felt more like control from which I had to wrestle what control I could, which I did by absconding, only to be caught by the police and returned, often with a string of convictions and a court date. The uncertainty of release was never an issue, I guess as it was a given there was no release date.

Eventually I absconded for the final time and disappeared onto the streets for a couple of years. When I finally popped back up the care system wasn't an option, but youth custody was.

I spent my childhood running away from violence, from violent people who made clear they would keep hurting me and I had no other real defence other than to run ... I was a child.

Whilst 'on the run' as we would call it, I spent my time committing crime, partly because I had to feed myself, but even if I could have fed myself without stealing I would have committed crime just for the buzz of it, the excitement, the escapism and because I guess I believed no one cared so I didn't care and so maybe it was also partly vengeful.

They called it care, but to me they lied ... they were meant to protect me, but never did .. they abused me in different ways. I was fearful in care and fearful at home .. there was no escape ... I was imprisoned within my own life and had absolutely no control whilst everyone around me had the absolute control over me.

I ran away to escape it ... I committed crime to escape and I took substances that dulled the pain, I made sure I was the most daring, the ever dependent thief, dare taker, trouble causer. It gave me purpose and I was noticed in the deviant network. I exercised a degree of control here. I felt the whole experience of care was unjust and as I say I eventually escaped and lived on the streets, which was to me at the time the best option.

To understand this I guess one has to understand the impact of a childhood where no one ever said I love you and you didn't even know what love is as it had never been expressed. No one ever sat me on their knee and told me 'your safe' and nor did I ever feel safe. You eventually realise it's on you, so you fight.

As anyone does, you set out to achieve ... you just don't know that's what it is because to you it's just your strength carrying you on.

## **Thereafter**

You may be forgiven for thinking I am just a man who used to be a young man who grew up in care and spent his youth offending ...

I am much more than that ... I work in the field, despite the very many setbacks it gives, the discrimination inherent within it and the stigma and associated vetting and surveillance I have to content with daily.

I chose to get the education the system denied me as a child and young man ... I did it in my mid-20s, taking away a BA (Hons) Sociology and MA Social Research from the University of Leeds. I have developed a career working with and for those who have justice and care experience, actively campaigning for change; policy change, systems change up and down the country. I have quite a respected reputation and I am called up on many times to contribute as a

speaker, not so much as a person with convictions and an experience of care, but more so as a professional with much to contribute to research , policy development and practice.

Refusing to be a victim of circumstance and in spite of the lack of expectation of the 'caring profession' that claims to have contributed to my upbringing (it did, but just did it badly), I have done reasonably well and done so against the odds.

I think what connects me to the past and present is the experience of a childhood in care, the institutions I lived in, which are referred to by the many speakers here today and by my working life which takes me into the justice system ... working in YOIs, prisons, probation services, YOTs and sitting alongside those who make national policy decisions.

As a campaigner, advocate and a person with lived experience I have a past and present experience.

My early life was a colourful journey, lots of lessons learned and I believe much to offer as insight. Importantly, I believe we must speak out (should we wish) in order to effect positive change, question policy, see improvements in practice and not just to tell a story. Hence the job I currently do.

I do believe a trick is being missed in failing to acknowledge and develop an understanding of those with experiences similar to mine. This could be developed through research and direct engagement. My engagement of this group of men up and down the country demonstrates they have a great deal to offer and we have much to learn that could and should inform the current justice system.

Through my work I have met many people who have experienced similar to myself, but unfortunately not all have been as fortunate as me in finding the routes I found and instead seem to recycle through the system. They are often released into the same poor circumstances they found themselves in before custody, which happen to be the same conditions they have lived in since care left them as teenagers.

## **Finally**

As an individual I take issue with the idea of a 'care community'. I am a fully paid up member of society. I've contributed positively, I pay taxes and I always try to be a good 'citizen' (whatever one of those are). I am, however, due to my experience of care and a somewhat strange childhood, what one might refer to as 'unique'. BUT, only in so much as the childhood was unique and that's the part which needs to be recognised when stating we are as care leavers able to



offer unique insights to policy and practice. I do not need to be part of a seemingly separate 'community' to be recognised for this unique aspect of my life experience.

At the end of the day I am just a bloke who as a child spent time in care, went to jail and some might say pissed a part of his life up the wall. On that basis I have some insight that would be useful to understand, but I have no connection to this care community, with its suggestion that we all experience care and the shite that comes with it in the same way.

## Session G: Discussion

### Triggers that change lives

Having described his experiences, Darren was asked about the triggers that had led to the changes in his life. He said that main thing was that he 'grew up' and overcame his deeply rooted and long-standing sense of having little control over what happened to him and the lack of direction in this. Once he had done this, he was able to break down the barriers that had prevented him from flourishing. A lot of people had tried to help him but they 'rarely spoke his language'. A stable relationship and fatherhood were major spurs later on. These gave him a sense of what loving and being loved meant.

### Understanding trauma

The concept of trauma was identified as especially illuminating as it links past to present. But there is a danger that it can be a 'catch all' term and needs to be properly understood and incorporated into practice backed by with effective therapies.

### Professional training

The issue of training was raised and how well motivated young workers can be helped to overcome the shock of dealing with their first horrific case and frustrating experiences without them losing heart or becoming overcautious. Things have changed a lot in recent years with more knowledge available and greater multi-disciplinary support in uncertain situations but does this mean that services have become overcautious and dominated by risk management? Again, an understanding of trauma can help with recognising the fundamental cause of children's problems and informing interventions that balance the possible damage caused by long-term stays in care with the need for short-term protection.

### Privatisation

There was concern that most residential child care is now run by private agencies and whether the plethora of opportunist openings and short-term contracts combined with a clear profit motive have reduced the chances of achieving continuity in the lives of separated children who need it. Darren recalled that he hated foster care for a time because it reminded him of his abusive family. It would, however, be wrong to be totally condemnatory as there is more transparency and external scrutiny nowadays in residential care and work with families is more about communication than good and bad behaviour,

so there is less likely to be an emphasis on behaviour modification delivered in isolated silos and more concern with treatment and communication.

### **Reforming children's services**

Darren's narrative suggested that we 'preach justice, seek mercy but practice vengeance', which raises the question that if there is no justice or mercy in society what can we do? Darren managed to remove himself from the dangers of street life and his message is that we need to look not only what care can offer but also what is missing. Suggested deficits included: professionals and carers displaying poor aspirations and low expectations of children, failing to find and build on children's resilience, providing token rather than proper educational opportunities, not accepting that children's seemingly self-destructive behaviours are often rational given their situation, allowing stigmatisation and the imposition of rules that highlight difference, such as refusing to allow sleepovers, and cutting children off from adults outside the family who can have a positive influence on children's lives. This would help prevent status deterioration and reduce children's dependency on a system that finds it difficult to provide security and stability.

## Session H: Conflicts, Scandals and Change - David Lane

### **The demise of the approved school system**

My paper follows Jim Hyland's overview of the history and development of the approved school system from its roots in the reformatory and training school systems. My intention is to consider half a dozen key issues concerning the last years of the approved school system, its development into the regionally planned system of community homes with education, and the system's demise.

It is just over fifty years since the Children and Young Persons Act 1969, which was the turning point in the change from approved schools to community homes with education, and inevitably one's memory is selective. However, distance also gives a different and broader perspective, if only in the fact that one can see what happened later on and what the consequences of policies were – both intended and unintended. I hope that even if the points I raise are based largely on my personal memories and interpretations of what happened, they will nonetheless provide starting points for discussion. Although I visited a number of girls' approved schools, my paper is based primarily on those which admitted boys.

To explain briefly about my personal standpoint, I was recruited from university by John Gittins to work at Aycliffe Classifying School as part of a drive to recruit graduates to the approved school service. He wished to improve the quality of care and education in the approved school system. The Home Office was sceptical about the likelihood of graduates being interested in young offenders but gave him a grant to visit universities in the hope of attracting staff. I happened to meet him by chance in Cambridge as I was nearing the end of my course and found his thinking about young offenders fascinating and challenging. (Half a dozen other graduates were attracted in this process, and in time they became heads of schools or voluntary organisations and directors of social services.) I was invited to visit Aycliffe, then offered a job, and the result was that I spent six years there, including a year on secondment to Newcastle University.

The Classifying School was established in 1942 to undertake comprehensive assessments of the needs of young offenders and seriously disturbed boys committed by courts for approved school training, before they were moved on to training schools. At that time the approved school system was in chaos, partly because of the upheavals caused by war, and John Gittins, then a Home Office Inspector, proposed a system of regional assessment and allocation. He also became the first principal of Aycliffe, the first classifying school, and I believe it was unusual for Inspectors to return to practice in this way.

In my view Aycliffe became the fore-runner of later assessment systems, seen first in the community homes for observation and assessment under the 1969 Act and later in the social work-based system of assessing children's needs under the 1989 Children Act. If so, John Gittins's contribution to the development of services for children and young people in this country has been inadequately recognised.

During my time there I had about a thousand boys in the house units for which I was responsible, which was a useful apprenticeship, as the work entailed not only working directly with the boys but also producing a couple of 3,000-word assessment reports a week, as well as administration and home visits.

### **Conflict and change**

The period which I am describing, covering roughly the 1960s and 1970s, was a time of considerable change, and there were strongly held views both among those who were wanting to see radical change and those who were resisting it. I first became aware of it when Barbara Kahan and Norman Tutt, who were both from the Inspectorate at the Home Office, visited Aycliffe in the late 1960s to sell the thinking behind the Green Paper described in *Care and Treatment in a Planned Environment*. This was based on thinking emerging from the Inspectorate and not from the approved school service, which was for the most part very unhappy with what was being proposed. The Inspectorate was moved from the Home Office to the Department of Health and Social Security about this time.

I think that the opposition to change was more fundamental than the inertia which one often meets in organisations which are being restructured. It amounted to a fundamental change of philosophy, imposed from outside the service.

In the previous three or four decades approved schools had been seen as institutions where the children and young people were taught the basics of education and given trade training. During the period which I am describing, there were two specialist schools, Ardale and Kneesworth, which were seen as teaching at grammar school level, but much of the education elsewhere was at remedial level. There were two schools, Wellesley and Portishead, where seamanship was taught, and others, such as Red House, specialised in farming.

Most intermediate and senior schools provided trade training, in subjects such as painting and decorating, bricklaying or metal work. The levels of expertise taught were modest but the trade departments kept the plumbing working and the schools well decorated. It was my impression that the teaching of specific skills was secondary and the primary aim was to give the pupils an

experience of work and instil ways of working which would make them employable. There were quite a few former pupils of the nautical schools, though, who obtained jobs in the merchant navy.

However, what was, in my recollection, never made explicit was that as far as most of the public were concerned the schools were meant to contain the children and young people so that the community did not suffer juvenile offending and disturbed behaviour. I recall a dramatic example of this when a gang of fairly middle-class ordinary boys who had run amok in Redcar were all committed to an approved school by local magistrates at their first court appearance because of the local strength of feeling about their activities. Unusually, appeals were lodged against their Approved School Orders, which were discharged as being too severe.

The system's response to public concern was to emphasise control and containment. This resulted in close supervision and institutional practices, but it also meant that boys whose lives had been chaotic and out of control were given a more stable and predictable style of life. Much of the staff room chat and the stories that were repeated related to children and young people who had been challenging or who had absconded. There was a constant undercurrent of concern about possible loss of control or losing absconders.

There were good grounds for this concern. As Jim Hyland mentioned, there was the Standon Farm murder in 1947 when a popular member of staff who was attempting to stop boys from absconding was shot dead. There were the Carlton House riots in 1957. And there was the Court Lees scandal concerning caning in 1967. Although much of the care was humane, there was also a strong emphasis in many schools on tough discipline, which clearly overstepped the mark at times.

One of the aims of the new thinking, therefore, was to bring in a more caring, individualised, therapeutic approach to help pupils overcome their problems. However, if we are to evaluate the approved school system in its context, we have to acknowledge that the public had equally divided views. There were those who wanted to see change, and an end to corporal punishment, for example. But in most cases, as far as the man and woman in the street were concerned, they wanted offenders to be put away and contained, and the approved school staff were reflecting this in their methods of control.

This could be seen at its most obvious in the reactions of people if there were proposals to open a school in their neighbourhood. Indeed, when Aycliffe was opened in 1942, the local MP asked a question about it in the House of Commons. Unfortunately for him he asked the Home Secretary whether a

Borstal was being opened there and the Home Secretary quickly – and correctly – assured him that this was not true.

In 1968, as part of my post-qualifying course at Newcastle University, I undertook some sampling of public opinions about approved schools. I had a small team of students working with me and we undertook samples in three types of setting – people living near approved schools, people living well away from approved schools and people living in the areas from which many of the pupils came.

To summarise and simplify the findings, I found that the people who were neighbours of the schools were surprisingly approving, despite some local difficulties, and they appreciated what the schools were trying to achieve. (By chance, the sample happened to include a local member of the board of management of the school, a girl who had a boyfriend at the school and a man whose car had been stolen the week before by an absconder!) The people who had no first-hand knowledge of the schools thought they must be awful places and needed to be sited as far away as possible. The people from the communities where the pupils came from had a high opinion of the work done by the schools, as they provided education and trade training, instead of the truancy and offending which the young people were otherwise engaged in.

The biggest clash of viewpoints which I experienced was at a conference of the Heads and Matrons Association at Swanwick about 1973. This was, of course, after the 1969 Act, and by this time most approved schools had been converted into community homes with education. This did not necessarily mean that the way they were being run had changed much.

The keynote speaker was Richard Balbernie, who was head of the Cotswold Community Home. He actively advocated therapeutic care and was a leading exemplar for the new approach. The majority of the heads of CH(E)s were opposed to his methods. I recall that on the first morning of the conference Richard spoke very fast and at great length. He filled up his allotted time, and then the time for questions, and then the pre-lunch drinking time. By this time the audience was getting restive and the chair could see that Richard was liable to carry on into lunchtime, so he called a halt to proceedings. Richard then pushed off, and for the remaining two days of the conference the heads seethed and virtually the only topic of conversation was his speech. I have never witnessed such an intensity of feeling at any other professional conference. The divide between Richard's views and those of his audience for me exemplified the change which was taking place.

There were at this time, in my view, four main schools of thought in England and Wales, and sometimes they were in conflict.

The first was the residual thinking inherited from the nineteenth century, when reformatories had been seen as part of the penal system. Indeed, when reformatories were first set up, the children had to spend a fortnight in an adult prison before moving on to their reformatory. This approach was essentially punitive and was still in evidence in the emphases on control and containment I mentioned earlier. I suppose we need to pose the question whether it still continues in the YOI system and secure care.

The second school of thought emphasised education and was explicit in referring to the institutions as schools, offering classroom teaching, sport and trade training. Of the two advanced training courses, this was the primary emphasis at Newcastle University where Haydn Davis Jones ran the course. He personally was keen to introduce social pedagogy on the continental European model, but this never really took off in the United Kingdom during his lifetime. Nonetheless, the thinking entailed treating children and young people as individuals and using their life-space activities as a way of staff relating to the boys and girls.

The third school of thought was broadly therapeutic, and although this meant different things in different schools, it was aimed at treating children and young people as having a variety of developmental, emotional and social problems, with which they needed help. The thinking originated with Freud and psychoanalytical theory, but in England it had been taken up by the Winnicotts (Donald and Clare), A.S. Neill, John Bowlby, the Robertsons (James and Joyce), Barbara Dockar-Drysdale, David Wills, F.G. Lenhoff and others, including, of course, Richard Balbernie. This was the focus of teaching on the Bristol University advanced course, headed by Chris Beedell. It also underlay the DHSS policy laid out in *Care and Treatment in a Planned Environment*.

This thinking was applied in a number of special residential schools, such as Summerhill and the Mulberry Bush, but was resisted by nearly all approved school heads. Where it was applied, in places such as Peper Harow, the children had much more freedom and choice, including the option of misbehaving as they worked through their problems, and this was anathema to the traditionalists.

The fourth approach was adopted by a number of field social workers, managers and academics. This saw residential care as intrinsically bad, and they wished to see all forms of residential care closed down, including approved schools/CHEs and children's homes. The text most often quoted by this group was Erving Goffman's *Asylums*, published in 1961, and the approach was taught on many social work qualifying courses, including some which were designated to train residential social workers. One outcome was that quite a number of



these people switched to field social work, which did not help the level of qualified staff in residential child care.

Over the next few years the CH(E) system broke up, and so one could say that the traditional views of the heads and matrons had lost the battle. But I have some sympathy for their plight. For the most part they were doing what the public wanted them to do. It was certainly a difficult job, coping with the most damaged and delinquent children and young people and their aim was to create order and stability in disordered lives. The heads had to be powerful personalities, and they tended to play the part of barons in their own fiefdoms. I think it was Spencer Millham who referred to them as "charismatic bastards" but this, in my view, is what a large section of society required of them at that time.

The system was also criticised for its low success rate. This was measured by the percentage of ex-pupils who re-offended within two years of leaving, and the figure I recall was 32%. In the 1970s there was a research project to examine the success rate and one finding was that boys often committed a token offence after discharge, perhaps as a gesture. If they were apprehended, they were failures; if they got away with it, they were successes.

I do not recall any research into other ways in which success might have been measured, such as the employment patterns of children after discharge, their levels of education, the stability of their accommodation or any improvements within their families. There has been no system of dealing with young offenders since then, as far as I am aware, with which a comparison could be made, but I doubt if subsequent ways of coping with young offenders have been much more successful in preventing re-offending.

### **Corporal punishment**

One of the topics on which both the public and the professionals were split was corporal punishment. On the one hand there were the people who saw caning as harmful, an assault on children by adults, offering the model that might is right, when the children should have been taught other ways of resolving problems. This group was, I think, still in the minority at that time, but it was becoming more vociferous.

Then there were those who felt that "caning never did me any harm", and who felt that miscreants should be punished. Their views were consistent with the Approved School Rules, which permitted caning within limits. There were restrictions relating to the age and gender of children being punished, the types of canes and the numbers of strokes, and there was a requirement for a witness to be present. In my experience at Aycliffe caning was not used a lot. In my six

years there I never administered caning as I was not a member of the senior staff, and I was only called to witness it twice. I do not think that either occasion did anything constructive for the boy and when I was head of an assessment centre later on we never used corporal punishment.

There were clearly approved schools where caning was used more frequently, and it is possible that the rules were breached, or at least bent. One heard, for example, when the limit was six strokes of the cane per day, of boys being caned just before and just after midnight, receiving twelve strokes in all. I do not know if this actually happened. I did visit a List D school in Scotland where excessive use of the taws had nearly resulted in riots.

The main scandal concerning caning was the Court Lees affair. In late 1967, as Jim Hyland mentioned, anonymous letters were printed in the *Guardian*, alleging excessive caning at an unnamed approved school. I thought it was significant that there was widespread uncertainty which school was being referred to. Clearly, a lot of staff felt that the allegations might relate to the school where they worked. It emerged that the author was a teacher called Ivor Cook and the school was Court Lees in Surrey.

An inquiry was held and the school was closed down. The head took up a post running a probation hostel. He felt aggrieved because the only regulation which had been breached was that the canes which he used were slightly too thick according to the regulations. The cane had, though, been used a lot at the school. The key factor, in my view, was that approved schools were caught between two conflicting views in the public debate about corporal punishment. And it has to be remembered that, at that time, there was caning as a punishment throughout the schooling system and parents smacked their children.

### **The deprived / depraved debate**

The children admitted to approved schools were sent by the courts either under approved school orders because of offences which they had committed or under fit person orders because it was felt necessary for the state to intervene in their upbringing. Most of the latter group were at that time termed 'maladjusted' and they had often spent time in special residential schools, usually being moved on to the approved school system because the special schools could no longer cope with them.

I do not recall any set limit on the time during which fit person orders applied, but children committed under approved school orders had set limits, depending upon their age and if they came from families in which adults had been in prison, they tended to see themselves as 'doing time' for their offences. In very broad

terms the offenders were easier to care for as they had often had a reasonably caring upbringing, even if their families were criminal, whereas the maladjusted children, who were often non-offenders, frequently displayed much more difficult and even bizarre behaviour.

The 1969 Act was based on the premise that it was wrong to distinguish between these two groups, and indeed they did overlap, and every individual had his or her own constellation of attributes. The care order, which the Act introduced, therefore covered all children and young people with needs, and covered their whole period up to adulthood. I recall that young offenders saw this as most unfair, as it was an open-ended sentence which could not be reduced by good behaviour, with the model being contrary to their concept of 'doing time' with a set period of training, comparable to a prison sentence.

### **Secure care?**

Interestingly, secure care is something to which John Gittins, the Principal of Aycliffe, was strongly opposed and it was only when Masud Hoghughli took over that a secure unit was built at Aycliffe. There were four secure rooms in the classifying school, which were used occasionally for brief periods, mainly for boys returning from absconding, until it was hoped that they had settled down again and no longer presented a risk of running away. The rooms were very basic and they would not have met today's requirements, but they were used for relatively short periods of time.

There were at any one time about sixty boys in the classifying school at Aycliffe and about 120 in the adjacent training school. While absconding was always a possibility which one bore in mind when on duty, it was not frequent and I recall a six-month period with no absconding from either school.

I have since been responsible for a secure unit and have visited others, and they did not generally strike me as happy places. They were designed to prevent children from running away, from damaging furniture or fittings, from substance abuse or self-harm, and from attacking staff or other children. In short, their design has been necessarily very negative, preventing things rather than providing opportunities.

To preserve children's rights, legislation was passed to prevent children from being locked up without a court order, and this led to the design of specialist secure units, and, I believe, a greater number of children locked up than before. With the best of intentions, as an unintended consequence, I think that children's experiences deteriorated.

As an anecdotal contrast, I recall one boy who came to my house unit who had decided to abscond at the first opportunity, as he knew Aycliffe was an open

building and he had been in a locked remand home. It was on seeing the open fields stretching away across the marshes beyond Aycliffe that he had a sense of open space and no longer felt the need to get out.

## **Training**

There is very little research of which I am aware that indicates the efficacy of professional training for the work. The Central Training Council for Child Care, known as the CTC, was set up in 1948, and it developed a framework of training that continued into the early 1970s when it was modified by CCETSW.

There was the preliminary certificate in residential child care, the PRCC, for young students. This was a two-year course and proved very effective but, to be honest, one of its functions was to prevent the students from being recruited into the work at too young an age. This course had little impact on approved schools or CH(E)s.

There was the main one-year professional course, which led to the certificate in residential child care which was provided largely in colleges of further education for children's home staff. This training was also provided by Dr Barnardo's and the National Children's Homes which had been forerunners in training their staff. Although the course was technically only one year in length, the year consisted of 48 academic weeks which was probably fairly similar to the time spent on some two-year university courses.

In 1957 the riots at Carlton School hit the headlines and one outcome of the ensuing report by Victor Durand QC was that the qualification was renamed the certificate in residential care of children and young people, the CRCCYP, and it was modified to train approved school care staff as well as workers in children's homes. This was an interesting link-up, as the residential child care world consisted of a number of silos – approved schools, remand homes, children's homes and residential special schools – which each ran in their own ways, with relatively little interchange of staff.

Finally, there was the SCRCCYP, the Senior Certificate, also known as the advanced course, sited in three universities and consisting of 12 months post-qualifying training. This was designed for senior staff in residential child care services.

This was a fairly straightforward system and from my experience it had a considerable impact on the quality of residential child care. When I worked at CCETSW in the early 1970s I had strong links with a number of the courses and was greatly impressed by the enthusiasm of the tutors in charge. One could see instances where their influence had changed the nature of the care in some homes.

I saw this again in Northern Ireland in the recent Inquiry into Historical Institutional Abuse where we heard evidence of homes where standards had been appalling and cruel but which became humane and caring, and we noted that the practice of certain individuals changed when subjected to the influence of the qualifying course. By the end of the period covered by the Inquiry's remit the standards of care were high, and I think that much of that can be put down to the impact of training provided by Rupert Stanley College in Belfast.

### **The demise of the system**

The demise of the CH(E) system was in my view neither planned nor even intended. Certainly, there were professionals, quite a few being in key management positions as directors of social services or in other senior positions, who were critical of approved schools and in some cases of all residential child care. In the 1970s there was a serious rift between those who felt that residential child care had a role to play and those who felt that it damaged children and needed to be closed down.

The 1969 Act, however, arranged an alternative system of management and finance with the funding of placements to be provided by local authorities, rather than the Home Office. The Act was not a plan for the closure of CH(E)s. Indeed, there were numerous Acts of Parliament arising which authorised new management structures for individual schools.

As Jim Hyland mentioned, a dozen regional planning committees were set up, covering England and Wales and they were intended to co-ordinate the work of the CH(E)s and create partnerships between the local authorities in the region, so that a coherent system responsive to local needs would emerge. In many cases local authorities took over the ownership and management of the schools and in others they had significant representation on the management committees.

The problem was that the schools were expensive to run and in some authorities a reduction in placements of children and young people in the CH(E)s was seen as a possible source of savings. Other types of cheaper services were considered first, such as intermediate treatment or children's home placements. This naturally led to a reduction in occupancy in many schools which had remained full when approved school orders were in the hands of juvenile court magistrates.

The result of lower occupancy was higher per capita costs and this created a vicious circle as fewer placements led to ever-decreasing occupancy which led to even higher costs. The way that the financial system worked was that each school charged a basic amount while the child or young person was in the

school, and at the year-end they calculated the total cost of running the school divided by the occupancy, and then issued a supplementary bill. This meant that authorities which placed children might suddenly at the year-end received a large bill to let the providing authorities balance their books. This, of course, only added to the unpopularity of placing children and young people in CH(E)s. In my opinion, the financial system was one of the primary reasons for the reduced use and closure of CH(E)s.

In the 1960s there had been, I believe, about 8,000 boys and 1,000 girls in approved schools. So, with the closures, where did they go? I do not know of any research which could answer this question, but I suspect that many were placed in local authority group homes, sited in the community, often in housing estates. Many of the small group homes had previously contained younger children and their atmosphere at times had been like that of a large foster home, but with the admission of older teenagers, their nature changed.

The easy analysis of the situation was to look on the schools as dinosaurs and the staff thinking as outdated. Certainly, there were things which needed to change, and a new generation of staff was probably needed to introduce new approaches to the work. I would not, however, wish to condemn the people who ran the system. Providing education, work training and care for the most difficult and disturbed section of the country's child population was no easy task. The staff were aware that the children and young people in the schools had often had highly disturbed backgrounds and they needed order and stability, as well as containment.

The CH(E)s which survived generally attempted to create a more humane, and perhaps therapeutic, way of working, but the scatter of schools could no longer be considered a system. It is beyond my remit to say what happened next, but I have my doubts whether the range of services provided for young offenders and disturbed children was any better.

## Section I: Discussion

The first day of the seminar closed with a summary of the points made and themes emerging from the presentations and discussions and an outline of the links between these and the topics on the agenda for the next meeting.

## **DAY TWO**

### **Session J: Introduction – John Diamond**

John Diamond opened the second day by summarising the points from the first session and explaining that the focus of the second day was policy and practice since 1980.



## Session K: Children in Custody: Lessons from the past, challenges for today - John Drew

### Introduction

My purpose in this paper is to link the four papers and discussions on the history of approved schools and community homes with education (CH[E]s) from Friday's webinar<sup>4</sup> to current debates about the future of custodial care of children<sup>5</sup>. In doing this I was also asked to describe the forty years of youth justice policy and practice development that had taken place since the heyday of CH(E)s<sup>6</sup> to explain how we have got where we are. But space is very limited so please forgive me for some gross over simplifications in this synopsis.

### Some personal observations about community homes with education in the seventies and eighties

On day one we heard accounts of approved schools in the forties, fifties and sixties, and their replacement, CH(E)s in the seventies. I started working as a children's social worker for Lancashire County Council in 1974. Lancashire had a very substantial investment in all forms of residential care for children, especially in CH(E)s<sup>7</sup> that were replacing the old approved schools, sometimes as both Jim and David have said with little actual transformation other than a new set of names and job titles.

I recall the resentment clearly felt in some of these homes that the approved school model had been abandoned<sup>8</sup>.

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<sup>4</sup> This paper was originally delivered as part of two connected Webinars organised by The Mulberry Bush and the Centre for Social Policy on the 9<sup>th</sup> and 12<sup>th</sup> October under the title "*Care of Young Offenders: Progress or Decline?*"

<sup>5</sup> A word of explanation about language. I shall use the words 'child' and 'children' throughout to refer to everyone under 18. There remains a tendency in the literature and practice to use 'child' and 'young person' inter-changeably in respect of under 18s but this distinction has not existed in law since the passage of the Children Act 1989. Furthermore in my experience 'young person', or even worse 'young man' or 'young woman' can be used to downplay the entitlements of childhood.

<sup>6</sup> 1977 – see Footnote 24

<sup>7</sup> I now understand from Jim Hyland and Jessamy Carlson's papers that the old pre-1972 Lancashire probably had the largest concentration of local authority run, controlled and assisted CH(E)'s in the country. This numerical predominance showed itself in many ways ("if you have them, use them") and not long after my arrival Rex Johnson, a former head of residential services, became our Director.

<sup>8</sup> The senior leadership of Lancashire's CH(E)s in particular were in my experience very resistant to change and tended to sit together at the back of leadership and training meetings with their arms defiantly folded and contribute little. The cynicism about the reform apparent in a 1968 poem

I thought these homes in my County were pretty miserable places<sup>9</sup>, although some of the staff working in them were progressive and had a child orientation rather than an institutional focus. That this was not just a personal bias is born out by the Department for Education and Science's [DES] 1980 report on CH(E)S<sup>10</sup>, and I do commend this report to those wishing to review this period in more detail. This report should be set alongside Jim Hyland's excellent 1993 book on approved schools and CH(E)s, which paints a slightly more optimistic picture<sup>11</sup>.

The DES's report highlights poor quality education, badly prepared and unqualified staff, and a lack of communication between teachers and care staff in the homes, all of which were clearly evident in the homes I visited at the time.

I thought Darren Coyne caught the essence of a great many CH(E)s in his personal account given in our first webinar<sup>12</sup>. These 'homes' did not seem to be about teaching, they were rarely about 'training'<sup>13</sup>, and hardly any made any reference to treatment or therapy, but what they did focus on was "control".

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published in the *Approved School Gazette* and quoted by Hyland (op cit) p.70 is revelatory, as is the fact that the editors of the gazette thought it appropriate to publish it. It is worth quoting in full:

*"In our Community Home,  
In our Community Home,  
The children are darlings, they're no longer brats  
We have little parties and heart to heart chats,  
And all sit around in White Paper hats,  
In our Community Homes.*

*In our Community Home,  
In our Community Home,  
They've abolished all evil, no stigma will stick,  
No-one's to blame for we're all might sick,  
You're cured by the time you can say 'Uncle Dick',  
In our Community Home."*

<sup>9</sup> A much repeated phrase about approved schools that was circulating in the seventies, said to be have been coined by Spencer Millham (op. cit.) was that "*Approved schools were approved by nobody except those that ran them.*"

<sup>10</sup> Department for Education and Science (1980) *Community Homes with Education* London: HMSO

<sup>11</sup> Hyland J. [1993] *Yesterday's Answers – Development and decline of School for Young Offenders* London: Whiting and Birch

<sup>12</sup> Coyne, D. [2020] *On the outside looking inn - a young person's journey* Paper published alongside this paper by The Mulberry Bush

<sup>13</sup> One of the CH(E)s I visited was the Fylde Farm School, which as its name suggested, was originally intended to provide children with agricultural skills as a major element of the curriculum. However, the relevance of teaching rudimentary farming skills to children from inner city neighbourhoods has to be questioned. I do not recall any of the children for whom I was responsible ever expressing any interest in working on a farm during or after such 'training.'

So, not surprisingly, they had no real interest in children's background or resettlement. The primary task to hand seemed to be to show the children that they were in control.

But the problems of the CH(E) system were in no sense restricted to the quality of the homes themselves. CH(E)s of the seventies and eighties were undoubtedly not helped by the fact that the partial implementation of the Children and Young Persons Act of 1969<sup>14</sup> meant that a very mixed collection of children were admitted to CH(E)'s, for a very mixed collection of reasons. Far too many children were placed in their semi-secure accommodation on the flimsiest of justifications<sup>15</sup>, and thus it would not have been easy at all to produce a programme and curriculum to help all the children in placement. But the worst element of the arrangements ushered in by the Children and Young Persons Act was the progressively intended but practically very negative merge of thinking about residential care in terms of 'welfare' and 'justice' ideologies (at the time people wrote about the 'deprived versus depraved debate'<sup>16</sup>) around custody for children. This meant that the 'sentences' that children served in CH(E)'s were open-ended by nature, extending at the whim of the 'professionals' involved to a child's eighteenth birthday<sup>17</sup>.

Perhaps as a direct consequence of the poor quality of the homes that I visited, but also as a reflection of confusion in government policy on the purpose of CH(E)s, thinking about progress and success criteria was very confused. Every four months I would travel to a case conference in one or other of my local CH(E)'s where, with no children or family members present<sup>18</sup>, a conclusion would likely be reached quickly (especially if lunch beckoned) that not enough (ill-defined) progress had been made and the child must remain in residential care for another four months. The child would then be summoned to stand in front of the resident "charismatic bastard"<sup>19</sup> and be given this news. I have too

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<sup>14</sup> A newly elected and apparently resentful Conservative Government had inherited it from the previous Labour Government and elected to pick and choose the elements from the Act that it liked.

<sup>15</sup> Under the new s7(7) Care Orders children could be committed to care, and thence to custody, on their first court appearances.

<sup>16</sup> See for example Packman, J. [1981] *The Children's Generation (Second edition)* Oxford; Basil Blackwell

<sup>17</sup> Although in practice such placements really went much beyond a child's seventeenth birthday in my experience, still a long time for someone entering such an institution at fourteen.

<sup>18</sup> The exclusion of children and their families from case conferences was the norm for much of the seventies, something in no sense restricted to CH(E)s although such was the pace of change this would become unthinkable within twenty years.

<sup>19</sup> David Lane attributed this colourful phrase in the first webinar to the late Spencer Millham. Millham (1932-2015) was the first Director of the Dartington Social Research Unit. His work including *After*

many memories of the children's tears of frustration to have much sympathy for the arguments in favour of CH(E)s<sup>20</sup>.

The lack of interest in outcomes was overwhelming. Hyland has talked, particularly in his book about "the success rate" for approved schools, which related to whether the child offended within three years of release.<sup>21</sup> His book charts the growing rise in reconviction rates in the 35 years from 1933<sup>22</sup>. Perhaps for this reason by the mid seventies there was no interest in any measures of outcome, either this most basic of offence counts or any measures that might show whether the child's position was in any way improved by their time in a CH(E). In 10 years of such work I was never once asked how a child had got on after leaving a CH(E) and nor was I ever asked to produce any statistics on reoffending or any other measure of outcome<sup>23</sup>. I don't doubt Jim's memory of approved schools being very focused on reoffending rates in their early days. But none of the CH(E)s with whom I worked in the seventies and eighties did not show any interest in this.

Secondly the curricula on offer appeared very limited. I do not recall any dramatic advances in educational performance (although there was a strong focus on IQ testing<sup>24</sup>) and certainly my children didn't leave their schools with strings of 'O' and 'A' levels. These points are elaborated in detail in the DES's discussion paper poverty of the educational offer at CH(E)s<sup>25</sup> as is their telling criticism of the lack of connection between teaching and care staff. Read today, this report makes a telling case for the closure of CH(E)s.

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*Grace, Teeth: a comparative study of residential experiences of boys in Approved Schools* with Roger Bullock and Paul Cherrett in 1975 became a seminal text in hastening the closure of CH(E)s.

<sup>20</sup> In fairness I should record here that Jim Hyland's recollection during our discussions was very different, and he cited an example where a visiting social worker insisted that a child be released at once, to the child's apparent distress. The grounds given for this action were financial. I can only say that my clear recollection and notes from that time are very different.

<sup>21</sup> During our webinar David Lane remembered this as being a two-year period. Perhaps both were used at one stage or another.

<sup>22</sup> The reconviction rates recorded for children leaving approved schools rose from 23% to 66% in this period. In reviewing these 'success rates' it is also worth remembering that a record of offences was one of only six reasons why a child might be sent to an approved school. An unclear number had no previous criminal record.

<sup>23</sup> There may, of course, have been other ways to count this but knowing the poor quality of police records at this time I have my doubts.

<sup>24</sup> A role assigned to me as a trainee social worker at Starthwaite Ghyll in 1977, by then a residential intermediate treatment centre but formerly an approved school.

<sup>25</sup> Department for Education and Science (1980).

More important than this educational failure the regimes, by consciously separating children from their families and communities, provided little or no interventions in the circumstances that gave rise to offending behaviour in the first place. There was a telling debate at the time as to whether a complete break from families was not advantageous. And of course, entirely typical of the times, there were no references to "adverse childhood experiences" or attachment theory etc. I don't doubt that there were CH(E)s whose in this record regard was much more impressive<sup>26</sup> but equally I am confident that the CH(E)s with which I worked were typical.

Despite these weaknesses the seventies witnessed a substantial growth in the numbers of children held in the various forms of custody, up from between 11,000/13,000 to somewhere between 18,000 and 21,500 in a decade<sup>27</sup>, partially as a result of the flawed and partial implementation of the created Children and Young Persons Act<sup>28</sup> and partially also as a reflection of a longer term trend in favour of sending children to borstals and training centres which saw the numbers of such sentences rise by almost 4,000 between 1971 and 1977<sup>29</sup>. But 1977 was to prove to be the high-water mark in use of custody for children. What followed was a dramatic shift in policy and practice.

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<sup>26</sup> I recall at the time reading with envy of the therapeutic practice of places like Aycliffe in County Durham and Peper Harow in Surrey, the latter having at one stage after the second world war been an approved school but never became a CH(E) but rather changed to become a residential therapeutic community for children. The main building is now long closed as a children's home but the work is carried on by four small children's homes in Norfolk and Kent, accommodating up to 40 children between them, and all but one receiving "outstanding" ratings from Ofsted.

<sup>27</sup> It is virtually impossible to count this figure accurately particularly due to the fact that 17 year olds in detention centres and other forms of custody were not included at the time in official statistics about children but rather counted alongside adults. However, the top figure, for 1976/1977, is calculated as follows:

CH(E) population [1976]	6,800
Detention centres [1977]	5,757
Borstals [1977]	1,935
TOTAL	14,492

to which needed to be added 17 year olds, who are likely to be in a bracket of 3,500 to 7,000. SOURCES: Thorpe D.H. et al. [1980] *Out of Care – The community support of juvenile offenders* London: George Allen & Unwin and Hyland J. [1993] op. cit. – The author would be delighted to explain his calculation further, jjhdrew@me.com

<sup>28</sup> The Act's authors had intended to raise the age of criminal responsibility to 14 and that government would be motivated to phase out borstals and introduce much more 'intermediate treatment' in the community, but neither of these things happened in the seventies.

<sup>29</sup> Thorpe [1980] p. 13

## **1977 to 1993 – the rejection of custody and dominance of "Intermediate Treatment" in the community**

This year, 1977 was hopefully the all-time highpoint in the use of custody. Urged on by the Department of Health and Social Security and prominent academics, councils and courts pursued a radically different approach to children in trouble for the next decade and a half.

The 1969 Children and Young Persons Act had legislated to create something called "Intermediate Treatment", programmes run in the community that allowed for a response to most children's misbehaviour without sending them away from home. From the mid-seventies onwards intermediate treatment schemes were producing much more impressive results, both in terms of reoffending but also as importantly in other outcome areas. David Lane is right to argue that there was also a cost element here. CH(E)s were formidably expensive; intermediate treatment, into which the Conservative government of the eighties invested quite heavily was a lot cheaper.

In the face of this evidence and also of the savings to be banked from a move away from institutional care the demise of CH(E)s began and then gather pace in the eighties, three in four CH(E)s closed in this period<sup>30</sup>. In their place programmes aimed responding to children and their families in their home communities, supported by a rudimentary research base of effectiveness<sup>31</sup>, and saving significant amounts of public money.

The eighties saw this trend towards community programmes accelerate rapidly with numbers of children in custody pushed down to a (then) low point of only 1,300 children in custody in 1992 off the back of this determined push to respond to misbehaviour in the community.

Part of the driver for this change was the increasing awareness of just how criminogenic all forms of residential 'treatment' of children was. The popular sentiment about custodial institutions being "schools for crime" had a basis in fact. Closet a large number of teenagers and near teenagers together in residential communities by all means but do not then be surprised when they learn about the worst types of misbehaviour from each other. I spent a huge amount of time as a social worker trying to persuade the children on my caseload that they should not identify as offenders, and that indeed there was

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<sup>30</sup> Hyland J. [1993] *Yesterday's Answers – Development and decline of School for Young Offenders* London: Whiting and Birch

<sup>31</sup> See Smith D. [2010] Out of Care 30 years on *Criminology and Criminal Justice* 2010 10: 119

nothing heroic about them doing this. I found that children were very prone to stigmatising themselves.

I also spent a lot of energy persuading magistrates, potential employers and others that just because a child had once been in a custodial establishment did not mean that they were forever destined to be "offenders". If the children did not stigmatise themselves, the adults around them were more than able to label them as a consequence of their periods spent in CH(E)s.

The perils of system contact, the criminogenic nature of system contact, was in the eighties understood by children's social workers more in terms of their intuition than in other ways but Professors McAra and McVeigh had now provided absolute proof of this in their longitudinal large scale 'Edinburgh Study of Youth Transitions and Crime'<sup>32</sup>.

### **1993 to 1997 – politicising the issue of children and crime**

The gains of the eighties ought to have been secure for decades to come but in fact they were blown away in a few short months in the nineties as the issues of children and crime became politicised heavily by in the bidding war between Michael Howard ("*prisons work*") and Tony Blair ("*tough on crime, tough on the causes of crime*") when they were respectively Home Secretary and Shadow Home Secretary. As a consequence the number of children being sent to custodial care rose rapidly, although never to the levels of the approved school or CH(E) days.

Into this febrile political debate fell the savage murder of James Bulger, and politicians could echo accurately the public sentiment about the need to "*condemn a little more and understand a little less*" (John Major) or offer "*no more excuses*"(Jack Straw).

Part of the problem here was that those of us involved in working with children in trouble had cultivated at times a mindset that amounted to "leave it to us" so that nowhere near enough attention was given to explaining to the public about the ethos and effectiveness of community responses. The public had not been "sold" on the approach and were easily swayed by the siren voices of politicians bent on feeding understandable concerns about crime.

By this time the more child focused ethos of the approved schools and some CH(E)s had gone. There had been some partial evolution into local authorities

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<sup>32</sup> The results of Lesley McAra and Susan McVeigh's work can be accessed via the Edinburgh Law School's pages of the University of Edinburgh and in numerous scholarly articles. As an example of this body of work see McAra L. and McVeigh S. [2007] "Youth Justice? The impact of system contact on patterns of desistance from offending *European Journal of Criminology* 2007 4 315-345.

providing secure children's homes [SCHs]<sup>33</sup> but good places as almost all of the SCHs undoubtedly were the scale of provision was (and remains) very small. The big CH(E)s had been closed. So successive governments, faced with the challenge of where to accommodate the growing numbers of children being sentenced or remanded to custody principally turned to the prison service, often utilising prisons that had been designed for adults. And with the prison service buildings came Prison Service Rules and a very different mindset and ethos to children in custody. This undoubtedly shaped the history of custody for the next twenty years and continues to do so today<sup>34</sup>.

Hyland rightly quotes John Gittins, a proponent of both approved schools and the potential of a properly implemented Children and Young Persons Act, lamenting that a consequence of the closure of CH(E)s as being that:

*"thousands of children are incarcerated in penal establishments which were never intended for them and for which, please God, they were never intended."*<sup>35</sup>

### **1997 to 2008 – New Labour and youth justice**

New Labour came to power in 1997 and the reform of the system for responding to children who offended, from then onwards called the 'youth justice system' was a significant priority of government, a priority that was in terms of the immediate past quite lavishly funded. But New Labour (and Jack Straw, the Home Secretary in particular) were obsessed with what they saw as the liberal failings of the eighties (despite that fact that that period was quite closely associated with Margaret Thatcher). So the learning about the importance of diverting children away from the criminogenic youth justice system was consciously dismissed in what has been described by the criminologist Barry Goldson as "Year Zero" or "the punitive turn" in the development of responses to children who offend.

Aside from this dismissal of the lessons of the past two other factors were of obvious importance in the continued rise in the use of custody under New Labour. First, a freshly financed youth justice system, with scant regard for what had worked in the past, extended its nets and more and more children were

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<sup>33</sup> Two of the 24 CH(E)s listed by Hyland [1993] as being still open in 1990 are, thirty years later, now operating as SCHs, albeit in both cases after complete rebuilds and a substantial reduction in size.

<sup>34</sup> It would be possible to argue that this growing reliance on the prison service as the provider of custody for children of choice reflected a conscious series of decisions about what politicians, both national and local, perceived to be a change in public attitudes towards children who offended; from a more humanitarian or 'welfare' focus to the more 'punishing' element within the 'justice' model.

<sup>35</sup> Hyland (1993)



sucked into the nets of youth justice, leading inexorably as these things often appear to do to custodial care.

Secondly New Labour became very focused generally on detection rates for crime (the so-called "justice deficit") and specifically on policing initiatives to counter a perceived rise in street crime. Both concerns gave rise to an increasing focus on children. In particular the Home Office initiative "Offences Brought To Justice" (OBTJ) from 2002 led to some gaming of the targets set centrally, with police forces often focusing on children who were seen to be easier to detect, arrest and charge<sup>36</sup>. As a result the number of children who were processed for the first time into the youth justice system rose rapidly to a high point of 110,784 children in 2006<sup>37</sup>. All of this meant that more children were propelled towards custody, and a highpoint in terms of numbers of children in custody for two decades of 3,200 was reached in 2006, and had not significantly reduced by January 2009 when I took up post as Chief Executive of the Youth Justice Board, with responsibility to oversee the operation of the whole system in England and Wales.

### **2008 to 2020 – reducing the incarceration of children**

From perhaps 2008 onwards fresh shoots of a more enlightened and evidence driven approach to children in trouble were beginning to emerge. My job and that of my Chair Frances Done was to encourage this, developing approaches to children and crime which were both credible to the courts and the public, and which also drew on what we knew about the criminogenic nature of certain measures, most particularly custody. Allies were sought and found for this campaign<sup>38</sup> to reduce the number of children in custody.

This started a down turn which has more than halved the number of children in custody in the four years that I was at the YJB and saw us able to close seven young offender institutions (or units within adult prisons). This has continued on with other hands on the tiller for a full decade. The latest figures, perhaps deflated somewhat by the Covid related backlog in courts, show that we have

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<sup>36</sup> I well remember the Police Borough Commander for the borough in which I was Director of Social Services in 2004 telling me that the caseloads of our Youth Offending Team were about to rise rapidly as a result of the targets he had been set, which they did by 46% over the next six months.

<sup>37</sup> As a point of comparison the most recently published figures, for the year 2018-2019, reported 11,900 children had entered the system for the first time. Source: Youth Justice Board/ Ministry of Justice (2020a) *Youth Justice Statistics 2018-2019* London: Ministry of Justice

<sup>38</sup> In particular the Magistrates Association, the Association of Chief Police Officers, the Association of YOT Managers, YOT Managers Cymru, and leading charities in particular the Prison Reform Trust and NACRO.

now reduced the number of children in custody to just 600<sup>39</sup> from that high point of 3,200.

Of course this trend would be looked at differently if there had been a sharp rise in the amount of crime committed by children. Counting crime is a notoriously difficult undertaking but while crime continues to mutate, and very serious violent crime is a great concern to all of us, the general evidence is that in England and Wales the amount of offending by children is on a long term downturn<sup>40</sup>, something that would be counterintuitive to someone who was fed solely on a rich diet of red top newspapers.

### **Summarising forty years of youth justice**

So, to summarise, across a period of forty years we can see an underlying trend of a reduction in the use of custody for children, although a trend that for just over a decade was reversed from 1992 onwards for what appear at a distance to be largely political reasons, rather than being something driven by social trends.

### **What can be learnt from the past?**

I now turn to what can be learnt from the past, the purpose of these webinars.

To start with a note of caution, there are two good reasons to be cautious about drawing lessons from the approved school and CH(E) periods for youth custody today.

First, the numbers of children in the various types of custody are very different, pointing to very different thresholds and therefore probably very different groups of children in custodial care. This strongly suggests that the earlier period saw children who were much less 'troubled and troubling' being admitted to custody. This is particularly apparent when we recall that offending was only one of six possible grounds for admission to approved schools.

Secondly, there have been huge changes not only in our society but also in the nature of the behaviours of children that lead to admission to custody. Most recently the drugs trade; the growing prevalence of a 'stab culture' fuelled by drill music, zombie knives and what Richard Rollinson telling called in our first webinar "*the dangerous mind of the street*"; and the availability of fire arms to children all seem a million miles from the smiling children depicted in Hyland's history of approved schools.

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<sup>39</sup> Youth Custody Service (2020) *Youth Custody Report July 2020* London: Ministry of Justice

<sup>40</sup> See Bateman T. (2020) *The State of Youth Justice* National Association of Youth Justice

But there are other themes that emerged in our webinar on Friday<sup>41</sup> which link the past with the present and future. The most important of these is the ever-present debate about the purpose of custody,

### **The ever- present debate about the purpose of custody**

There remains to this day a continuing real uncertainty and lack of consensus about the purpose of custody, just as there was clearly was during the earlier periods of approved schools and CH(E)s.

The issue here is not that there is a shortage of answers to this question. Evans has written tellingly about six different explanations for why children may offend, and from this, of six different theories about the purpose of custody. The problem is that it is left to the individual judge, court officer, youth justice worker or prison officer or custodial institution to decide largely for themselves why a child should be in custody (and from this to a very real degree, what custody will be like for that child). Nearly two centuries of 'progress' appears to leave us possibly less clear than ever on what we are trying to achieve.

In my view this uncertainty led directly to the scandal at Medway Secure Training Centre in 2014 where children were routinely bullied and abused by a group of staff acting as 'enforcers'. It was left to these 'instructors' to decide what was and was not the purpose of custody, and, in line with this, what was and was not acceptable behaviour by them towards the children who were entrusted to their care. Revealingly while they were roundly condemned by one section of the 2.6 million members of the public who watched the 'fly in the wall' documentary produced by BBC Panorama in January 2016, the four men who eventually faced criminal charges were later acquitted by a jury of their peers in Maidstone County Court.

For much of the last eighty years this debate has been centred on two very different ideas. These are on the one hand, the idea that custody is primarily intended to be a punishment, and on the other hand the idea that custody is primarily intended to be a place of treatment. Critical variations in thinking stem from this, including ideas as to whether length of time in custody should essentially be determined at sentencing (and also possibly that sentences should essentially be for short periods of time) or whether it should be determined by "progress in custody" (the ethos that I observed at first hand to dominate the CH(E) period).

This debate is about far more than just length of period in custody however. Very different experiences in custody are conjured up depending on whether

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<sup>41</sup> The Mulberry Bush webinar, "*Care of Young Offenders: Progress or Decline*", 9.10.20

custody is about punishment (in which case the favoured approach is one that imprisons a child in a model of an institution that is essentially drawn from adult prisons, hence our current YOIs and – probably – our STCs) or about treatment (in which case something more similar to our current secure children's homes are the favoured approach).

The weakness of each approach is that they see the "solution" to a child's offending to lie in what happens in usually closed institutions, sited often many miles away from the conditions and culture that led the child to be trapped into offending in the first place. Any resemblance between life in a YOI, an STC or indeed a SCH and the streets and estates of our inner cities is almost entirely accidental. In my view it is absurd to imagine that custody on its own will enable a child to turn away from offending, even if at times a child may experience a reachable moment or have access to a service that begins to address some underlying social or health factors that are of value.

In my view what is needed is the development of an entirely new way of thinking about custodial care, within which the challenge of resettlement becomes the driving force for what begins to happen in custody, in which custody becomes merely a starting place for a child's journey away from offending, and in which the only real test of the value of the programmes that are used in custody becomes "to what extent will this help or hinder those who will shortly be working with the child back in the community to turn around the behaviours that led them to court?".

Only government can settle the question of what is the purpose of custody. But settle it they must, and not in my view with a long menu of possible purposes from which an individual can still pick and choose according to their own theories about children and crime.

### **Issues that follow from a determination of the purpose of custody**

Many other issues fall out from this uncertainty about the purpose of custody. I have already written about the issue of uncertainty about the appropriate length of a custodial sentence (if custody is about 'treatment' then the minimum sentence of two months spent in custody is laughably short as a modern day CH(E) would conclude; if custody is about 'punishment' then minimum sentence may be too long in many of the circumstances that lead a child to prison; and if custody is about "resettlement" periods spent in custody may be very short indeed, and much greater use would be made of regular time spent away from custody – to go to school, college or work for example, or regular time spent at home to work on the things that went wrong in the community).

What might constitute success, and how this should be measure is another issue that follows directly from the issue of what is custody for. Jim and David spoke of the "success rate" rate for approved schools, which was a count of whether children offended after release, in some sense a strange measure given that many children in approved schools had not offended prior to admission. Interestingly a range of other potential measures (schooling, exams, employment, let alone living a full and satisfying life) were not counted ... *but then neither are they today.*

Instead the sole 'success' rate used now by government is the reoffending rate. Nothing reveals more thoroughly the poverty of thinking about custodial care at policy and ministerial level that better and fuller measurements of outcome have ever been seriously advocated. Even the slightly more profound 'frequency' measure of reoffending was rejected by the coalition government in 2010 in favour of the significantly cruder 'binary' count of reoffending.

### **Other echoes from the past**

There are other echoes from a study of the past for today. These include:

- low levels of funding
- poorly paid and prepared staff
- the continuing debate about which bodies should run custodial institutions
- the issue of how secure should custodial institutions be
- what should be done about girls in custody
- where should the responsibility for custody for children "sit" in Whitehall; and
- how should staff respond to misbehaviour?

*Low levels of funding* (particularly in respect of YOIs) and the impact these have on the experience and training of staff continue to bedevil custodial care. In my experience politicians regularly dismiss this issue by reference to the fee levels at Eton but in a sector where even the most straight-forward forms of foster care regularly command fees approaching £ 1,000 per child per week we really should not be surprised that YOIs operating costs<sup>42</sup> are a little above this

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<sup>42</sup> Recent Government figures, from 2016, give YOI costs as £ 65,000 per place or £ 86,000 per child actually in place (i.e. taking into account the impact of empty places. Source: Ministry of Justice (2016) *Cost per place and cost per prisoner by individual prisoner* London: Ministry of Justice

level<sup>43</sup>. Places in the more specialist children's homes are regularly four times the YOI annual cost per place.

Approved schools and CH(E)s struggled with this issue, and we still struggle today. *Pay is low, levels of training are low*, yet there is a strong case for saying that the front line staff providing custodial services ought, on any moral basis, be at least as well paid as the highest paid teachers. This experience and skills gap can also escalate up to weak management of staff. Hagell and Hazel<sup>44</sup> refer to recurrent management problems. The spans of control of supervisory staff in YOIs would not be acceptable in any other childcare setting. The recent Sentencing White Paper reiterates a welcome commitment to improving the level of qualifications held by officers working in children's prisons<sup>45</sup>

The history of approved schools casts a fascinating insight into another current issue, the question of *who should run custodial institutions*. As I have described, by a combination of design and accident<sup>46</sup> the custodial care of children today is dominated by the Prison Service, something that would have been unthinkable in the forties. The government indicated a possible change of thinking when it announced two years ago that the competition to run its new model for custodial care, the Secure School, would be restricted to 'not for profit' bodies, and that the Prison Service would not be allowed to bid.

A pernicious and unworthy campaign was run by some charities to resist the idea of a charity running a custodial school. This defiantly ahistorical view appeared to be winning at one stage but the Government has now confirmed its commitments and indicates its intention to introduce legislation to confirm this is a legitimate charitable function<sup>47</sup>. The history of approved schools as described in our first webinar shows very clearly that charities were previously considered to be perfectly fit for the purpose of running custody for children.

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<sup>43</sup> The argument about Eton's fees is always a distortion. There are apparently long periods of the day and night at Eton when children are not supervised, children at Eton go home for many weekends, half-terms and school holidays, and the apparent fee level masks considerable other costs which parents are "expected" to cover.

<sup>44</sup> Hagell and Hazel (2001) op. cit.

<sup>45</sup> see para. 292 Ministry of Justice (2020b) *A Smarter Approach to Sentencing* London: Ministry of Justice

<sup>46</sup> "By design" – the policy move away from custodial care in the eighties that led to the closure of CH(E)s, and "by accident" – the lack of demand for local authority custodial homes leading to the main provider 'left standing' being the 'dependable' Prison Service.

<sup>47</sup> Ministry of Justice (2020b) op. cit

Another distinctive feature of approved schools and CH(E)s was that they were almost exclusively *not secure institutions* as we define 'secure' today<sup>48</sup>. These days there is a huge industry of surveillance and razor wire surrounding our custodial establishments. Yet the evidence of the threat posed by children when they abscond is slight<sup>49</sup>. YOIs and the like are fearful places, particularly for children on first arrival. If we are to break the current deteriorating cycle of violence, there seems to be a compelling case for challenging the security industry, which will play its part in the climate of fear in custody. Those of us who have been fortunate enough to visit custodial homes for children in Western Europe have been left with the impression that this focus on security is part of a distinctive British attitude to children. Very different regimes exist within a few hundred miles of Britain. Hopefully the new Secure School will provide an opportunity to review the issue of obsessive security.

We also considered the position of *girls* during the approved schools and CH(E) period. Although girls were very much in a minority amongst children in custody in this period<sup>50</sup> this minority was nothing like as small as it is today, where the latest figures show there being 17 girls and 640 boys<sup>51</sup>. Jessamy Carlson commented in our first webinar that the response to girls largely echoed that used for boys, a criticism that has also been made more recently. In my view with the number of girls in custody resting at such a low point there is a compelling case for all girls in custody being placed in secure children's homes, where size, ethos and experience would combine to enable a more focused approach to these girls. The number of pre-paid vacancies in secure children's homes comfortably exceeds the number of girls in custody.

Jim and David showed how *central government responsibility* for children in custody moved from the Home Office (whose prime responsibility was for

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<sup>48</sup> In a private communication David Lane has commented to the author that in his recollection only remand homes and secure units within CH(E)s were secure, although I recall CH(E)s in Lancashire the seventies definitely being locked, not least because of memories of the large bunch of keys carried by staff that seemed to have some form of status.

<sup>49</sup> In my four years at the YJB I recall only one serious incident following an escape but in the main children would return to their mothers' homes where they would usually find a police officer patiently waiting for them. One serious incident is clearly highly undesirable but has to be weighed in the ultimate calculation against all the consequences of the culture of security that dominates custody for children.

<sup>50</sup> There were perhaps 8 boys to every 1 girl while Hyland (1993) cites there being 6 girls CH(E)s to 18 boys institutions in 1990 ... and in the author's experience the girls' homes were much smaller than those for boys.

<sup>51</sup> Source: Youth Custody Service (July 2020) - These figures include young adults over 18 who were being held in custody to serve out sentences passed while they were children or while a place in an adult prison was found – often a laborious and frustrating process.

crime) and the then Department of Health and Social Security (whose responsibilities at the time included those for social services for children). Since then responsibility has moved between departments, not just as departmental responsibilities have changed. Given this chequered history we are entitled to ask if this a duty that ministers and senior civil servants wish to avoid by passing on to others. Currently the Ministry of Justice, with limited experience of policy in respect of children, holds the reins. I am far from alone in believing that responsibility for children in custody should be held by the Department for Education, which holds most of the departmental responsibilities for children.

We should rightly derive a sense of progress from the act that the caning of children in approved schools died out in the fifties and sixties. But *children in custody still experience pain in the name of restraint*, practices which they call "*twisting up*". I believe that equipping staff with techniques to prevent physical attacks by children on other children or staff is an essential component of the central task of keeping children in custody safe. In extremis, it may be necessary to deliberately inflict pain to bring such attacks to an end. But the evidence of the last five years is that the sanctioned infliction of pain has risen, and within it that the most painful techniques have been those used most. Concern about this gave rise to Charlie Taylor's<sup>52</sup> thoughtful review of the use of pain in custody. But his recommendations have been with government for more than fifteen months and action on these is needed urgently. We have been waiting for too long.

### **Contemporary concerns about custody for children**

I would like to close by touching on some other issues that either have not featured in our webinar to date, or which bedevil custody at the moment. These are:

- the abuse of children in custody
- the growth of racial disparity amongst children in custody
- deteriorating conditions in child custody, including at times all pervasive undercurrents of violence in YOIs and STCs, and
- the very fractured and varied 'system' of custody that we have

The first of these is the question of *the abuse of children in custody*. I have already referred to the abuse of children at Medway STC in 2014, which remains to this day one of very few instances where child abuse has been called in relation to children in custody. More recently the Independent Inquiry into Child

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<sup>52</sup> Now Her Majesty's Chief Inspector of Prisons.



Sexual Abuse (IICSA) has highlighted real concerns over time about the sexual abuse of children in residential homes of various types, although it is hard for an outsider to penetrate their own counting rules and understand their assessment of the scale of the issue. There is, however, from these two sources as well as from the partial conviction in March 2019 of five members of staff for abuse at Medomsley Detention Centre in the seventies and eighties, sufficient reason to be concerned about the conduct of some members of staff across time<sup>53</sup>.

The *growing racial disproportionality* in custody – a majority of children in custody come from black and other minority ethnic communities<sup>54</sup>, and the progress made in developing a more 'child first' youth justice serves white children better at almost every step. This was perhaps not an issue forty years ago but it is THE issue today.

The *deteriorating conditions in YOIs and STCs*, observable over the past ten years, are also of major concern. In February 2017 Peter Clarke, the then Chief Inspector of Prisons, reported to the then Prisons Minister announced that not one child's prison was a safe place for children<sup>55</sup>. He then amplified this warning in July 2017 by stating publicly that these failings were such that "*tragedy was inevitable*"<sup>56</sup>. There have been some improvements since that time and we should not underestimate the amount of work needed to achieve these. However, in his final annual report Clarke repeats many of his earlier criticisms, summarising that "*the outcomes for many children have been appalling.*"

The all-pervasive *undercurrent of violence*, particularly but not exclusively between children, that gets in the way of constructive work to eventually resettle children from custody is one of the most serious issues that needs tackling. Again the Youth Custody Service is well aware of this.

Lastly, there is the fact that *we now have a children's custody system that offers at least three very different models of provision* (YOIs, Secure Training Centres, and Secure Children's Homes), with further distinctive add-ons available in particular places that probably means we should count this as five different models of provision<sup>57</sup>. This is a system that has evolved rather than

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<sup>53</sup> These issues are explored passionately and in much more detail in Willow C. (2015) *Children Behind Bars – Why the abuse of child imprisonment must end* Bristol: Policy Press

<sup>54</sup> The Youth Custody Service/Ministry of Justice's most recent figures, for July 2020, shows that 53% of children in custody came from a black or other minority ethnic community – Youth Custody Service [2020] *Monthly Youth Custody Service* London: Ministry of Justice

<sup>55</sup> HM Chief Inspector of Prisons for England and Wales (2020) *Annual Report 2019-2020* London: OGL

<sup>56</sup> Peter Clarke quoted in Children & Young People Now 18.6.17

<sup>57</sup> To reach this figure I have treated the small children's YOI unit in the adult prison at Parc in Wales as a separate model (and incidentally a prison that consistently outperforms other YOIs in HM

being planned, and little obvious analysis of the reasons for having such a mix has been mounted in recent years. Now the government is intent on producing a sixth different model, Secure Schools, which are likely to be different again. Does this eclectic approach really make sense? Peter Clarke also referred to this issue in his final annual report, writing that:

*"There are now four models of children's custody in England and Wales: secure children's homes (SCHs), secure training centres (STCs), young offender institutions (YOIs), and secure schools, but no overarching strategic framework or clear vision for the future."*<sup>58</sup>

## Conclusions

It is all too easy to conclude such a summary by despairing about the tasks we face in improving the conditions in which we hold children in custody, let alone agreeing what their purpose ought to be and therefore how sentences, curriculum/programmes and ultimately success criteria should be.

Yet the reality is that more than 1,500 children, even at today's historical low point, will be sent to custody at some stage over the next twelve months. Although I believe there is still room to further reduce this number, there will still be a significant need for custodial facilities. And while I admire the purists who call for all children in custody to be sent to secure children's homes, the most humane and child-focused of the current arrangements, it is very hard to imagine how central and local government would foot either the revenue or capital bills for such an about-face in policy and sentencing<sup>59</sup>. So perhaps looking at the things that did work in the past is not such a futile task after all. Trying to build some of this into the models for the new secure schools, the only reform game 'in town', looks like an activity worthy of engagement.

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Inspectorate of Prisons assessments) and smaller completely separated specialist units within mainstream YOIs (notably the Keppel Unit within HM YOI Wetherby which I had the pleasure to open in 2009) as a further distinctive type (a distinction shared by the Inspectorate).

<sup>58</sup> HM Chief Inspector of Prisons (2020) op. cit.

<sup>59</sup> My own broad brush calculations indicate that such a policy change would require capital funding in the region of £ 750 million, recurring revenue funding of £ 72 million per annum, the will and planning consent to build at least 15 new secure children's homes, and providers willing to run such homes. Not impossible by any means but a big ask.

## Session L: Discussion

### **The quality of education**

Questions were raised about the quality of education offered in various residential settings and whether this has improved. At Aycliffe in the 1970s, the average IQ of boys was 85 and most had faced bad experiences at school. There were two 'grammar' schools in the system at Kneesworth (intermediate) and Ardale (senior). Since then, there has been a huge effort to improve the education of looked after children with education given full attention in care plans, annual statistics published by the DfE and initiatives like the appointment of virtual heads in local authorities. But as late as 1999, the Youth Justice Board was alarmed at the poor educational attainments of entrants to custody and how many of them had been out of school for a long time.

### **The relationship between care and justice systems**

There was a question whether the substantial fall in admissions to custody had led to a rise in numbers of older children entering care. There are now 50,000 children over the age of 10 looked after in England, a fifth of whom are in residential care. This raises the question of whether they are in the right place because while care sounds preferable to custody, many are living a long way from home and are on what is effectively an indeterminate sentence.

### **The risk of reinforcing criminality**

The reduction of numbers in custody means that those admitted will be more serious offenders, raising the problem of whether putting such children together reinforces anti-social attitudes and encourages a criminal culture. It also produces a situation that is far from normal. For therapeutic work to succeed with this group, the size of institutions and units within them must be reduced.

### **The decisions to release children**

In the approved schools, the court order was a sentence with a time limit but the decision to release children rested with the school managers based on information from school staff and there was an after-care system delivered by probation and children's departments. In the CHEs introduced in the 1970s, the decision for release rested with the local authority social workers and not residential staff or a governing body. The criteria it employed were less clear, often reflecting finance or institutional closures rather than children's progress.

### **Establishing a coherent policy**

The discussion returned to the earlier question of what is the purpose of custody for children? The protection of public and relief from serious anti-social behaviour are obviously important and cannot be ignored but simple solutions often trumpeted in the media, like removing drug dealers from street corners, are naïve as they only touch the tip of the iceberg of organised crime. A coherent policy requires critical examination of the levels and patterns of crime; overall crime rates are falling although violent offending is increasing.

## Session M: Current YOI Practice: Opportunities and dilemmas - Sonia Brooks and Giles McCathie

The publication by the Ministry of Justice, NHS England, HM Prison and Probation Service and Youth Custody Service, *Building Bridges: A Positive Behaviour Framework for the Children and Young People Secure Estate* marks a major stage in the formulation of a coherent policy about treatment and support. Its aims are:

- incentivising and promoting positive behaviour
- minimising behaviour that can cause harm
- working effectively with unacceptable behaviour to provide a safe and controlled environment for children, young people and staff.

But inevitably worthy ambitions raise questions of how to support such care within systems and in this talk, we will describe developments at Werrington YOI to apply the thinking expressed in the policy document.

Initially, we would stress that the overarching emphasis has to be on all things positive, especially positively directed activities involving children and young adults. This has required a considerable cultural shift in the system as the need to balance the needs of children and 'young adults' (we think this better than using the generic term 'young people' or the previous often used 'young offender') with their safety, the risks they pose to others and protection of the public is much more open to scrutiny and discussion and success in achieving this is a necessary condition to maintain public support.

As part of this, we encourage positive relationships not just between staff, children and young adults but also between staff and staff, pursued within a perspective that is needs focussed. This requires incentives for people to behave positively, strategies to minimise harmful behaviour, methods of dealing with unacceptable behaviour and creating a safe, clean and well cared for environment for everyone to live and work in.

The Framework specifies nine core requirements for it to work effectively. These are:

- Leadership which nurtures the development of pro-active cultures
- The development of a supported, skilled, and resilient workforce
- The development of trusting, respect based and collaborative relationships between children, young people and staff

- Regimes focused on achieving the benefits of reward and positive reinforcement
- A strategic approach to reinforcing positive behaviour
- Services tailored to meeting individual needs
- Open, transparent and responsive processes
- Approaches to diverting, de-escalating and managing challenging behaviour
- A clean and well cared for environment

### **Developments at Werrington YOI**

At Werrington, we have adopted a multi-pronged approach to implementing these principles and ideas. First, care is taken over language - the children and young adults are children and young people going through adolescence and it is not helpful to view them as prisoners or inmates. Second, we conducted a cultural web exercise to understand how children feel. We hold quality and lengthy discussions with the children and young people about what they want, what they want to be and where they want to go. This often means deeper discussions to help them understand where they have come from.

In addition to these features, a third change has been to make the structure less hierarchical and more informal, for example casual dress rather than uniforms are allowed for senior managers. Residents are also encouraged to connect with one another and hold conversations that are 'different' from usual prison dialogue.

The personal and professional development of staff is encouraged, too, and many study for the Youth Justice Foundation Degree and are given time and support to do so. Links are also made with local safeguarding groups, YOTs and local authorities to harness their experience. and bring their thinking into the institution, and vice-versa.

However, central to all of this is trust and respect; they remain key aims as they have usually broken down in the children and young persons' lives. Key staff can help each individual by encouraging him to tell his own story and identify trigger points for change. This helps us tailor services needed to meet their needs. But we would emphasise that no one size fits all.

Special attention is paid to rewards, for example how many hours of education or conforming to health requirements merit a privilege, whether a favourite meal or more phone time. The whole environment seeks to encourage positivity with encouraging posters and signage promoting well-being.

Restorative justice is another important feature of the regime and for this hearing the voices of the children and young people is critical. There is a junior management team run by the children and young people to which staff can be invited and through which concerns and complaints can be directed to the higher authorities.

In summary, all of these features have been designed to complement one another and work in the same direction with the intention of helping the children and young people understand their own identity and, equally, working as a community.

## Session N: Discussion

### **The range of therapies and strategies for specific issues**

Questions were raised about the place of other therapies that can be effective and viable given children's different lengths of stay and the extent to which youth offending teams can be expected to be continue therapeutic work after release. Sonia gave an example of how an inclusive team to deal with children's mental health issues had been established at Werrington and how this was backed by rigorous assessment methods, careful recording and joint planning with YOTs. Similar initiatives have been developed to promote equality and inclusion for BAME, disabled and vulnerable residents. Another example concerned the sensitive matter of institutional diet; nutritionists were brought in to scrutinise diets and advise on healthy eating but junk food delights were not wholly banned but offered at special times and events like treat nights.

### **The contribution of Winnicott**

Reference was made to Donald Winnicott's writing - he was not opposed to punishment but argued that it had to make sense to the child if it was to be effective. He emphasised the energy of the group in residential settings and how this could be harnessed to establish the boundaries and trust that are essential for therapeutic practice. Argument rather than discussion should be seen as healthy and welcomed.

### **Ways of implementing radical change**

Attention was paid to ways of getting staff and children to accept and support changes. There was concern that radical ideas might place on staff expectations for which they are unprepared. For example, are junior staff capable of giving rewards or protecting vulnerable children when controls are relaxed? Several conditions for success were specified, such as having an individual plan for each child and a personal development plan of each member of staff, giving staff fresh air and encouraging training, self-reflection and creative thinking, sharing information across departments, and involving children in decisions that affect them as a group. All of these strengthen the move away from the lack of agency that demoralises staff and children and addresses the commonly held feelings that 'things are done to them rather than with them'.

### **County lines gangs children**

A group of children causing concern is those involved in county lines gangs drug dealing. These are often best perceived as exploited rather than criminal yet often receive substantial custodial sentences. Special approaches are need for



this group. For example, if they disclose information, staff should be willing to challenge the custodial sentence, inform the National Referral Mechanism and construct a robust resettlement plan with YOTs that reduces their future vulnerability.

### **Diverse views on welfare**

Frustrations were expressed that these welfare aspirations are not always echoed by senior prison inspectors. There has, for example, been little progress on temporary licencing even though its value for resettlement is widely acknowledged.

## **Session O: On the Outside Looking In - Darren Coyne**

This was a repeat of the talk given on Day 1 and is reported above in Session F.

## Session P: Discussion

### **The value of children's narratives**

The value of children's narratives for improving services is self-evident but they must never be allowed to become voyeuristic. Neither should language be accepted uncritically, for example they need to say 'victims of' rather than just 'victims' and 'survivors of' rather than just 'survivors' etc. The label 'victim' implies passivity and absence of power to change.

### **The needs of older offenders**

While children's views are more readily heard nowadays, it is less the case for 18-25 year olds in custody. Yet these men and women often operate as if much younger. The ideas deemed suitable for the under 18s should be considered for the older group.

### **Understanding the principles of good social care**

The continuity of care is often destroyed by the unplanned movement of children around the penal system; often social workers are not informed and may not know where children are. YOIs also have to accept whoever is sent to them, often at short notice. It seems that custodial services are not attuned to or do not understand the principles of good social care and there is a mismatch between the welfare pathway determined by children's care needs and the sentencing route defined by their behaviour. These need to be more concordant. The administrative and financial arrangements underpinning this cannot be ignored in seeking more harmony - can you really talk of 'holding' if your carer is G4?

## Session Q: Trauma and Treatment in the Secure Estate - Kajetan Kasinski

The question behind this conference is whether all is well in the young people's custodial service?

Before taking up my present position, I had no previous experience of prison and assumed that I was there to offer the best possible psychiatric care to those who needed it. But I was advised by colleagues that the young people were not incarcerated to receive psychiatric treatment and that this was not a prison's main function. Indeed, I was warned about the toxic culture that would confound my ambitions to deliver good medical practice.

Once I had started I soon also became curious how rarely questions about what children's and young people's prisons were for were raised, let alone discussed, and why the young people's offences, the reason for their imprisonment, were also rarely talked about. So, one of my first problems was to decide whether as a psychiatrist I had a remit to discuss the young people's offences even if it was necessary for my therapeutic work.

I will present my concerns with three vignettes which illustrate the various experiences young people in custody might undergo.

### **Vignette 1**

This involves a 17-year old boy convicted of a gang land murder. He engaged with psychiatric sessions but started to back off and missed sessions, suggesting possible depression. But deeper investigation showed that he was not clinically depressed. In one session He explained how he could see over the wall from his room and had a view of some trees. He spoke eloquently of how he would love to go out there for 10 minutes to 'feel the wind on my face' before he had to move on to an adult prison. I raised this possibility but was told it was not allowed, which made me feel both inadequate and guilty. Later, after he had moved on, the chaplain and I went to the spot he wanted to visit; all we could do was to sit down and cry.

The point is that even though his wish seemed relatively trivial in the wider chain of events, the notion of 10 minutes outside was important to him. How can we best express this emotion in words? And where does his desire and the official decision fit on the treatment-punishment continuum that has been discussed?

## **Vignette 2**

This involves a 17-year old girl convicted of driving offences but with a history of disrupted care marked by neglect and domestic violence, and presenting with episodes of feral behaviours and extreme self neglect. She did not have any clear psychiatric diagnosis, was able to be articulate about her past, and despite occasional relapses seemed to benefit from weekly psychotherapy.

One day she was confined to her cell and on 24-hour watch with staff only entering her room if wearing protective gear. Her psychotherapist and I tried to engage her by talking through her cell door; she was sitting out of sight on the other side. We made some progress, especially when she stood up and, unprompted, wiped the window in the door clean so we could see each other. She then accepted our offer to help her tidy up her room, which she had trashed; we were able to start doing this together, and she was calm when we left. Though the prison staff had been prepared to let us do this, they had also immediately talked of bringing in cleaners and industrial hoovers rather than the bin bag we'd suggested. It was as if in a single moment their thinking had moved onto a different level; Neville Symington talked of how unintegration (the inability to think in a personal way) in individuals can mirror that of an institution.

## **Vignette 3**

This also involves a 17-year old girl, this time a refugee from Eritrea. Though she may actually have even been a few years older, in many ways she functioned emotionally as a four-year-old. She had not been held by the care system and it was her second admission to Medway which she liked because she felt safe there. But where should she go after release?

There was talk of a hostel in North London and a FE course but the level of support she would have needed to sustain this was not available. Thus it was not not altogether surprising that after two days there, she dropped out of the course and also started staying out at night, and although not known to be in obvious danger possibly being sexually exploited. It made me realise how much of a bubble she had been living in while in custody and how comforting the idea of a 'bedroom with a lock on the door' was to her. While in prison she also talked of how in the community she felt 'there was no safe place for me'.

This caused me to think about the meaning of rehabilitation and the restoration of freedom and normality and how in her case how could we restore what she had never had? Neville Symington also talked of how real learning involves 'doing and struggling and making mistakes and arguing'. Custody as I see it tries hard to prepare young people for life outside, but its efforts are

thwarted partly by its own difficulties in making space for this sort of learning, and partly by the fact that normal life may not be out there for the sort of people it works with.

Custody as I see it tries hard to prepare young people for life outside and is used to dealing with turmoil and learning from mistakes, but its efforts are thwarted by the fact that normal life may not be out there.

## Session R: Conclusions

The final session drew several conclusions.

### **The purpose of custody for children**

The discussions revealed an enduring lack of consensus on the purpose of custody for children and a fragmented system that confounds the fundamental principles of social care. Fixation in one approach or ranking services in order of preference can be dysfunctional, as in the case of Darren whose care plan could not include return to his family - the most common placement outcome for looked after children - as it was so abusive, but required something quite different, namely movement towards a completely new life.

### **The unintended consequences of intended human action**

It was also noted that well meaning actions can have unintended consequences. Improvements in education in residential establishments, for example, led some magistrates to consider sending poorly educated children to custody to make up for their deficits. Another example occurred in Kajetan Kasinski's vignette where the offer by a cleaner with a bin bag to tidy up a trashed room, a personal relational approach, was cast aside for the use of an industrial Hoover, an impersonal institutional response.

### **Issues of autonomy**

Issues of autonomy arose several times in the discussions - the feeling of 'things being done to people rather than with them'. This was increasingly felt by staff and children. An example was given where the benefits of the Secure Steps programme were reduced by the way it was introduced. Most staff in institutions are committed to doing the best they can for the children in their charge and new ideas and freedom to innovate should be encouraged.

### **Barriers to progress and ways forward**

The presentations showed that there are ways of taking things forward at theoretical and practical levels. The overarching need is for a better understanding of the purpose of custody for children and ways of matching responses to their needs. Practical examples were given where social work principles have been applied in inauspicious settings. So why are we getting it wrong? What is blocking reforms? Why in Britain are we more punitive to young offenders than other countries, even ones known for their seemingly repressive regimes?

Seminar participants were wise enough to know that there are no simple answers to these questions or single solutions to the problems aired but it is hoped that the ideas discussed in the seminar will help take things forward towards a justice system worthy of a civilised country.



## Biographies of Contributors

**Sonia Brooks** OBE has worked for HMPPS for over 21 years and the last 11 years with youth custody. She is currently the Governor for HMYOI Werrington. Prior to taking up role at HMYOI Werrington Sonia led a National Youth Custody Review of Safeguarding, the report has been published on the Government website. Sonia is passionate about working with children and young people and making a difference in the criminal justice system.

**Darren Coyne** has just approached his 10th year working with The Care Leavers' Association as a project manager, with much of his work focused on detached community engagement specific to care leavers, asking questions in a policy context on current discourses in relation to the care experience(s) of post care adults within criminal justice settings and in accessing social care files. He has direct lived experience of living between the care system and the criminal justice system. Graduating from the University of Leeds with a BA Sociology and MA Social Research Darren moved into youth rights work, opting to work within a framework which develops inclusive approaches to inter-community relations using human rights, anti-racist and social justice models.

**John Diamond** is CEO of The Mulberry Bush, a charity that provides specialist therapeutic services to emotionally troubled and traumatised children, young people, adults their families and communities. John has spent his career working in and promoting the value of therapeutic environments. He is currently Chair of the Child Care History Network, which is now part of the Mulberry Bush 'International Centre for Therapeutic Care', and Chair of the Dartington Centre for Social Policy.

**Professor John Drew** is a former Chief Executive of the Youth Justice Board for England and Wales (2009-2013). Before that he was Director of Social Services and Housing in the London Borough of Redbridge. Professor Drew was appointed CBE for services to youth justice in 2013. Since leaving the Youth Justice Board in 2013, he has taken on a number of non-executive and part-time roles. He is a Visiting Professor at the University of Bedfordshire; chairs the Medway Safeguarding Children's Board; co-chairs the North East London Children's Resettlement Consortia; Chair of London & Quadrant Living, and the Chair of the Criminal Justice Alliance and works with the Prison Reform Trust as a Senior Associate.

**Jim Hyland** has had wide in experience in residential care of children and adults, both as a carer and a manager. He worked in various roles a number of local authorities and in the voluntary sector. He was Principle of a Community Home

with education for some years before becoming Director of Care Services for a regional charity. He did an MEd and for this he did a study of the rise and demise of the approved schools, which he later used as the basis of his book "Yesterday's Answers" (1993). He was a regular contributor to "Social Work Today" and other social care journals.

**Kajetan Kasinski** is a Consultant Child and Adolescent Psychiatrist with experience of working with young people with complex difficulties, presentations and histories in a variety of settings, including the Northgate Clinic and the Tavistock Children's Day Unit which privileged and made use of therapeutic community ideas and practises. For the last five years he was the consultant adolescent forensic psychiatrist at Medway STC. He is co-editor of a book on Therapeutic Communities for Children and Adolescents and is on the advisory group of the Royal College of Psychiatrists Community of Communities programme.

**David Lane** commenced his career with eight years in residential child care, working mainly in the assessment of young offenders, and he ended his career with eight years as Director of Social Services in the city of Wakefield. Since then he has been an independent consultant, and has prepared expert witness reports for over eighty cases in which former children in care have sought damages for negligence. He has played a major role in a number of professional organisations, and for fifteen years he edited *Children Webmag*, a professional magazine for child care workers. He was a Panel Member of the Historical Institutional Abuse Inquiry in Northern Ireland from 2012 to 2017. In 2016 he was appointed CBE for services to child care and social work.

**Dr Giles McCathie** is the Directorate Lead Psychologist for the Youth Custody Services, working within HMPPS Psychology Services Group. Giles is a Forensic Psychologist and previous Chair of the Division of Forensic Psychology (2011-13), working within the justice system for over 20 years. During this time he has led Psychology Services across the East of England, developed intervention approaches and regimes, and over the last few years worked in youth custody. He has consistently worked to develop strength-based services for both staff and residents, promoting supportive relationships that facilitate positive self-identity. Having worked with both children and young adults, the importance of creating environments and systems that enable positive development remains a focus of Giles' work within the justice system.