Child sexual abuse in custodial institutions: A rapid evidence assessment

Independent Inquiry into Child Sexual Abuse

March 2018
Child sexual abuse in custodial institutions:
A rapid evidence assessment

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March 2018
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Acknowledgements

The authors would like to acknowledge the guidance and oversight provided by colleagues Miriam Light and Helen Powell, the members of the Victims and Survivors’ Consultative Panel (VSCP) and the Academic Advisory Board (AAB). We are also grateful to our two peer reviewers and to Professor Neal Hazel for the assistance he provided.
Executive summary
Introduction

Child sexual abuse (CSA) involves forcing or enticing a child or young person under the age of 18 to take part in sexual activities. It includes contact and non-contact abuse, child sexual exploitation (CSE) and grooming a child in preparation for abuse.

As part of its work the Inquiry is undertaking an investigation into the extent of any institutional failures to protect children from sexual abuse and exploitation while in custodial institutions. The investigation will consider the nature and scale of child sexual abuse within the youth secure estate in addition to institutional responses to the sexual abuse of children in the youth secure estate. The rapid evidence assessment (REA) has been carried out to inform the investigation by reviewing the existing research evidence base. The REA explores the following:

- Evidence related to the prevalence of child sexual abuse in custodial institutions;
- Socio-demographic characteristics, both of victims and perpetrators;
- The factors associated with failure to protect or act to protect children in the care of custodial institutions;
- The nature of the safeguarding systems in place and how they have changed over the years;
- Recommendations in the literature regarding how those systems may be improved to better protect children in custody from sexual abuse.

Method

A rapid evidence assessment method was used to identify and synthesise existing evidence relating to the areas of interest set out above. Following a pilot phase, searches were conducted in academic databases\(^1\) in addition to relevant non-academic databases\(^2\) and general internet searches, using an agreed set of search terms and inclusion criteria. The initial literature search was carried out between October 2016 and March 2017. Additional literature was identified (for example through bibliographical references in included literature and by reviewers) up to October 2017. The resulting literature was prioritised, and over 230 of the most relevant and robust studies were subsequently coded, analysed and synthesised for this report. Their methodological rigour was measured using a quality assessment (QA) tool. A ‘weight of research evidence’ approach was adopted, with the quality of the literature and its relevance to the aims of the REA\(^3\) determining the weight given to its findings within analysis and reporting. Additional studies and other pieces of literature are referred to in several places to provide further context. The report does not seek to provide a fully comprehensive overview of all the available literature, nor does it seek to describe or draw conclusions about current practice in the youth secure estate.

2 Social Care Online (SCIE), Open Grey.
3 Including its jurisdiction and publication date; with more recent literature and literature from England and Wales being prioritised.
Key findings

Context

The youth secure estate in England and Wales currently comprises three different types of establishment: Young Offender Institutions (YOIs), Secure Training Centres (STCs) and Secure Children's Homes (SCHs). YOIs typically hold children felt to be more resilient and/or older. STCs typically hold children who are more independent, motivated to attend school or who have risk factors which make it inappropriate for them to be placed in a YOI. SCHs typically hold those felt to be the most vulnerable or have more complex needs and who are younger. YOIs accommodate boys only whereas STCs and SCHs accommodate both boys and girls. There were a total of 16 establishments in 2017: five YOIs, three STCs and eight SCHs.

Following a pattern of general incline, the number of children in custody has seen a considerable decline since mid-2008. However, those who remain in the youth secure estate are typically more vulnerable and disadvantaged and may present significant risk factors to themselves and to others (Wood et al., 2017; Youth Justice Board for England and Wales, 2017; Bateman, 2016; Youth Justice Board for England and Wales, 2015b; Jacobson et al., 2010).

Backgrounds of children in custody

Prior experience of abuse, including sexual abuse, and neglect is common amongst children in custody. Around four in ten children in the youth secure estate have previously been in local authority care and many come from backgrounds of general social or economic disadvantage (Simmonds, 2016; Gyateng et al., 2013; Jacobson et al., 2010; Glover and Hibbert, 2009; Day, Hibbert and Cadman, 2008).

The treatment and wellbeing of children who have prior experience of sexual abuse or exploitation constitutes part of the institutional response to child sexual abuse. However, there are no recent studies on the prevalence rates of child sexual abuse and child sexual exploitation of children and young people prior to entering custody in England and Wales. An older study carried out with children and young people aged 16 to 20 in 1997, found that more than one in four females in custody reported having experienced sexual abuse, compared with just under one in 20 males (Lader, Singleton and Meltzer, 2000).

It has been found that the health needs of girls in the youth secure estate were more complex than the needs of boys, and that girls had higher levels of co-morbidity and self-harm and higher rates of attempted suicide (Mooney, Statham and Storey, 2007; Lader, Singleton and Meltzer, 2000).

The proportion of children held in custody on the grounds of sexual offences is important to consider since this group may be particularly at risk of both perpetrating sexual abuse and being a victim of it. The proportion of children in custody for a current sexual offence conviction was estimated to be around five per cent in England and Wales in 2014 (Youth Justice Board (YJB), 2014 cited in Howard League for Penal Reform, 2015). Children (predominantly boys) convicted of a sexual offence share many of the same vulnerabilities as others held within the youth secure estate, including having often come from disadvantaged family backgrounds and having experienced or been diagnosed with a wide range of mental health conditions (Howard League for Penal Reform, 2015; Underwood et al., 2008; Delisi et al., 2008; Lambie and Seymour, 2006; van Wijk et al., 2007; Masson and Hackett, 2004; Hamilton, Falshaw and Browne, 2002; Grimshaw, 2008; Kent, 2004; Falshaw and Browne, 1997).
Victimisation

**General victimisation in the youth secure estate**

Whilst this review identified a significant amount of literature on victimisation within the youth secure estate, and in custodial establishments outside England and Wales, this literature was focused mostly on peer-on-peer violence and bullying and was not focused on child sexual abuse. The literature identified high rates of violence and victimisation between peers in custodial establishments (Ministry of Justice and Youth Justice Board for England and Wales, 2017b; Simmonds, 2016; Liefaard, Reef and Hazelzet, 2014; Cesaroni and Peterson-Badali, 2005).

From what is known in England and Wales, it appears that the youth secure estate poses a greater risk for victimisation than adult prisons. Figures from the Ministry of Justice from 2014 show that despite comprising just one per cent of the prison population, 11 per cent of prison assault victims are children (Willow, 2015 citing Ministry of Justice, 2014). In 2016, the Youth Justice Board (YJB) reported that there were 1,294 assaults\(^4\) in the youth secure estate. Whilst the total figure has fallen every year since 2011 - when there were 2,925 assaults - due to the falling population in the youth secure estate, it has risen considerably as a proportion of those in custody; from 9.7 assaults per 100 children in custody in 2011 to 18.9 in 2016 (Ministry of Justice and Youth Justice Board for England and Wales, 2017b).

**Child sexual abuse in the youth secure estate**

There are significant challenges in collecting accurate data on child sexual abuse in custody and limited data is available, particularly from England and Wales. The best available source on prevalence rates in England and Wales is the Her Majesty’s Inspectorate of Prisons for England and Wales (HMIP) annual survey (Table 1). This survey has consistently reported relatively low overall levels of sexual abuse of children in YOIs and STCs; the figures from the 2015/16 survey for sexual abuse by staff being one per cent in YOIs and two per cent in STCs and for sexual abuse by peers, one per cent in YOIs and three per cent in STCs. However, the way the survey is carried out and the challenges of collecting information on child sexual abuse may affect how accurately it represents the true scale of child sexual abuse in custody.

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<td>Boys</td>
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<td>Overall</td>
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\(^4\) The YJB's definition of assault is as follows: ‘Assaults are defined as ‘the intentional use of unnecessary force that results in physical contact with the victim’. Physical contact can be by any part of the assailant’s body or bodily fluid or the use or display of any weapon or missile. It is not necessary for the victim to suffer injury of any kind. Assaults of a sexual nature are included in the definition’ (Youth Justice Board for England and Wales, 2015b, p. 20).
**Circumstances surrounding child sexual abuse in custody**

There is a lack of information available on the circumstances surrounding child sexual abuse in custody and the characteristics of perpetrators - particularly in England and Wales. In the USA, one study found that the majority of reported perpetrators of staff sexual misconduct against children and young people were female and the majority of reported perpetrators of peer-on-peer child sexual abuse were male (Beck et al., 2012). However these findings cannot be generalised beyond the USA and should not be used to make inferences about child sexual abuse in the youth secure estate in England and Wales.

**Specific vulnerabilities and groups at heightened risk of child sexual abuse in custody**

There is limited information available on associations between particular characteristics of children and the likelihood of sexual victimisation. However, a number of factors emerged from the literature as associated with an increased risk of child sexual abuse in custody. These include gender, ethnicity, sexual orientation, history of experiencing sexual assault prior to custody or having been convicted of a sexual offence prior to custody (see for example, Klatt et al., 2016; Beck et al., 2012; Heaton et al., 2012; Youth Justice Board and National Children’s Bureau, 2008; Kennedy, 1995; Epps, 1994).

**Culture and environment**

**Culture within the youth secure estate**

The prevailing culture within a custodial institution has been identified as an important factor in keeping children safe (Erooga, 2009; Youth Justice Board and National Children’s Bureau, 2008; Review Panel on Prison Rape, Department of Justice, 2010) and having a role in enabling or helping to prevent child sexual abuse (National Crime Agency, 2013). Certain types of culture have been identified as being particularly associated with the incidence of abuse. For example, ‘punitive rather than rehabilitative cultures’, 'closed' and hierarchical cultures and 'macho' cultures (National Crime Agency, 2013; Review Panel on Prison Rape, Department of Justice, 2010; Erooga, 2009).

Much of the literature argues that a rehabilitative approach is necessary with children in custody, but that this has not been the approach taken within all institutions or by all staff (Youth Justice Board and National Children’s Bureau, 2008; Almond, 2012c; Prison Reform Trust and Inquest, 2012; O’Neill, 2001; Khan, 2010; Hackett, Masson and Phillips, 2005). YOIs in particular have been characterised as establishments where the culture is focused on punishment and control (Almond, 2012c; Prison Reform Trust and Inquest, 2012). There is a consensus in the literature that SCHs are the most child focused type of secure establishment with the care provided being more individualised and personal and homes being described as having a more informal, family atmosphere (Bateman, 2016; Ellis, 2016; Rose, 2014; Youth Justice Board and National Children’s Bureau, 2008; Khan, 2010).

Closed institutions which are arranged along rigid hierarchical lines and closed to external scrutiny may be less open to external or internal challenge and have been identified as associated with instances of abuse of power within institutions for children (National Crime Agency, 2013; Erooga, 2009; O’Neill, 2001). In such an environment staff may feel disempowered to raise concerns and poor practice may persist unchallenged (Erooga, 2009). A male-dominated or ‘macho’ culture has also been identified as a factor in a number of inquiries into child abuse in residential settings (Erooga, 2009). This type of ‘macho’ culture might be evident, in either children or staff, through an inability to express feelings or emotional vulnerability, a denial of feelings or an inability to recognise them in others (Willow, 2015; Coles, 2015; Rose, 2014). Such factors may have implications for the identification and reporting of child sexual abuse in custody.
**Relationships between staff and children**

The literature emphasises the importance of trusting relationships between children and staff in custody for the welfare of children and young people (User Voice, 2012; Douglas and Plugge, 2008). Such relationships are said to be important for a number of reasons, including the welfare of children, behaviour management and maintaining order (Douglas and Plugge, 2008; Youth Justice Board for England and Wales, 2006b). Also of particular relevance is the importance of these trusting relationships in enabling children to raise concerns or problems (User Voice, 2012) and assisting staff to be able to identify victimisation (Children’s Rights Alliance for England and Hodgkin, 2002). The 2015/16 HMIP survey indicates that a small proportion of children in YOIs would disclose abuse to members of staff, with only 28 per cent of boys saying they would report victimisation to members of staff (Simmonds, 2016). Some of the literature also emphasised that traumatised children in custody may find it difficult to trust adults or discuss painful experiences and events (Beyond Youth Custody, 2016; Gray, 2015; O’Neill, 2001).

**Structural challenges**

The literature indicates that the structure of the secure estate may compromise effective safeguarding of children in custody. For example, institutions being relatively large in size, and children being placed in institutions relatively far from home are factors which may have negative implications for an institution’s ability to keep children safe, how safe children feel in custody, and the risk of sexual victimisation in custody (HM Chief Inspector of Prisons, 2015a, 2009; Youth Justice Board and National Children’s Bureau, 2008; United States Review Panel on Prison Rape, Department of Justice, 2010). Other key factors relate to the physical environment, the mixed population of children placed on welfare or youth justice grounds in SCHs, and the ratio of staff to children (Prison Reform Trust and Inquest, 2012; Rose, 2014; Youth Justice Board and National Children’s Bureau, 2008).

**The use of restraint, strip searching and CCTV**

For children who have been victims of abuse in the past, restraint can be a highly traumatic experience (HM Inspectorate of Prisons, 2015a; Smallridge and Williamson, 2008; Carlile, 2006). More research is required in order to better understand the impact of restraint for victims of sexual abuse (Carlile, 2006).

Over the last decade several reviews and inquiries into different areas of the youth secure estate have noted, to varying degrees, the particularly traumatic effect that strip searching can have on children entering custody who have previously been sexually abused (Berelowitz and Hibbert, 2011; Khan, 2010; Lambert, 2005).

CCTV can have a positive impact on offender and staff behaviour, feelings of safety and safeguarding practices. However, there has also been criticism of gaps in CCTV coverage and over-reliance on CCTV evidence in investigating allegations of abuse (Holden et al., 2016).
Assessment and response to needs and behaviours

Risk assessment

Assessments are one of the ways for establishments in the youth secure estate to identify and review the vulnerability of a child, and consequently develop appropriate care plans that help keep them safe. ASSET\(^5\) was the first structured risk assessment tool for use with all children within the youth justice system in England and Wales, introduced by the YJB in 2000 (Raymond, 2004; Baker et al., 2004; Griffin and Beech, 2004). Studies have found that ASSET could fail to identify situations where a young offender is vulnerable to being harmed when it does not relate to their offending behaviour (Almond, 2012a; Almond, 2012b; Jacobson et al., 2010) and focused primarily on the behaviour and risk management of children, not their safety or welfare needs (Almond, 2012a; Almond, 2012b; Kemshall, 2007; Goldson, 2003).

Institutional response to child sexual abuse prior to custody

A prior history of child sexual abuse is prevalent amongst children who enter custody in England and Wales. Consequently it is important that custodial establishments address and respond to these prior experiences of sexual abuse, through appropriate screening and assessment as well as with effective treatment interventions.

None of the literature reviewed in this REA focused specifically on institutional responses to children who entered custody having experienced sexual abuse. A few studies in England and Wales, which were focusing on general mental health interventions in custody, made limited references to the challenges that custodial institutions faced in providing support to children who had experienced abuse, including sexual abuse, such as staff having the necessary expertise and knowledge and the limited amount of time available to work with children in custody (Berelowitz and Hibbert, 2011; Tunnard, Ryan and Kurtz, 2005; Children’s Rights Alliance for England and Hodgkin, 2002; O’Neill, 2001).

There have been inconsistencies and wide variation in the understanding that relevant staff had of the impact of previous experiences, including sexual abuse, on the child’s emotional wellbeing and mental health (Berelowitz and Hibbert, 2011). Literature has also cast doubt on the suitability of secure settings for sexually exploited children, and the ability of these environments to meet their needs (Scott, 2016; Creegan, Scott and Smith, 2005).

Assessment and treatment of juvenile sex offenders

The assessment of, and treatment models for, juvenile sex offenders in custody is useful to consider, as this group of individuals may present risks as both sexually victimising others or being victimised themselves whilst in custody. There have been movements towards the better management and treatment of juvenile sex offenders. For example, it is now recognised that treatment models designed for adult sex offenders are not suitable for children and young people (Grimshaw, 2008; Masson and Hackett, 2004; Griffin and Beech, 2004). NHS England has also recently commissioned specialist services for children convicted of sexual offences (Howard League for Penal Reform, 2015). However, there have been a number of concerns about the provision of services for children at risk of sexually harmful behaviour in the secure estate. Concerns included: a lack of clear guidance for driving and coordinating multidisciplinary activity; poor evidence of programme effectiveness; poor adaptation of assessment models for use in the secure estate; and lack of (tailored) support working with this group more generally (Khan, 2010).

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5 A new assessment framework called Asset Plus has been rolled out across the secure estate for children and young people alongside a comprehensive health assessment tool (CHAT) (Youth Justice Board for England and Wales, 2015a; Youth Justice Board for England and Wales, 2015b; Porteous, Adler and Davidson, 2015).
Social, sexual and relationship development in custody

Children in custody may have specific needs around social and sexual development, for example because they are likely to have histories of abuse and neglect and because of their age (Beyond Youth Custody, 2016; Howard League for Penal Reform, 2015; Lambie and Randell, 2013; Ford et al., 2012; Ikomi et al., 2009; Douglas and Plugge, 2008; Stuart and Baines, 2004a; Epps, 1994). There are particular challenges presented by the custodial environment in encouraging appropriate social and sexual development of children. The literature notes restrictions on the ability to freely form and maintain relationships with friends and family (Howard League for Penal Reform, 2015; Lambie and Randell, 2013; Epps, 1994) and also, in particular, in the ability to socialise with children and young people of the opposite sex (Howard League for Penal Reform, 2015).

Safeguarding policies and procedures

The 2016-17 HMIP annual report concluded that, as of February 2017, there was not a single YOI or STC in which it was safe to hold children. It states that none had reached the standard of ‘good’ or ‘reasonably good’ in the area of safety (HM Chief Inspector of Prisons, 2017a). A report by the Youth Custody Improvement Board in 2017 also asserted that safety remained a key risk in YOIs and STCs (Wood et al., 2017). Six key formal policies and procedures within the secure estate were identified in this REA as having been directly linked to, or having an impact on, safeguarding. A summary of these are below.

Inspections

Inspections play a significant role in understanding the prevalence of, as well as identifying, child sexual abuse in custody. Between July 2009 and March 2014, inspectors reported 130 child protection allegations following routine inspections of YOIs and STCs (Willow, 2015). Of these allegations, 15 were of sexual abuse by prison staff and 11 of sexual abuse by other children (Willow, 2015). Inspections also provide an important data set through the inspectorate (HMIP) surveys in YOIs and STCs, which directly ask children whether they have been sexually abused in custody.

However, there is limited reference within the literature on the adequacy of or challenges faced by inspections in YOIs, STCs and SCHs. Some literature points to an uncoordinated approach from the various monitoring bodies being unhelpful and increasing the risk of unidentified safeguarding issues (Holden et al., 2016; Taylor, 2016; Youth Justice Board and National Children’s Bureau, 2008).

Staff training and supervision

The recommendation that all staff working in custodial settings should receive specialist training on working with children was frequently made in the literature (Wood et al., 2017; See it, Say it, Change it steering group and Stephens, 2016; Wales. National Assembly, 2010; Khan, 2010; Howard League for Penal Reform, 2010; Youth Justice Board and National Children’s Bureau, 2008; Carlile, 2006; Douglas and Plugge, 2006; Lyon, Dennison, and Wilson, 2000). Despite this, it has been suggested that staff working in YOIs and STCs do not have the skills and experience needed to manage the most vulnerable children in custody, and do not receive sufficient training. Particular issues were raised about the lack of training in dealing with children with sexually harmful behaviour (Hackett, Masson and Phillips, 2005) and children who have experienced abuse (Howard League for Penal Reform, 2015; Berelowitz and Hibbert, 2011; Khan, 2010; Children’s Rights Alliance for England and Hodgkin, 2002).
Referral processes

The literature highlighted that progress has been made in regards to staff in establishments being clear about the processes to follow in the event of a child protection issue, but issues related to an appropriate understanding of what constitutes a child protection matter remained (Association of Independent LSCB Chairs, 2014; Berelowitz and Hibbert, 2011; Youth Justice Board and National Children’s Bureau, 2008).

Complaints processes

Research carried out with children in custody found that children demonstrated good knowledge about how to make a complaint but seldom do so or wish to do so (Prisons and Probation Ombudsman for England and Wales, 2015; User Voice, 2012; User Voice, 2011; Youth Justice Board and National Children’s Bureau, 2008). Reasons for this include: dissatisfaction and lack of confidence in the complaints system; fear of reprisals; and the complicated, bureaucratic and impersonal nature of the complaints system.

STCs and SCHs were considered to have more effective complaints procedures in place that were more child focused than YOIs (Youth Justice Board for England and Wales, 2011c; Youth Justice Board and National Children’s Bureau, 2008).

Inter-agency working

A key finding in the literature was the need for greater involvement of local authorities in the safeguarding of children in custody (Willow, 2015; Association of Independent LSCB Chairs, 2014; Youth Justice Board and National Children’s Bureau, 2008; Bottoms and Kemp, 2007; Stuart and Baines, 2004a; Children’s Rights Alliance for England and Hodgkin, 2002). Several reviews identified a lack of multi-agency input into safeguarding practice (Youth Justice Board and National Children’s Bureau, 2008; Berelowitz and Hibbert, 2011). A key theme to emerge was that meaningful involvement of a local authority was particularly rare in YOIs (Youth Justice Board and National Children’s Bureau, 2008; Stuart and Baines, 2004a).

Literature indicates there has been a mixed response from local authorities to safeguarding concerns that are referred to them by custodial institutions, with limited scrutiny of the outcomes of allegations and poor feedback to establishments in relation to referrals (Association of Independent LSCB Chairs, 2014; Youth Justice Board and National Children’s Bureau, 2008).

Reception processes

Vulnerability is heightened for children at the point of entry to custody, both due to the inherent difficulties of facing an unfamiliar environment as well as, it has been suggested, a heightened risk of victimisation from other children (Connell, Farrington and Ireland, 2016; Coles, 2015; Children’s Rights Alliance for England and Hodgkin, 2002; Dimond, Misch and Goldberg, 2001).
Conclusions

This rapid evidence assessment has summarised relevant contextual information, including socio-demographic characteristics of victims and perpetrators and the nature of safeguarding systems, and drawn together research evidence on child sexual abuse within custodial institutions. The review of the literature has highlighted that there is a lack of robust information specifically related to child sexual abuse in custody in England and Wales.

The literature highlights that children in custody are a particularly vulnerable population, and many have a background of maltreatment, including child sexual abuse, deprivation, local authority care and mental health problems. A number of factors have been identified as contributing to keeping children safe or, conversely, exposing them to higher levels of risk. These include: the culture within establishments; relationships with staff; staff ratios and the size of establishments; the physical environment; and the population mix. Staff training is also a strong theme with significant criticism having been attached to training provision and supervision of staff in custodial establishments in England and Wales, in relation to its quantity, adequacy and consistency. Systems surrounding safeguarding in custody, including inspection systems and multi-agency working, are also a focus of a number of studies and commentaries. The literature identified multi-agency working, such as work with local authorities, as potential weakness in the youth secure estate, whilst there is little research information available on the efficacy of the inspection process.

Although this review did not identify literature relating specifically to the handling of incidents and allegations of child sexual abuse, literature relating to the child protection referral process and the complaints system within custody more generally was considered. A number of reviews have identified inconsistency in the making of referrals by custodial establishments. Whilst children demonstrate a good awareness of the complaints system, there exist a number of barriers to them actually using it.

Research gaps

There was little robust research evidence to draw on from England and Wales in respect of child sexual abuse in custody. This is in contrast to the USA, where a large annual survey of sexual victimisation in correctional establishments for children is carried out using a more reliable methodology. Whilst the HMIP annual survey in STCs and YOIs does ask children questions about sexual abuse, the way the survey is carried out and the challenges of collecting information on child sexual abuse may affect how accurately it represents the true scale of child sexual abuse in custody. Additional questions about any abuse which is reported, such as the circumstances and characteristics of the perpetrator are not asked and no comparable data is available for SCHs.

The high proportion of children in custody who have experienced abuse, including sexual abuse, prior to custody, is a theme within the literature. However, the implications of this - and what it means for children’s experiences of custody, their needs, and how these should be met - have not been fully explored through research. Similarly, whilst it has been suggested that juvenile sex offenders may be at higher risk of both becoming victims and victimising others within custody, none of the literature identified in this REA focused on how best to meet the needs of these children and managing the risks surrounding them whilst in custody.

The literature on keeping children safe in custody does not specifically explore keeping children safe from sexual abuse. Research addressing institutional factors (such as those relating to the structure and culture of the establishment as opposed to relating to victims or perpetrators) particularly associated with child sexual abuse in custody would be of value. Particular factors which could be looked into include:
institutional culture; size and structure of establishments; staff training; and multi-agency working.

The literature often makes clear distinctions between YOIs, STCs and SCHs, with SCHs often being characterised as more child focused and safer than other establishment types. Research addressing whether this is indeed the case, particularly with reference to child sexual abuse, and, if so, examining the reasons why, could make an important contribution to knowledge in this field.
1.1 Background to the Inquiry

The Independent Inquiry into Child Sexual Abuse (IICSA or ‘the Inquiry’) was set up as a statutory inquiry in March 2015. The Inquiry aims to consider the extent to which state and non-state institutions in England and Wales have failed in their duty of care to protect children from sexual abuse and exploitation, and to make meaningful recommendations for change, to help ensure that children now and in the future are better protected from sexual abuse.

Child sexual abuse involves forcing or enticing a child or young person under the age of 18 to take part in sexual activities. It includes contact and non-contact abuse, child sexual exploitation and grooming a child in preparation for abuse. Although it is challenging to measure child sexual abuse accurately, on account of its hidden nature, the latest research evidence suggests that in England and Wales at least one adult in 14 (seven per cent) was sexually abused as a child (Office for National Statistics, 2016).

1.2 Background to the rapid evidence assessment

As part of its work the Inquiry is undertaking an investigation into the extent of any institutional failures to protect children from sexual abuse and exploitation while in custodial institutions. This includes Secure Children’s Homes (SCH), Secure Training Centres (STC), Young Offender Institutions (YOI) and their precursor institutions (referred to collectively within this report as the ‘youth secure estate’). The investigation will consider the nature and scale of child sexual abuse within the youth secure estate in addition to institutional responses to the sexual abuse of children in custodial institutions. This is an area where little attention has been paid, and this is why a rapid evidence assessment will look to review the literature that does exist to support the investigation.

1.3 Rapid evidence assessment (REA) aims and research questions

This rapid evidence assessment (REA) reviews the available published research reports relevant to the investigation on custodial institutions. More specifically, the REA explores:

- Evidence related to the prevalence of child sexual abuse in custodial institutions;
- Socio-demographic characteristics, both of victims and perpetrators;
- The factors associated with failure to protect or act to protect children in the care of custodial institutions;
- The nature of the safeguarding systems in place and how they have changed over the years;
- Recommendations in the literature regarding how those systems may be improved to better protect children in custody from sexual abuse.

This REA has been produced by the Inquiry’s Research Team to support the investigation into custodial institutions, and for consideration by the Inquiry’s Chair and Panel. The report will also be of relevance and interest to policy makers, practitioners and other researchers working in the fields of child sexual abuse and youth criminal justice.

This report makes no findings of its own about the acts or omissions of individuals or organisations. It summarises findings made by others in the literature reviewed. Any opinion set out below as to the adequacy of relevant systems or the institutional response to child sexual abuse in custody, is an opinion expressed in the relevant literature. It is not that of the authors of this report. Insofar as views are expressed on other matters, they are those of the authors alone.
1.4 Scope of the REA

The REA focuses primarily on literature from England and Wales due to significant variation between youth custody systems in different jurisdictions. In cases where the literature does relate to other jurisdictions outside England and Wales, this is highlighted in the text. Although the literature search was not limited to a specific time period, very little literature relating to institution types pre-dating those making up the current youth secure estate was located.

1.5 Report structure

The report is structured in the following way:

- Chapter 2 outlines the method used for this REA, including the identification, assessment and analysis of literature. The search terms and databases used to identify relevant studies are described, as well as the approach adopted for quality assurance and for extracting and analysing the data. A more detailed account of the method used can be found in Appendix B.

- Chapter 3 provides a summary of the research evidence. The evidence base is described in terms of the volume of literature, and its quality and relevance. In particular, the challenges associated with collecting and reporting accurate data are discussed to enable the reader to ascertain appropriate caveats for the information reported here.

- Chapter 4 contains an historical overview of different secure establishment types in England and Wales, as well as describing the population and profile of children in custody. This information aims to contextualise the subsequent findings on the nature and prevalence of child sexual abuse in custodial institutions. Children’s experiences of child sexual abuse prior to custody and the prevalence and characteristics of juvenile sex offenders are also explored, to help establish levels of vulnerability and risk in the secure estate.

- Chapter 5 then turns to rates of victimisation in custodial institutions, with a focus on child sexual abuse. This section describes the prevalence and types of victimisation in the secure estate, and also explores any findings that suggest that certain groups may be at increased risk. In addition, children and young people’s feelings about their safety in custody is discussed.

- Chapter 6 focuses on how the culture and environment of the secure estate may influence the likelihood of being victimised. Following a general discussion of culture in custodial institutions, the chapter looks at specific aspects of culture, such as relationships between staff and children, and structural challenges, which may reduce or exacerbate levels of victimisation in secure settings.

- Chapter 7 explores the way that institutions assess the needs of children who enter custody, and how establishments respond to certain needs and behaviors (such as the social and sexual development of children in custody, or the needs and behaviours of juvenile sex offenders or victims of child sexual abuse prior to custody).

- Chapter 8 discusses how institutions safeguard children and respond to child sexual abuse allegations. After a general overview, this section describes the formal processes that should help keep children safe, such as inspections, staff training and complaints procedures. The factors that may prevent effective safeguarding also form a focus of this section.

- Chapter 9 draws the findings together into a brief conclusion. Areas where research evidence is lacking and may benefit from further research are also highlighted.
2. Method
This report presents the findings of a rapid evidence assessment (REA) of available literature on child sexual abuse in custodial institutions for children. An REA method involves the use of systematic review methods to review the available research evidence in a more limited way than would be the case in a full systematic review. REAs provide a structured and rigorous approach to identifying and synthesising the literature in a shorter timeframe and/or with less resource than would be required for a systematic review.

2.1 Literature search

To ensure that the REA identified the breadth of literature available, a range of academic databases were searched in addition to relevant non-academic databases and general internet searches. Relevant references were also followed up from the bibliographies of identified literature. Appendix B contains further details of the databases accessed, search terms used and the inclusion and exclusion criteria. Literature identified as relevant through searches based on abstract was further sifted against the inclusion and exclusion criteria based on its full content. The initial literature search was carried out between October 2016 and March 2017. Additional literature was identified (for example through bibliographical references in included literature and by reviewers) up to October 2017, where they were considered significant.

2.2 Data extraction, analysis and quality assessment

Each piece of literature meeting the inclusion criteria was reviewed by a member of the Research Team and coded using NVivo software to identify key themes and findings. The coded literature was analysed based on the aims and key questions of the REA and the themes emerging from the literature.

The Research Team used a bespoke tool produced by IICSA based on existing published tools to quality assess the literature. The quality assessment tool includes tailored evaluation criteria for different study types, allowing the team to apply quality assessment criteria relevant to the type of literature being assessed to highlight any important considerations or methodological flaws in relation to each piece of literature. The tool also provides each study with a score which can be used to give an indication of its overall quality in relation to the other included studies. Thirteen per cent of the studies eligible for quality assessment were quality assessed by more than one member of the team to ensure consistency in scoring. Further information on the quality assessment process is available in Appendix C.

Quality assessment scores and other information about the document, including the type of study, its jurisdiction and its publication date were entered into NVivo. A ‘weight of research evidence’ approach was adopted, with the quality of the literature, as measured by the quality assessment tool, and its relevance to the aims of the REA determining the weight given to its findings within analysis and reporting.

2.3 Limitations

The REA methodology used for this report does not seek to provide a fully comprehensive overview of the available literature. In particular, it should be noted that more recent literature and literature relating to England and Wales was prioritised. Searches were also restricted to English language publications. Therefore, whilst in some cases (e.g. where they are particularly relevant or literature from England and Wales is lacking), English language literature from other jurisdictions has been included, the REA did not seek to cover the international evidence base. It should also be noted that this report does not seek

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7 Social Care Online (SCIE), Open Grey.
8 Including its jurisdiction and publication date; with more recent literature and literature from England and Wales being prioritised.
to describe or draw conclusions about current practice or the current state of the youth secure estate. The literature drawn on spans a 23 year period and, despite prioritising recent literature and taking into account publication date when considering the relative weight afforded to different sources, in many areas few or no recent sources were available and earlier sources have been used. The REA does not cover recent changes and proposed changes to the governance and structure of the youth secure estate, such as the establishment of the Youth Custody Service or the proposals for secure schools.
3. Summary of the research evidence reviewed
3.1 Profile of the literature

The literature search identified 237 documents which were relevant to the REA's research questions and met the inclusion criteria. These consisted of 120 primary research studies; nine evaluations; 53 secondary research studies and critical reviews or theoretical papers⁹; 25 policy, guidance or other items of organisational literature; and 30 inquiry, review or inspection documents.

The majority of the literature (162 documents) came from England and Wales, though a number (41 documents) came from the United States. Literature from the USA and from other jurisdictions has been drawn on in sections where research evidence from England and Wales was lacking.

In addition to the 237 documents identified through the REA search process, other literature is referred to throughout the report in order to give context to the information being presented.

3.2 Limitations of the evidence base

Whilst specific gaps in the evidence base and limitations or caveats in relation to the literature will be noted throughout the report, there are a number of overarching considerations which should be borne in mind when reading the report.

Given the lack of primary research on child sexual abuse in custodial establishments in England and Wales, this report has also drawn on research from other jurisdictions, particularly the USA, in relation to prevalence of child sexual abuse in custody. The USA and other jurisdictions have different criminal justice systems and custodial establishments for children. The population of children within these establishments also differs to that in England and Wales. These studies have been used to give an indication of the scale of child sexual abuse in custody and specific themes relating to this which may be appropriate to explore in the England and Wales context, they should not be directly inferred to England and Wales.

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⁹ Research papers or grey literature which do not report results from specific studies. This included commentary, analysis and expert opinion.
4. Context
This chapter provides an overview of custodial establishments within the youth secure estate. The term ‘youth secure estate’ describes the system of penal custody for children in England and Wales. The term ‘custodial establishments’ - or ‘custody’ is used throughout the report as an umbrella term to describe the establishments in operation for children in the England and Wales youth justice system. This chapter sets out what these different establishments are, the youth secure estate population and the profile and backgrounds of children entering custody. The information presented in this chapter establishes the key features of, and differences between, establishment types and the levels of vulnerability and risk in the youth secure estate. This helps to contextualise the findings presented in the subsequent chapters.

The Inquiry’s definition of a child is someone aged under the age of 18. However, 18 year olds are also held in the youth secure estate so for the purpose of this report, a child is defined as a person aged 18 and under. The term ‘children’ is used throughout to describe this population. There are, however, some instances where studies or statistics also include data relating to those over the age of 18 held in the youth secure estate. The term ‘children and young people’ has been applied in this context.

Summary of key themes

- The youth secure estate is made up of three types of custodial establishment: Young Offender Institutions (YOIs); Secure Training Centres (STCs) and Secure Children’s Homes (SCHs). These establishment types vary by a range of different factors including their size and the age and gender of children they accommodate (see Ministry of Justice and Youth Justice Board for England and Wales, 2017a; Ministry of Justice, GOV.UK, 2017a, 2017b; G4S plc, 2017).

- Changes in legislation and policy have influenced responses to children who offend and have driven notable fluctuations in the number of children in custody at any one time (see for example, Hagell, Hazel and Shaw, 2000; Williams, 2004; Bateman, 2011; Bottoms and Kemp, 2007). The number of children in custody has seen a considerable decline since mid-2008 (Wood et al., 2017; Jacobson et al., 2010). However, those who remain are typically more vulnerable and may present significant risk factors to themselves and to others (Wood et al., 2017; Youth Justice Board for England and Wales, 2017; Bateman, 2016; Youth Justice Board for England and Wales, 2015b; Jacobson et al., 2010).

- Populations of both Black, Asian, and Minority Ethnic (BAME) children and white children in custody have dropped over the last ten years. However, the white population has decreased disproportionately and in March 2017, BAME children made up around 43 per cent of the youth secure estate population (under age 18) (Ministry of Justice and Youth Justice Board for England and Wales, 2017a).

- Prior experience of abuse, including sexual abuse, and neglect is common amongst children in custody. Around four in ten children in the youth secure estate have previously been in local authority care and many come from backgrounds of general social or economic disadvantage (Simmonds, 2016; Gyateng et al., 2013; Day, Hibbert and Cadman, 2008; Glover and Hibbert 2009; Jacobson et al., 2010). No recent studies on the prevalence rates of child sexual abuse and child sexual exploitation of children and young people prior to entering custody in England and Wales were found in this REA. However, an older (1997) study found that more than one in four females (aged 16 to 20) in custody reported having experienced sexual abuse, compared with just under one in 20 males (Lader, Singleton and Meltzer, 2000).
• The prevalence of mental health problems within the population of the youth secure estate is highlighted as a key issue. In the 2016 Her Majesty’s Inspectorate of Prisons for England and Wales (HMIP) survey, a quarter of children in YOIs reported that they had mental or emotional health problems (Simmonds, 2016). Around 19 per cent of children in YOIs and 22 per cent of children in STCs also reported that they had a disability (Simmonds, 2016).

• Girls make up only a very small proportion of children in custody - around three per cent of the overall population in March 2017 (Ministry of Justice and Youth Justice Board for England and Wales, 2017a). However, it has been found that the health needs of girls in the youth secure estate were more complex than the needs of boys, and that girls had higher rates of co-morbidity, self-harm and attempted suicide (Mooney, Statham and Storey, 2007; Lader, Singleton and Meltzer, 2000).

• The proportion of children in custody for sexual offences has increased from five per cent in the year ending March 2011 to ten per cent in the year ending March 2016 (Ministry of Justice and Youth Justice Board for England and Wales, 2017b). Children (predominantly boys) convicted of a sexual offence share many of the same vulnerabilities as others held within the youth secure estate, including having often come from disadvantaged family backgrounds and having experienced or been diagnosed with mental health conditions (Howard League for Penal Reform, 2015; Grimshaw, 2008; Underwood et al., 2008; Delisi et al., 2008; van Wijk et al., 2007; Lambie and Seymour, 2006; Masson and Hackett, 2004; Kent, 2004; Hamilton, Falshaw and Browne, 2002; Falshaw and Browne, 1997).
4.1 Establishment types and key features

The youth secure estate in England and Wales currently comprises three different types of establishment:

**Figure 4.1: The different establishments in the youth secure estate**

- Young Offender Institution (YOI)
- Secure Training Centre (STC)
- Secure Children’s Home (SCH)

In 2017 there were 16 establishments in total. These are detailed in Figure 4.2 below.

**Figure 4.2: Youth secure estate establishments for children and young people**

- Five YOIs: Feltham, Werrington, Wetherby, Cookham Wood, Parc
- Three STCs: Medway, Rainsbrook, Oakhill
- Eight SCHs: Adel Beck, Aldine, Aycliffe, Barton Moss, Clayfields, Lincolnshire, Vinney Green, Hillside

The premises of some establishments are also split into different units. For example, Wetherby YOI has an enhanced needs unit (Keppel Unit) looking after children who find normal accommodation difficult to manage due to issues including learning, physical and mental health issues (Ministry of Justice, GOV. UK, 2017b). Rainsbrook STC also has a separate mother and baby unit specifically designed to care for detained young mothers and their babies, and those in the final stages of pregnancy (G4S plc, 2017).
These three types of establishment vary by a range of different factors including their size, the age and gender of children they accommodate, staff to child ratios, and their management and governance structures. For example, YOIs only accommodate boys whereas STCs and SCHs accommodate boys and girls. Establishments also differ in the ‘status’ of children they accommodate. That is, children entering SCHs may be placed on welfare grounds - rather than on youth justice grounds. These children will be admitted via a welfare order (as per Section 25 of the Children Act 1989), for the protection of themselves or others. The key features of and differences between each establishment type are set out in Table 4.1.1 below (see Ministry of Justice and Youth Justice Board for England and Wales, 2017a). A more detailed breakdown of the profile of children in custody (including gender and ethnicity) is set out in section 4.3.

Only SCHs which accommodate those placed on youth justice grounds are included in this review. Similarly, Feltham YOI has one unit which accommodates those aged 15 - 17 and has another distinct establishment which accommodates those aged 18 - 21 (Ministry of Justice, GOV.UK, 2017a). These are described as Feltham A and Feltham B in youth custody statistics although this REA is focused on establishments holding children rather than those holding young adults.

Table 4.1: Key features of the three secure establishment types

<table>
<thead>
<tr>
<th>Population</th>
<th>YOIs</th>
<th>STCs</th>
<th>SCHs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth justice population only. Hold children and young people convicted or on remand (Bateman, 2016; Simmonds, 2016).</td>
<td>Youth justice population only. Hold children convicted or on remand (Bateman, 2016; Simmonds, 2016).</td>
<td>Youth justice and welfare populations. Hold children who are convicted or on remand as well as those admitted via a welfare order (Bateman, 2016; Ellis, 2016; Simmonds, 2016).</td>
<td></td>
</tr>
<tr>
<td>Gender and age</td>
<td>Accommodate males aged 15 – 17 (Bateman, 2016; Prime, 2014; Simmonds, 2016).</td>
<td>Accommodate males and females aged 12 – 17. One STC is male only and Rainsbrook has a separate mother and baby unit (Bateman, 2016; G4S plc, 2017; Prime, 2014; Simmonds, 2016).</td>
<td>Accommodate males and females aged 10 – 17 (Bateman, 2016; Simmonds, 2016).</td>
</tr>
<tr>
<td>Number of children and proportion of overall children in custody (held on youth justice grounds)</td>
<td>641 children currently held in YOIs across England and Wales - approximately 70 per cent of the total population (Ministry of Justice and Youth Justice Board for England and Wales, 2017a).</td>
<td>169 children currently held in STCs across England (none in Wales) - approximately 18 per cent of the total population (Ministry of Justice and Youth Justice Board for England and Wales, 2017a).</td>
<td>114 children currently held in SCHs across England and Wales - approximately 12 per cent of the total population. Number of children held on welfare grounds not included (Ministry of Justice and Youth Justice Board for England and Wales, 2017a).</td>
</tr>
<tr>
<td>Size</td>
<td>YOIs</td>
<td>STCs</td>
<td>SCHs</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td></td>
<td>Accommodate 40 to 440 children and young people, beds usually split into smaller units of 30 to 60 (GOV.UK, 2017b).</td>
<td>Accommodate 50 to 80 children, beds usually split into smaller units of five to eight (GOV.UK, 2017b).</td>
<td>Accommodate eight to 40 children, beds usually split into smaller units (GOV.UK, 2017b).</td>
</tr>
</tbody>
</table>

| Offender profiles | Typically hold those felt to be more resilient and/or older and who ‘externalise their risk’ (Ministry of Justice and Youth Justice Board for England and Wales, 2017a). | Typically hold children who are more independent, motivated to attend school or who have risk factors which make it inappropriate for them to be placed in a YOI (Ministry of Justice and Youth Justice Board for England and Wales, 2017a). | Typically hold those felt to be the most vulnerable/have more complex needs and who are younger (Ministry of Justice and Youth Justice Board for England and Wales, 2017a). |

| Staff to offender ratio | Relatively low staff to offender ratio of circa 1:10 (Gyateng et al., 2013). | Higher staff to offender ratio than YOIs of between 2:5 and 3:8 (Gyateng et al., 2013). | Highest staff to offender ratio of between 1:2 and 6:8 (Gyateng et al., 2013). |


Further information about individual establishments can be found in Appendix E.

### 4.2 The shifting population of the secure estate

A number of studies characterise the shifting patterns of the youth justice system, which has been subject to extensive changes in legislation and policy since its early conception in the 19th century (see for example, Bateman, 2011; Bottoms and Kemp, 2007; Williams, 2004; Hagell, Hazel and Shaw, 2000). Such changes have been instrumental in shaping the focus of the youth justice system and the response to children who offend. They have dictated when custodial institutions open, close, are expanded or reconfigured - and have driven notable fluctuations in the number of children in custody at any one time.

The opening decade of the 20th century is described by one study as marking ‘a watershed in youth justice in England and Wales’ (Williams, 2004, p.6) since a number of legislative and policy frameworks affecting
the youth justice system have been introduced by different governing parties from this period onwards. Within these, shifts between punishment and welfare responses to child offenders are acknowledged - within the broader social context in which they sit. Appendix F sets out some examples of these changes in the form of a timeline.

Figure 4.3 below illustrates the fluctuating population size of children and young people in custody between 2000/01 and 2017/18, making the distinction between the under age 18 (child) population and the population including those aged 18.

Figure 4.3: Average population of children and young people in the secure estate in England and Wales from 2000/01 to 2017/18

*2016/17 and 2017/18 data is provisional
Source: Ministry of Justice and Youth Justice Board for England and Wales, 2017a
The number of children in custody has declined considerably since mid-2008 (Wood et al., 2017; Jacobson et al., 2010) (see also Appendix F for further details of legislative and policy shifts influencing the population of the secure estate). However, literature suggests that this reduction has led to significant changes in the characteristics of the population. That is, while the number of children in custody has declined, it is those who have committed less ‘serious’ offences or who have less extensive criminal histories that are now less likely to receive a custodial sentence (Bateman, 2016). Those who remain are typically more vulnerable and disadvantaged, meaning the youth secure estate has been left with proportionally more children who have ‘challenging behaviours’ and/or who present significant risk factors to themselves and to others (Wood et al., 2017; Youth Justice Board for England and Wales, 2015b; Youth Justice Board for England and Wales, 2017; Bateman, 2016).

With YOIs accommodating the majority of children who offend and STCs and SCHs being smaller (see Table 4.1), attention is drawn to the fact that children deemed more vulnerable may now be residing in YOIs - rather than these smaller establishment types which may be more appropriate for meeting their needs (see Bateman, 2016; Lambert, 2005; Howard League for Penal Reform, 2002). Details on the profile of children in custody are set out in section 4.3.

4.3 Profile of children in custody

4.3.1 Demographics of children in custody

The two key sources of data on demographics of children in custody are the annual Children in Custody survey carried out in YOIs and STCs by Her Majesty’s Inspectorate of Prisons for England and Wales (HMIP), and the Ministry of Justice/Youth Justice Board (YJB) monthly Youth Custody Report, which uses data from the eAsset database, a placements database held by the YJB. The Children in Custody survey does not include children in SCHs, whilst the monthly Youth Custody Report includes all three types of secure custody: YOIs; STCs; and SCHs. The following paragraphs on the age, ethnicity, gender, religion and disability of children in custody draw on both of these sources.

Limited information is available within these datasets on the backgrounds of children, including prior deprivation and abuse, substance misuse issues and mental health problems. These factors are discussed throughout the literature as of key relevance to the needs of the youth secure estate population. Some other studies in England and Wales have collected data on these issues and that data is also summarised in this section. Another gap in the information available is on the sexual orientation of children in custody. Although the HMIP survey does ask children if they have been victimised because of their sexual orientation, it does not collect information on children’s sexual orientation itself. None of the literature reviewed included data on the sexual orientation of children in custody in England and Wales.
Ethnicity

Black, Asian and Minority Ethnic (BAME) children made up around 43 per cent of the youth custody population (under 18) in March 2017 (Ministry of Justice and Youth Justice Board for England and Wales, 2017a). This is much higher than the 18 per cent of 10-17 year olds who identified as BAME in the 2011 census for England and Wales (Nomis, 2017). Whilst both the BAME and white population of children in custody have dropped over the last ten years, the white population has decreased disproportionately. The number of white children in custody decreased from 2,002 in March 2007 to 480 in March 2017, a decrease of 76 per cent. The number of BAME children in custody decreased from 731 in March 2007 to 372 in March 2017, a decrease of 49 per cent. This means that the proportion of BAME children in custody out of all children in custody has increased from 26 per cent to 43 per cent over this ten year period. This rise in the proportion of BAME young people in custody was also highlighted by the Lammy Review, an independent review into the treatment of, and outcomes for BAME individuals in the criminal justice system (Lammy, 2017) and a Youth Custody Improvement Board report in 2017 stated that the over-representation of BAME children in the youth secure estate should be considered as a priority (Wood et al., 2017).

Figure 4.4: Under 18 secure population by ethnicity March 2007 - March 2017

*Please note: figures from 2017 are provisional
Source: Ministry of Justice and Youth Justice Board for England and Wales, 2017a

10 A small proportion of children are recorded as unknown ethnicity in the Ministry of Justice statistics.
The 2015/16 HMIP survey emphasises the differences between STCs and YOIs in terms of the proportion of BAME children (Simmonds, 2016). The survey found that in YOIs 47 per cent identified as BAME, with a range from seven per cent to 70 per cent and in STCs this figure was 41 per cent, with a range of 33 per cent to 67 per cent (Figure 4.5).

**Figure 4.5: Ethnicity and institution type 2015/16**

<table>
<thead>
<tr>
<th>Institution Type</th>
<th>Minority Ethnic Group</th>
<th>White Ethnicity</th>
</tr>
</thead>
<tbody>
<tr>
<td>All STCs</td>
<td>41%</td>
<td>59%</td>
</tr>
<tr>
<td>Medway STC 2016</td>
<td>67%</td>
<td>33%</td>
</tr>
<tr>
<td>Rainsbrook STC 2015</td>
<td>33%</td>
<td>65%</td>
</tr>
<tr>
<td>Oakhil STC 2015</td>
<td>33%</td>
<td>67%</td>
</tr>
<tr>
<td>All YOIs</td>
<td>47%</td>
<td>53%</td>
</tr>
<tr>
<td>Feltham 2015</td>
<td>70%</td>
<td>30%</td>
</tr>
<tr>
<td>Cookham Wood 2015</td>
<td>60%</td>
<td>40%</td>
</tr>
<tr>
<td>Werrington 2015</td>
<td>48%</td>
<td>52%</td>
</tr>
<tr>
<td>Wetherby 2016</td>
<td>32%</td>
<td>68%</td>
</tr>
<tr>
<td>Parc 2016</td>
<td>21%</td>
<td>79%</td>
</tr>
<tr>
<td>Keppel Unit 2016</td>
<td>7%</td>
<td>93%</td>
</tr>
</tbody>
</table>

Source: Simmonds, 2016
**Gender**

Girls make up only a very small proportion of children in custody, around three per cent of the overall population in March 2017, a decrease from seven per cent in March 2007. This reflects a fall from 205 girls in custody in March 2007 to 24 in March 2017, compared to a fall from 2,634 boys in custody in 2006/07 to 834 in 2016/17. Consequently, the number of girls in custody fell by 88 per cent over the ten-year period, whereas the number of boys fell by only 68 per cent during this time, although the drop in absolute numbers for boys was much greater (Figure 4.6). It is worth noting that this drop in the number of girls in custody may be linked to the fact that as the number of children entering custody grew in the 1990s into the 2000s (see Appendix F), the use of custody for girls rose more rapidly than that for boys (Bateman, 2008).

*Please note: figures from 2017 are provisional*

**Source:** Ministry of Justice and Youth Justice Board for England and Wales, 2017a
Age

The largest group of children in custody is 15-17 year olds; 10-14 year olds make up only a very small proportion of children in custody. Based on the youth custody statistics released in March 2017 (Ministry of Justice and Youth Justice Board for England and Wales, 2017a), 10-14 year olds comprised only five per cent of children in custody in 2016-17. Although there has been a dramatic drop in the youth custody population in the last ten years, of around 70 per cent, this has been slightly more pronounced in 10-14 year olds, where the population fell from 162 in March 2007 to 42 in March 2017, a fall of 74 per cent. By comparison, the number of 15-17 year olds fell from 2,677 in March 2007 to 816 in March 2017, a fall of 70 per cent (Figure 4.7).

Figure 4.7: Ages of children in secure custody March 2007-March 2017

*Please note: figures from 2017 are provisional
Source: Ministry of Justice and Youth Justice Board for England and Wales, 2017a
Religion

In the most recent HMIP survey (Simmonds, 2016), 43 per cent of children surveyed within STCs stated that they had no religion; 39 per cent said that they were Christian; and 15 per cent said that they were Muslim. In YOIs, 49 per cent said that they were Christian; 29 per cent said that they had no religion; and 22 per cent said that they were Muslim. This compares with 29 per cent of children aged 10-17 in England and Wales who were reported to have no religion in the 2011 census, with 54 per cent identifying as Christian and seven per cent as Muslim (Nomis, 2017).

At both STCS and YOIs there was considerable range in the proportion of children identifying as Muslim between individual establishments; from 12 per cent to 23 per cent in STCs and from zero per cent to 32 per cent in YOIs.

Disability

In the most recent HMIP survey, 19 per cent of children in YOIs and 22 per cent of children in STCs reported that they had a disability. The survey does not collect information on specific impairment types, including learning disability. A 2013 study carried out for the YJB found high proportions of children reporting having a learning disability, at 21 per cent across the secure estate and ranging from 18 per cent in STCs to 25 per cent in SCHs, and much lower proportions of children reporting a physical disability only, one per cent in YOIs and STCs and zero per cent in SCHs. A small proportion of children reported both physical disabilities and learning difficulties, three per cent in SCHs and two per cent in both YOIs and STCs (Gyateng et al., 2013). General population studies have shown that disabled children are more likely to be victims of sexual abuse than their peers (Sullivan and Knutson, 2000).

Figure 4.8 highlights the key demographic characteristics of children in YOIs and STCs as taken from the 2016 HMIP survey.
Figure 4.8: Profile of YOI and STC populations

<table>
<thead>
<tr>
<th>Young Offender Institutions (YOIs)</th>
<th>Secure Training Centres (STCs)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gender</strong></td>
<td><strong>Gender</strong></td>
</tr>
<tr>
<td>YOIs accommodate only boys</td>
<td>Boys</td>
</tr>
<tr>
<td><strong>Age profile</strong></td>
<td>Girls</td>
</tr>
<tr>
<td><img src="image" alt="Age profile YOIs" /></td>
<td>10%</td>
</tr>
<tr>
<td><img src="image" alt="Age profile STCs" /></td>
<td>90%</td>
</tr>
<tr>
<td><strong>Ethnicity</strong></td>
<td><strong>Gender</strong></td>
</tr>
<tr>
<td><img src="image" alt="Ethnicity YOIs" /></td>
<td>Boys</td>
</tr>
<tr>
<td><img src="image" alt="Ethnicity STCs" /></td>
<td>Girls</td>
</tr>
<tr>
<td><strong>Religion</strong></td>
<td><strong>Gender</strong></td>
</tr>
<tr>
<td><img src="image" alt="Religion YOIs" /></td>
<td>Boys</td>
</tr>
<tr>
<td><img src="image" alt="Religion STCs" /></td>
<td>Girls</td>
</tr>
<tr>
<td><strong>Disability</strong></td>
<td><strong>Gender</strong></td>
</tr>
<tr>
<td><img src="image" alt="Disability YOIs" /></td>
<td>Boys</td>
</tr>
<tr>
<td><img src="image" alt="Disability STCs" /></td>
<td>Girls</td>
</tr>
</tbody>
</table>
### 4.3.2 Backgrounds of children in custody

Children in custody tend to come from disadvantaged backgrounds. In particular, prior experience of abuse, including sexual abuse, and neglect is common, along with experience of local authority care and general social or economic disadvantage (Gyateng et al., 2013; Simmonds, 2016; Day, Hibbert and Cadman, 2008; Glover and Hibbert, 2009; Jacobson et al., 2010). Much of the literature discusses the backgrounds of children in custody (see for example, Coles, 2015; Willow, 2015; Goldson, 2008; Goldson, 2006a; Monaghan, Hibbert and Moore, 2003; Children’s Rights Alliance for England and Hodgkin, 2002); the following paragraphs focus on indicators of disadvantage taken from the more recent and reliable surveys of children in custody identified through this REA. Table 4.2 summarises the data from these studies.

**Table 4.2: Key data on background characteristics of children in the secure estate**

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior local authority care</td>
<td>Around four in ten children in the secure estate have previously been in local authority care (39 per cent in STCs, 37 per cent in YOIs and 40 per cent in SCHs) (Simmonds, 2016; Gyateng et al., 2013).</td>
</tr>
<tr>
<td>Prior maltreatment and neglect</td>
<td>Somewhere between three in ten and nine in ten children in custody have experienced prior maltreatment or neglect (Day, Hibbert and Cadman, 2008; Glover and Hibbert, 2009; Jacobson et al., 2010).</td>
</tr>
<tr>
<td>Deprived households</td>
<td>Administrative records have shown that between one third and half of children in custody came from deprived households and/or unsuitable accommodation (Glover and Hibbert, 2009; Jacobson et al., 2010).</td>
</tr>
<tr>
<td>Mental health</td>
<td>In the 2015/16 HMIP survey 25 per cent of children in YOIs self-reported having mental or emotional health problems (Simmonds, 2016). An older study which used more rigorous methods to obtain data on the mental health of 16-20 year olds in custody found that 95 per cent of participants showed evidence of having a ‘psychiatric disorder’ (under which term the study included: ‘personality disorder’; ‘psychotic disorder’; ‘neuroses’; ‘hazardous drinking and drug dependence’) (Lader, Singleton and Meltzer, 2000).</td>
</tr>
<tr>
<td>Substance misuse</td>
<td>The 2015/16 HMIP survey found that seven per cent of children in YOIs had problems with alcohol when they arrived; 33 per cent had problems with drugs when they arrived; and seven per cent reported that they had problems with drugs at the time of the survey.</td>
</tr>
</tbody>
</table>

**Prior local authority care**

Almost two fifths, 39 per cent, of children in STCs reported having been in local authority care in the 2015/16 HMIP survey (Simmonds, 2016). The figure was similar in YOIs with 37 per cent of children reporting previous local authority care (Simmonds, 2016). A 2013 YJB study which looked at the records of children in custody found that 40 per cent of children in SCHs in the study sample were currently or had previously been looked after (Gyateng et al., 2013). A number of other studies have also looked at rates of previous local authority care amongst children in custody, however, as this figure varies over time, the most recent figures collected within more robust surveys are cited here. Statistics on local authority care in the general population relate to the number and proportion of children currently in care, rather than how many children have experienced care at some point in their childhood, and are therefore not
directly comparable. The percentage of children in care at any one time is less than one per cent. In England in 2016, 60 children per 10,000 in the population were in local authority care (Department for Education, 2016). These figures therefore appear to indicate a much greater rate of experience of local authority care amongst children in custody compared to the general population. An independent review examining the over representation of children in care, or with experience of care, in the criminal justice system, suggests that there are approximately 400 looked after children in custody at any one time (including around 100 being held on remand) (Prison Reform Trust, 2016).

**Prior maltreatment and neglect and deprivation**

A literature review carried out by the YJB in 2008 found a range of figures reported for experience of prior maltreatment\(^{11}\) amongst children in custody of between 33 per cent and 92 per cent (Day, Hibbert and Cadman, 2008). The wide variation between these figures is likely to relate to their differing methodologies, with some relying on self-reporting, and different definitions of maltreatment, and some encompassing a wider range of experiences (Day, Hibbert and Cadman, 2008). A 2009 study which also examined records of children in custody, in this case of 214 12-14 year olds sentenced to Detention and Training Orders from an opportunistic sample of 45 Youth Offending Teams, found that 44 per cent had experienced some form of abuse within the family and 37 per cent came from deprived households\(^{12}\) (Glover and Hibbert, 2009). A 2010 study which looked at the records (primarily Asset forms) of 200 sentenced children from 2008 had similar results, finding that 39 per cent of the sample had previously been on the Child Protection Register and/or had experienced some form of abuse or neglect (Jacobson et al., 2010) and that 51 per cent had lived in a deprived household and/or unsuitable accommodation\(^{13}\). This study also explored a number of other indicators of disadvantage amongst the children including: 47 per cent having run away or absconded; 12 per cent having experienced the death of a parent(s) and/or sibling(s); and seven per cent having parents with substance misuse problems.

Multiple experiences of disadvantage are also common amongst children in custody; Jacobson et al (2010) found that three quarters of their sample had three or more indicators of home/family disadvantage and more than two fifths had five or more (Jacobson et al., 2010)\(^{14}\). Some studies have highlighted the complex interaction on these factors through case studies of individual children (Berelowitz and Hibbert, 2011; Jacobson et al., 2010). These case studies demonstrate that such factors are often interrelated and can be seen as both contributing to offending behaviour or in some cases stemming from offending behaviour (Jacobson et al., 2010). Whilst there is a significant body of literature focused on the correlation between past experience of disadvantage or abuse and offending behaviour (e.g. Day, Hibbert and Cadman, 2008; Hamilton, Falshaw and Browne, 2002), this has not been specifically considered as part of this REA as it is beyond its scope.

Literature in respect of sexual abuse specifically, as opposed to maltreatment more generally, is covered in section 4.4.

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\(^{11}\) This refers to all forms of maltreatment including physical and sexual abuse.

\(^{12}\) The definition of ‘deprived’ reported in the study was ‘e.g. dependent on benefits, entitled to free school meals’ (Glover and Hibbert, 2009 p.18).

\(^{13}\) The definition reported in the study was ‘Living in deprived household (e.g. dependent on benefits) and/or unsuitable accommodation (e.g. overcrowded, lacks basic amenities)’ (Jacobson et al., 2010 p.51).

\(^{14}\) The list of home/family disadvantages consisted of 19 factors including, in addition to the above, factors such as family involvement in criminal activity, witnessing domestic violence, absent parent, chaotic living arrangements etc.
**Mental health**

The prevalence of mental health problems within the population of the youth secure estate is a key concern in much of the literature. In the 2015/16 HMIP survey (Simmonds, 2016), a quarter of young people in YOIs reported that they had mental or emotional health problems. Those children who reported emotional or mental health problems were more likely to be: from an ethnic minority; have a disability; and have been in local authority care. In addition, these children were also more likely to report feeling unsafe and to report having been victimised by other children or members of staff (though there were no significant differences in rates of reported sexual abuse). Children in STCs are not asked about their mental health as part of the survey.

The aforementioned 2009 study of Asset records of 12-14 year olds sentenced to Detention and Training Orders (DTOs) found that 13 per cent had a formal mental health diagnosis, 19 per cent had self-harmed and eight per cent had attempted suicide (Glover and Hibbert, 2009). A large survey of 16-20 year old young offenders was carried out in 2000 to investigate psychiatric morbidity amongst the population. More detailed clinical interviews/assessments were also carried out with subsamples of the participants. This study looked at the prevalence of five conditions (which it characterised as ‘psychiatric’ or ‘mental disorders’): personality disorder; psychotic disorder; neuroses; hazardous drinking; and drug dependence. The study found that almost all of the participants (95 per cent) showed evidence of having one of these five conditions and about 80 per cent were assessed as having more than one (Lader, Singleton and Meltzer, 2000).

Reference is made to differences between the mental health of male and female children in the youth secure estate. A survey of girls (aged 17) in YOIs carried out on behalf of the YJB in 2006 found that 71 per cent of respondents had some level of psychiatric disturbance and 36 per cent had self-harmed within the last month (Douglas and Plugge, 2006)\(^\text{15}\). Stakeholders interviewed as part of a 2007 study on the health of children in secure settings for the Department of Health explained that they felt the health needs of girls in the secure estate were more complex than the needs of boys and that girls had higher levels of co-morbidity and self-harm (Mooney, Statham and Storey, 2007). The aforementioned study of psychiatric morbidity amongst 16-20 year old young offenders in custody carried out in 2000 found that, in the 12 months before entering prison, just over a tenth of male young offenders had received help or treatment for a mental or emotional problem compared with just over a quarter of female young offenders. Rates of attempted suicide were also higher amongst female study participants, with a third having made a suicide attempt in their lifetime in contrast to 16 per cent of male sentenced young offenders and 20 per cent of male remand prisoners (Lader, Singleton and Meltzer, 2000). A report on key characteristics of admissions to youth custody from April 2014 to March 2016 also found higher assessed concerns for girls than for boys - including suicide or self-harm concerns (Youth Justice Board and Ministry of Justice, 2017). In 2017, the Youth Custody Improvement Board recommended that - as is happening with women in the adult secure estate - the youth secure estate should rethink how best to manage and meet the needs of the female children it holds (Wood et al., 2017).

\(^{15}\) It should be noted that under 18 year old girls are no longer accommodated within YOIs.
Substance misuse

There are high rates of substance misuse amongst children in custody, in the 2015/16 HMIP survey, seven per cent of children in YOIs reported that they had problems with alcohol when they arrived; 33 per cent reported that they had problems with drugs when they arrived; and seven per cent reported that they had problems with drugs at the time of the survey (Simmonds, 2016). Almost a quarter of children also reported that it was easy or very easy to get illegal drugs within the YOI. Children in STCs were not asked about alcohol or drugs as part of the survey. Qualitative research carried out by the Home Office in 2000 highlighted that the use of drugs had become normalised in the children's lives prior to entering custody (Lyon, Dennison, and Wilson, 2000).

Rates of substance misuse amongst girls in custody also appear to have been high. A survey of 17 year old girls in YOIs in 2006 found that 82 per cent had used illegal drugs within the last six months (Douglas and Plugge, 2006). In each of the four HMIP survey reports between 2009-2013 (when girls were still held in YOIs and questions about alcohol and drugs were asked of both girls and boys), rates of reported problems with alcohol on arrival were higher for girls than for boys. In all but one of these years, rates of reported problems with drugs on arrival were also higher or the same. However, as HMIP did not carry out a comparative analysis between girls and boys (possibly because the number of girls is very small compared to boys), it is not possible to say whether these differences are significant.

4.4 Experience of child sexual abuse prior to custody

This section sets out information reviewed in relation to the prevalence of child sexual abuse and child sexual exploitation amongst children prior to entering custody. This is included in the REA because the treatment of children who have prior experience of sexual abuse or exploitation constitutes part of the institutional response to child sexual abuse.

It is important to note that there are significant challenges in collecting accurate data on prevalence of child sexual abuse in the general population. A number of studies do provide estimates on this (see for example Office for National Statistics, 2016; Radford et al., 2011). However, it is acknowledged that child sexual abuse is a hidden crime which suffers from significant underreporting and poor identification. Many victims delay disclosure for significant periods or do not disclose at all (Office for National Statistics, 2016). Such challenges give important context to the data presented here.

4.4.1 England and Wales

There are no recent studies on the prevalence rates of child sexual abuse and child sexual exploitation of children prior to entering custody in England and Wales. Many sources reviewed for this REA (Beyond Youth Custody, 2016; British Medical Association Ethics Department, 2014; Berelowitz and Hibbert, 2011; Khan, 2010; Howard League for Penal Reform, 2010; Tunnard, Ryan and Kurtz, 2005; Lambert, 2005; Monaghan, Hibbert and Moore, 2003; Children's Rights Alliance for England and Hodgkin, 2002) have therefore used data from an older study carried out in 1997, commissioned by the Department of Health (DoH). This examined the backgrounds and psychiatric morbidity of young offenders in custody in England and Wales (Lader, Singleton and Meltzer, 2000). The study presents data on 590 children and young people in custody, aged 16 to 20, which found that more than one in four females reported having experienced sexual abuse, compared with just under one in 20 of the male respondents.

It should be noted that under 18 year old girls are no longer accommodated within YOIs.
While the sampling and data collection methods of the survey used are reliable, the age range goes beyond 17 and the data does not differentiate between those under 18 and those 18 and over. Respondents were also not given a definition of sexual abuse. They were shown a card with a range of stressful life events (one of which was sexual abuse) and were asked to say which, if any, they had suffered at any time of their life.

Several even older studies in England and Wales found a similar rate of child sexual abuse prior to custody as that found by the Department of Health rate for females in custody. A questionnaire was administered to 497 children and young people in prison (90 per cent of the convicted population of children and young people at that time) by the Prison Service’s Directorate of Inmate Programmes in 1993. This study found that 32 per cent of respondents reported being sexually abused prior to custody, however the gender and age range of this sample is unknown (Directorate of Inmate Programmes 2.1993. Unpublished report: Prevalence of sexual abuse amongst juvenile prisoners cited in McGurk, Robert and Barnes, 2000). This study was referenced as an unpublished report in a 2000 study on prevalence of sexual assault in custody in England and Wales (McGurk, Robert and Barnes, 2000), and it has not been possible to locate it to assess the sampling and data collection methods.

In 1995 the Prince’s Trust carried out a study of 200 offenders (six per cent female) sentenced under Section 53 of the Children and Young Persons Act 1933 (for those aged between ten and 17 who kill or commit other grave and usually violent crimes) (Boswell, 1995). This included one third of all of the Section 53 population as recorded in 1993. The aim of the study, through the analysis of case files and supplemented by 32 interviews, was to better understand the nature and frequency of child abuse and loss (e.g. bereavement) in the backgrounds of this population. The study found that 29 per cent of the sample had been subjected to sexual abuse, which the authors note is a particularly high rate for a predominantly male sample (Boswell, 1995).

A smaller study, which collected data from admission files on 79 children (girls and boys) who were residents of a secure youth treatment centre over an 18 month period (between December 1994 and May 1996), found that 34 per cent of the individuals had a documented history of sexual abuse (Falshaw and Browne, 1997). Females were more likely than males to have been sexually abused both inside and outside the family. It is important to note that this study took place in a specific type of secure institution that is not a YOI, STC or SCH and is no longer part of the youth secure estate.

Only one study was found in England and Wales that asked about abuse that would be categorised as child sexual exploitation. In May 2005 the YJB commissioned a health needs assessment of 17-year-old girls held in YOIs in England and Wales. The assessment aimed to identify what health factors were prevalent amongst girls held in YOIs and included administering a questionnaire to 73 girls (with an estimated 100 girls in YOIs at the time). The study found that ten per cent of respondents had been paid for sex. In interviews staff also shared concerns about various forms of sexual exploitation of the girls which led them to identify sexual health, sexual empowerment and negotiation skills as key needs amongst the young women (Youth Justice Board for England and Wales, 2006a). The 2014 to 2016 report on key characteristics of admissions to youth custody also notes higher assessed concerns for girls than boys in relation to sexual exploitation. It highlights that youth offending teams (YOTs) recorded sexual exploitation concerns for 60 per cent of girls and six per cent of boys admitted to custody (Youth Justice Board and Ministry of Justice, 2017).
4.4.2 Other jurisdictions

A number of studies on prevalence rates of child sexual abuse and child sexual exploitation prior to custody were reviewed as part of this REA. There was wide variation in the findings reported in these studies, with prevalence rates reported ranging from 2.4 per cent to 62 per cent, with the majority of studies finding females significantly more likely than males to report a history of child sexual abuse. It is important to note that the data from studies carried out in different jurisdictions are not comparable due to differences in: the definitions of sexual abuse and exploitation used; the research methodologies used; and the differences in populations in different secure establishments (such as age ranges). Most of these studies have collected this data as part of a wider focus on the relationship between a wide range of traumatic experiences and post-traumatic stress disorder (PTSD), anxiety and depression (Moore, Gaskin and Indig, 2013; Abram et al., 2004; Gover and MacKenzie, 2003; Gover, 2004).

Tables G.1 and G.2 in Appendix G provide further details of the key data and limitations of both the England and Wales studies and international studies identified through our searches. It should, however, be noted that none of the studies differentiated between BAME children or children with disabilities in terms of their experiences of child sexual abuse or child sexual exploitation.

4.5 Children convicted of sexual offences

4.5.1 Prevalence of juvenile sex offenders in custody

The proportion of children in custody held on the grounds of a sexual offence is important to consider since this group may be particularly at risk of both perpetrating sexual abuse and being a victim of it (see also Chapter 5). Much of the literature describes this group as ‘juvenile sex offenders’; this terminology has therefore been adopted throughout.

Limited literature was identified in this REA to be able to determine the proportion of sexual offences perpetrated by those under the age of 18 (in general) compared to those perpetrated by adults. Literature was also limited on the extent to which juvenile sex offenders are sentenced for sexual offences against a child or against an adult. This may be important to consider as a child convicted of a sexual offence against another child may have implications for other children in custody.

In England and Wales in 2004, a third of child sexual offences were reported to be committed by those under the age of 18 (Stuart and Baines, 2004b). In the USA in 2000, 20 per cent of sexual assaults were reported to have been perpetrated by individuals under the age of 18 along with 30–50 per cent of all child molestations (Shaw, 2000 cited in Underwood et al., 2008). It should also be remembered that sexual offences may not always result in the perpetrator being convicted (Stuart and Baines, 2004b).

From July to December 2008, two per cent of children subject to a custodial sentence were sentenced for a sexual offence (Jacobson et al., 2010). In England and Wales in 2014, it was estimated that around five per cent of children in custody have been convicted of sexual offences (YJB, 2014 cited in Howard League for Penal Reform, 2015). More recent youth justice statistics also highlight that the proportion of children in custody for sexual offences has increased from five per cent in the year ending March 2011 to ten per cent in the year ending March 2016 (Ministry of Justice and Youth Justice Board for England and Wales, 2017b).

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17 Most of the studies include those age over 18 years.
4.5.2 Offender characteristics

Several studies (across different jurisdictions) have sought to illustrate the particular backgrounds and characteristics of juvenile sex offenders and how these may be distinct from the population of children and young people who offend more broadly (see for example, Worling and Langton, 2012; Pullman and Seto, 2012; Underwood et al., 2008; Grimshaw, 2008; van Wijk et al., 2007). However, it is evident that those who have committed a sexual offence may be similar, in terms of their backgrounds, to children and young people who have committed other types of offences. For example, juvenile sex offenders may be likely to have difficulties with learning or learning disabilities, or may come from ‘disruptive and neglecting’ family backgrounds (see Grimshaw, 2008, citing various; Lambie and Seymour, 2006; Masson and Hackett, 2004). These are characteristics which are also true of children in custody more broadly (see section 4.3.2).

Juvenile sex offenders and those who have committed other types of offences are not necessarily binary categories of offenders (see Lambie and Seymour, 2006). Juvenile sex offenders will also constitute a diverse group in and of themselves and a number of models have been developed to categorise different types of juvenile sex offenders (see for example, Underwood et al., 2008; Lambie and Seymour, 2006). Research in this area is complex and it is not within the scope of this REA to explore the backgrounds and characteristics of juvenile sex offenders in detail. However, in the context of the above, Table 4.3 below summarises the characteristics emerging from the literature in relation to these offenders.
Table 4.3: Characteristics of juvenile sex offenders

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td>As is the case with sexual offenders more generally, juvenile sex offenders are predominantly male (Masson and Hackett, 2004; Falshaw and Browne, 1997). In a survey of youth offending teams carried out between 2002 and 2003, 52 per cent of teams reported that all of their work with children who had sexually abused in the course of the previous year had been with young males. Only one in five reported working with young women with abusive sexual behaviours (Masson and Hackett, 2004).</td>
</tr>
<tr>
<td>Age</td>
<td>Between 2002 and 2003, youth offending teams had most commonly worked with young sex offenders aged 14–18 years old (Masson and Hackett, 2004).</td>
</tr>
<tr>
<td>Ethnicity</td>
<td>Youth offending team data from 2002 to 2003 suggests that the majority of children they had worked with who had sexual behaviour problems were of ‘white European background’. Fewer teams reported working with BAME children (Masson and Hackett, 2004) (see also section 4.3.1).</td>
</tr>
<tr>
<td>Family dynamics</td>
<td>A number of studies (across different jurisdictions) highlight how juvenile sex offenders have often come from disadvantaged family backgrounds (van Wijk et al., 2007; Howard League for Penal Reform, 2015; Underwood et al., 2008; Delisi et al., 2008; Lambie and Seymour, 2006; Masson and Hackett, 2004; Falshaw and Browne, 1997; Hamilton, Falshaw and Browne, 2002; Grimshaw, 2008).</td>
</tr>
<tr>
<td>Education and disability</td>
<td>Whilst it is not the case that those with learning difficulties or disabilities have a greater propensity to sexually offend than those who do not (various studies cited in Grimshaw, 2008 and Masson and Hackett, 2004), 53 per cent of youth offending teams estimated that up to 25 per cent of the children they had worked with over a 12 month period as a result of sexual offences had a mild to moderate learning disability (not necessarily clinically diagnosed). Eight per cent reported having worked with children with a severe learning disability (Masson and Hackett, 2004; Hackett, Masson and Phillips, 2005). Other studies from both England and Wales and other jurisdictions highlight a range of issues related to education and learning amongst juvenile sex offenders. These include: general academic difficulties; lower academic performance; attention deficit disorders; low verbal intelligence quotient (IQ); serious learning problems and learning disabilities (Masson and Hackett, 2004; Hackett, Masson and Phillips, 2005; Grimshaw, 2008; Delisi et al., 2008).</td>
</tr>
<tr>
<td>Mental health and behaviour</td>
<td>As with the wider population of youth in custody, several studies - again from different jurisdictions - suggest that juvenile sex offenders have experienced or been diagnosed with a wide range of mental health conditions and may exhibit a range of behaviours (see Underwood et al., 2008; Delisi et al., 2008; Grimshaw, 2008; Lambie and Seymour, 2006; van Wijk et al., 2007; Kent, 2004). Some of these include: low social competence; conduct problems/disorder; high impulsivity; social isolation; low self-esteem; ‘pseudo-maturity’; attention-deficit hyperactivity disorder (ADHD) and post-traumatic stress disorder (PTSD).</td>
</tr>
<tr>
<td>Previous offences</td>
<td>One New Zealand study suggests that between 44 and 63 per cent of adolescents who sexually abuse have committed at least one prior non-sexual offence (Lambie and Seymour, 2006, citing various). The same study also cites findings that 28 per cent of sexually abusive adolescents had at least three arrests for offences such as shoplifting, theft, assault, vandalism and burglary (Ryan et al. 1996 cited in Lambie and Seymour, 2006).</td>
</tr>
</tbody>
</table>
5. Victimisation
This chapter summarises the research literature identified on victimisation, including sexual victimisation, in the youth secure estate. In the literature the term ‘victimisation’ is used to describe behaviour from physical and sexual assaults through to non-contact behaviour which might be termed bullying, including threats and insulting remarks.

The first part of the chapter provides an overview of victimisation in general. The different forms of victimisation and their prevalence are explored as well as differences between settings within the youth secure estate. Different forms of violence, including sexual violence, are often interconnected, both in terms of their causes and how they can be prevented (Liefaard, Reef and Hazelzet, 2014). Research evidence on the scale and nature of other forms of violence and victimisation therefore provides a helpful context for both the limited data which is available on child sexual abuse within the youth secure estate and for the information in the rest of this report on safeguarding approaches within the youth secure estate.

The second part of the chapter reviews the available literature on child sexual abuse in custodial establishments for children. Due to the paucity of information on child sexual abuse in the youth secure estate in England and Wales, literature from the USA and other jurisdictions is also summarised. The nature and prevalence of child sexual abuse are covered in this section. Specific risk factors for child sexual abuse in custody are discussed in the third section of this chapter. Children’s feelings of safety was a strong theme within the literature and is explored in the final section of this chapter.

**Summary of key themes**

- This review identified a significant amount of literature on victimisation within the youth secure estate, and in custodial establishments outside England and Wales. This focused mostly on peer on peer violence and bullying rather than child sexual abuse. There are high rates of violence and victimisation between peers in custodial establishments (Simmonds, 2016; Ministry of Justice and Youth Justice Board for England and Wales, 2017b; Liefaard, Reef and Hazelzet, 2014; Cesaroni and Peterson-Badali, 2005).

- There are significant challenges in collecting accurate data on child sexual abuse in custody and limited data is available, particularly from England and Wales. The best available source on prevalence rates in England and Wales is the HMIP annual survey. In 2015/16 HMIP found one per cent of children in YOIs and two per cent in STCs said they had been sexually abused by members of staff and one per cent of children in YOIs and three per cent in STCs said they had been sexually abused by peers.

- There is a lack of information available on the circumstances surrounding child sexual abuse in custody and characteristics of perpetrators - particularly from England and Wales. In the USA, one study found that the majority of reported perpetrators of staff sexual misconduct were female and the majority of reported perpetrators of peer-on-peer child sexual abuse were male (Beck et al., 2012). However these findings cannot be generalised beyond the USA and should not be used to make inferences about child sexual abuse in the youth secure estate in England and Wales.

- A number of factors emerged from the literature as associated with an increased risk of child sexual abuse in custody. These include: gender; ethnicity; sexual orientation; history of experiencing sexual assault prior to custody or having been convicted of a sexual offence prior to custody (see for example, Klatt et al., 2016; Beck et al., 2012; Heaton et al., 2012; Youth Justice Board and National Children’s Bureau, 2008; Kennedy, 1995; Epps, 1994).
5.1 General victimisation in the youth secure estate

Definitions of victimisation and bullying take various forms and sometimes include sexual abuse and harassment. Many studies focus on bullying between peers, which has been classified within the literature by a range of behaviours which include physical assault (Connell, Farrington and Ireland, 2016; Liefaard, Reef and Hazelzet, 2014; Ireland, 2002a) and sometimes sexual abuse (Connell, Farrington and Ireland, 2016; Liefaard, Reef and Hazelzet, 2014; Davidson-Arad and Golan, 2007), though it should be noted that not all studies include this aspect of bullying. This REA has identified a significant amount of literature on victimisation, particularly peer-on-peer victimisation and bullying within the youth secure estate.

It has been argued that children and young people in secure settings may be particularly vulnerable to the detrimental effects of victimisation, due to prior histories of abuse, whether sexual, emotional, or physical (Davidson-Arad, 2005, citing Acoca, 1998; Gover and Mackenzie, 2003; Lerman, 1994). Despite this, there are gaps in the evidence base relating to children's experiences of victimisation and abuse in the secure estate. In particular, there is a lack of evidence in England and Wales regarding violence by staff towards juveniles, and the use of force and restraint (Liefaard, Reef and Hazelzet, 2014). A recent report from 2015 argued that in the UK context even less is known about sexual abuse than physical abuse (Willow, 2015). The following sections draw largely on information from HMIP inspections and Ministry of Justice statistics. Both of these may not provide an accurate picture of all victimisation taking place as there may be victimisation which goes unrecorded.

5.1.1 Prevalence of victimisation in custody

From what is known in England and Wales, it appears that children's prisons pose a greater risk for victimisation than adult prisons. Figures from the Ministry of Justice from 2014 show that, despite comprising just one per cent of the prison population, 11 per cent of recorded prison assault victims are children (Willow, 2015 citing Ministry of Justice, 2014). Children also constitute 16 per cent of those who commit physical attacks and 18 per cent of those involved in fights (Willow, 2015 citing Ministry of Justice, 2014). A similar picture emerges for bullying; in one study, between 30 and 75 per cent of young offenders reported having been bullied in prison compared to between eight and 57 per cent of adult prisoners (Hulley and Smith, 2005, citing Edgar, O'Donnell and Martin).

There is substantial literature describing the high incidence of victimisation of young people in custody by their peers (Cesaroni and Peterson-Badali, 2005, citing Beck, 1995; Connell and Farrington, 1996; Mutchnick and Fawcett, 1991; Power, Dyson, and Wozniak, 1997; Shields and Simourd, 1991). Bullying in custodial establishments for children has been regarded as endemic (Children's Rights Alliance for England and Hodgkin, 2002; Goldson, 2008; Goldson, 2003; Kennedy, 1995). HMIP surveys found that abuse by other children was reported in every YOI and STC inspected during the period 2015-16 (Simmonds, 2016).

Regarding assault, the YJB report that there were 1,294 recorded assaults in 2016. Whilst the total figure has fallen every year since 2011 - when there were 2,925 assaults - due to the falling population in the youth secure estate, it has risen considerably as a proportion of those in custody; from 9.7 assaults per 100 children in custody in 2011 to 18.9 in 2016 (Ministry of Justice and Youth Justice Board for England and Wales, 2017b). Findings of the 2016-17 HMIP annual report also indicate that levels of violence have increased; out of the four YOIs inspected, levels of violence had risen at three of the

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18 The YJB's definition of assault is as follows: 'Assaults are defined as 'the intentional use of unnecessary force that results in physical contact with the victim'. Physical contact can be by any part of the assailant's body or bodily fluid or the use or display of any weapon or missile. It is not necessary for the victim to suffer injury of any kind. Assaults of a sexual nature are included in the definition' (Youth Justice Board for England and Wales, 2015b, p20).
establishments and there were concerns regarding underreporting at the fourth (HM Chief Inspector of Prisons, 2017a). Use of force by staff was also high at all four YOIs. The same report also found that the three STCs inspected were insufficiently safe, with high levels of violence and overuse of force to manage children. In particular, a 2017 inspection of Feltham YOI found that the institution was not deemed to be safe for boys or staff (HM Chief Inspector of Prisons, 2017b).

Many studies indicate that violence amongst children in custody is considered to be a bigger problem than violence between staff and children (Liefaard, Reef and Hazelzet, 2014; Gyateng et al., 2013; Youth Justice Board and National Children's Bureau, 2008). Research in England and Wales has shown that young people perceived harm from other inmates as the biggest risk to their safety (Liefaard, Reef and Hazelzet, 2014, citing Youth Justice Board & National Children's Bureau, 2008, p. xi). Regarding prevalence, recent statistics show that 54 per cent of children in STCs and 35 per cent of children in YOIs in England and Wales report being victimised by their peers (Simmonds, 2016). This compares to 27 per cent of children in STCs, and 32 per cent of children in YOIs who report being victimised by staff (Simmonds, 2016).

In terms of different types of victimisation, surveys with children in custody in England and Wales frequently show that insulting remarks from peers tend to be most commonly reported. Figure 5.1 shows the prevalence of different forms of victimisation reported by boys at STCs and YOIs in the 2015/16 HMIP survey (Simmonds, 2016). Reported sexual abuse, from peers or staff, was lower compared to other forms of victimisation reported in the survey. Some of the methodological considerations related to this survey are outlined in section 5.2 and should also be borne in mind here.

**Figure 5.1:** Rates of reported victimisation in custody by type

![Graph showing rates of reported victimisation in custody by type](image)

Source: Adapted from data in Simmonds, 2016
5.1.2 Victimisation in different settings

The research evidence suggests that the level and type of victimisation varies between both establishment type and individual establishment. The risk of violence and harm has been described as particularly high in YOIs, due to the size of the institutions requiring high levels of power and control by staff to maintain order (Willow, 2015 citing National Preventive Mechanism, 2013, p.5). Prison inspectors have repeatedly raised concerns about bullying and violence in YOIs. The Chief Inspector of Prisons, reporting on key inspection findings from five YOIs, stated that bullying was evident in all of the boys’ YOIs and there were a high number of fights (Association of Independent LSCB Chairs, 2014).

Notwithstanding consistent and serious concerns about violence in YOIs, it is important to note they have a much lower rate of recorded assaults than both STCs and SChs. YJB statistics for 2015/16 reported that SChs had a rate of 42 assaults per 100 children in custody per month; STCs had a rate of 21.3 assaults per month; and YOIs had a rate of 14.8 assaults per month (Ministry of Justice and Youth Justice Board for England and Wales, 2017b). However, as these figures are for recorded assault, they will be affected by recording practice and thresholds, and this may account for some of the differences between establishment types. The risk of being bullied or victimised has also been shown to be related to the individual institution itself, with some establishments carrying a much higher risk (Redmond, 2015; Kennedy, 2013; Summerfield, 2011). One study found a significant relationship between the likelihood of being bullied and the YOI or STC where children were residing (Gyateng et al., 2013).

5.2 Child sexual abuse in the youth secure estate

This section sets out information reviewed in relation to the prevalence of child sexual abuse in custody. Some of the challenges of collecting accurate data on prevalence of child sexual abuse in the general population have already been given in section 4.4. In addition to problems collecting information on the prevalence of child sexual abuse more generally, there are issues specific to custody which make the collection of accurate data more challenging. These issues are summarised below along with the limitations of the research evidence base in relation to this specific area. Both give important context to the data which follows.

5.2.1 Challenges in data collection

Whilst self-completion questionnaires are considered to be the most accurate method of collecting data on prevalence, low rates of literacy (Willow, 2015) in the secure estate population make this method difficult to apply universally (Hirschinger-Blank et al., 2014). There are also a number of other factors which may inhibit rates of reporting of child sexual abuse in custody echoing those which occur in relation to children making complaints about abuse, and are discussed more fully in section 8.4.

Data from a number of studies in a number of jurisdictions is set out below. However, it should be noted that figures are not necessarily comparable. There are significant differences in the methodologies used, definitions of sexual abuse used or types of incidents about which data is collected, as well as to differences in populations in different establishments and jurisdictions and over time. Table H.1 (in Appendix H) lists details of all primary studies reviewed for this REA which have produced data on the prevalence of child sexual abuse in secure custody. This section describes the most reliable and relevant of these studies, beginning with those from England and Wales.

5.2.2 Prevalence of child sexual abuse in the youth secure estate - England and Wales

There are a limited number of sources on child sexual abuse in the youth secure estate, particularly sources relating to England and Wales. The key source of information on child sexual abuse in the youth
secure estate in England and Wales is the HMIP Children in Custody annual survey. This survey is carried out annually in all YOIs and STCs and administers self-completion questionnaires to all children resident at the time of the survey. Interviews are offered to any children in YOIs who need help to complete the survey due to language or literacy problems and, at STCs, interviews are offered to all children (Simmonds, 2016). The HMIP survey has included a question related to sexual abuse since 2004, however, until 2012 the survey was only carried out in YOIs. It should also be noted that, as the survey questionnaire used in STCs is different to that used in YOIs, some of the data for YOIs cannot be compared with STCs. The survey does not cover SCHs; this REA did not find any research evidence in relation to rates of child sexual abuse in SCHs.

This survey has consistently reported relatively low overall levels of sexual abuse of children in custody; the figures from the 2015/16 survey for sexual abuse by staff being one per cent in YOIs and two per cent in STCs and for sexual abuse by peers, one per cent in YOIs and three per cent in STCs. The question included in the current survey used in STCs in relation to sexual abuse is a multiple choice question ‘Have you experienced any of the following from young people here?’ for which one of the responses is ‘sexual abuse’. The same question is then asked with the word ‘staff’ substituted for ‘young people’. In YOIs, children are asked whether they have ever been victimised by another young person/group of young people and then a follow up question which asks ‘If yes, what did the incident(s) involve/what was it about?’ and gives sexual abuse as an answer option. The same question is then asked in relation to staff.

Table 5.1: HMIP survey responses in relation to sexual abuse 2014-16

<table>
<thead>
<tr>
<th></th>
<th>Percentage of children reporting sexual abuse by other children</th>
<th>Percentage of children reporting sexual abuse by staff</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2014/15</td>
<td>2015/16</td>
</tr>
<tr>
<td>YOIs</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>STCs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Girls</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>Boys</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Overall</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

Sources: Simmonds, 2016; Redmond 2015

Whilst this survey is the best source available on child sexual abuse in the youth secure estate in England and Wales and the sampling and data collection methods of the survey are largely reliable, there are a number of issues with how the survey is carried out which may affect how accurate its results are. Although interviews are offered to those children who require assistance in completing the survey, the level of take-up of these interviews is not provided and it is possible that not all children who require assistance take it up, potentially affecting the accuracy of the results. The questionnaire does not include a definition of the term ‘sexual abuse’ and children may therefore omit to report incidents of sexual abuse due to a lack of understanding of the term. It is also possible that incidents which do not amount to sexual abuse are reported as sexual abuse for the same reason. In the case of the survey used in STCs, the composition of the question effectively asks children two questions: what the incident was; and what it was motivated by. It is possible that this structure is confusing to children and, again, may reduce the accuracy of responses.

19 Excluding Secure Children’s Homes.
An older survey carried out by the Home Office in 2000 specifically focused on sexual victimisation in custody (McGurk, Robert and Barnes, 2000). The researchers carried out structured interviews with half of the population of 28 prison establishments housing under 18 year olds. This study found a much lower rate of child sexual abuse than subsequent HMIP surveys: less than one per cent of their sample (three cases) reported unwelcome involvement in sexual activity; less than one per cent (three other children) reported seeing a child doing something sexual to another unwilling child; eight per cent of inmates reported unsubstantiated rumours about sexual incidents. The researchers attributed the low rates, particularly when compared to rates in other residential institutions for children, to a low prevalence of child sexual abuse in custody due to the age of the inmates, staff selection and vetting, the lack of opportunities for sexual victimisation and the hypothesised homophobic attitudes of juvenile offenders (McGurk, Robert and Barnes, 2000). However, given that higher rates of sexual abuse have been consistently reported within the HMIP surveys, it seems more likely that there was underreporting within this survey, potentially due to the information being collected through short face-to-face structured interviews rather than a self-completion method. The study did note a difference in reporting rates based on gender and age of the interviewer, indicating that interviewer-participant dynamics influenced the extent of sexual victimisation disclosed (McGurk, Robert and Barnes, 2000).

5.2.3 Prevalence of child sexual abuse in custody - United States

In the USA, a key source on child sexual abuse in custody is the Bureau of Justice Statistics’ (BJS) Survey of Sexual Victimisation (referred to hereafter as ‘the Bureau of Justice Statistics youth survey’). The survey defined sexual victimisation as any forced activity with another youth and all sexual activity with staff. The study is carried out via a computer assisted survey which avoids some of the problems outlined above by enabling children and young people to complete the survey on a computer screen with audio instructions and an interviewer present in the room with the young person, but unable to see the survey being completed on screen by the young person (Beck et al., 2012). This survey found rates of sexual victimisation to be 2.5 per cent for youth on youth victimisation and 7.7 per cent for staff sexual misconduct. It should be noted that the survey included both closed and open facilities and included participants aged 18 years and over. The inclusion of older young people in particular may have led to higher reported rates of sexual victimisation by staff; the survey found higher prevalence for staff sexual misconduct rates amongst older young people, at 8.7 per cent for those aged 18 or older and 8 per cent for 17 year olds compared with 5.8 per cent for those aged 15 and younger (Beck et al., 2012). This information is set out in Table H.1 in Appendix H.

The Bureau of Justice Statistics also carries out an annual survey of correctional authorities on reported allegations of sexual victimisation in juvenile facilities (referred to hereafter as ‘the Bureau of Justice Statistics correctional authorities survey’). The survey asks juvenile correctional institutions to provide data on allegations of sexual victimisation by peers and by staff and their outcomes (that is, substantiated, unsubstantiated, unfounded). The most recent findings from this study (Beck and Rantala, 2016) were that there were 23 allegations per 1000 youth in 2012, with just over half relating to peer victimisation and the remainder relating to staff victimisation. These rates are lower than those found in the Bureau of Justice. Statistics youth survey detailed above, despite them relating to allegations rather than victims, indicating...

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20 Facility types included: residential treatment center; detention center; training school/long-term secure facility; group home/halfway house; and ‘other’, including boot camp, ranch/forestry camp/wildernessmarine program/farm, runaway and homeless shelter etc.

21 The survey report does not specify the maximum age of participants and the maximum age at which young people are treated as juveniles in the US justice system varies by state. Around one third of the adjudicated youth covered by the survey were aged 18 or over.

22 It would be expected that figures for allegations would be higher than victims, all other things being equal, as one victims may make more than one allegation.
potential underreporting of incidents to correctional authorities. The rates of substantiated allegations were substantially lower still; over the period 2007-2012 there were 2.6 youth on youth substantiated incidents per 1000 youths and 0.8 staff on youth substantiated incidents per 1000 youths.

5.2.4 Prevalence of child sexual abuse in custody - other jurisdictions

The other primary research into the prevalence of child sexual abuse in custody reviewed as part of the REA comes from Germany and Israel. In Germany a survey carried out in 2011-12 collected self-report data on violence in custody from 865 male inmates of five YOIs aged 14-25. It should be noted that only 6.9 per cent of the study participants were aged under 18. This study differed from other studies described above in that it asked participants to report on whether they had perpetrated sexual violence on other inmates in the last four weeks, rather than if they had been a victim of sexual abuse. This also means that the study only includes data on peer to peer sexual violence and does not include information on staff perpetrated sexual violence. In this study, 3.6 per cent of the sample reported having perpetrated sexual violence within the last four weeks (Klatt et al., 2016).

A study carried out in Israel in juvenile correction facilities for Jewish youths in Israel examined staff and peer sexual harassment and sexual abuse. The study used a tool designed to measure violence in schools to survey the entire population of open and closed gender-separated juvenile correctional facilities for Jewish youth in Israel. Just over half of the 201 children who took part in the study were housed in open hostels rather than closed or secure facilities and some of the children were housed in diagnostic facilities, meaning that the sample of those in closed facilities was small at 64 children. The prevalence figure for peer sexual harassment in closed facilities in this study was 34.4 per cent and for peer sexual abuse, 20.3 per cent. The figures for staff sexual harassment and abuse in closed facilities were 14.1 per cent and 10.9 per cent respectively (Davidson-Arad and Golan, 2007).

5.2.5 Circumstances surrounding child sexual abuse in custody

The key sources of information on the circumstances surrounding child sexual abuse in custody in the USA are also the Bureau of Justice Statistics youth survey (Beck et al., 2012) and correctional authorities study (Beck and Rantala, 2016). No studies from England and Wales describing the circumstances surrounding child sexual abuse in custody were identified as part of this REA. The findings from these studies are summarised as follows.

The majority of victims of both staff and peer-on-peer sexual victimisation reported in the youth survey that they were victimised more than once and around a third reported that they were victimised by more than one perpetrator (Beck et al., 2012). Around two thirds of victims of peer-on-peer sexual victimisation and one fifth of victims of staff sexual victimisation reported experiencing physical force or threat of force as part of the victimisation (Beck et al., 2012). The Bureau of Justice Statistics correctional authorities survey found that around a fifth of incidents of peer on peer sexual victimisation and a tenth of staff on youth incidents involved force or threat of force (Beck and Rantala, 2016). Incidents took place in a range of areas, including: the victim's room/sleeping area or the room or sleeping area of another youth; a shower or bathroom; a common or recreation area (Beck et al., 2012; Beck and Rantala, 2016). Both the youth survey and correctional authorities survey found that incidents were most likely to take place in the evening between 6pm and midnight (Beck and Rantala, 2016; Beck et al., 2012).

5.2.6 Characteristics of perpetrators

Most studies collect separate data on peer on peer abuse and sexual abuse by staff but do not collect further detail on the perpetrator beyond this. Exceptions to this are the American Bureau of Justice Statistics youth survey (Beck et al., 2012) which collected data on the circumstances surrounding
the incident, including details about the perpetrator; and the Bureau of Justice Statistics correctional authorities survey (Beck and Rantala, 2016), which collected data relating to the circumstances of the incident in respect only of substantiated incidents. Due to the lack of transferability from these studies to the England and Wales context, as described previously, only their key findings are summarised very briefly.

Staff perpetrators of child sexual abuse

In the case of staff on youth sexual victimisation, the Bureau of Justice Statistics youth survey found that the majority (an estimated 92 per cent) of youth who reported being victimised by staff reported that they had been victimised by female staff. In the case of female victims, perpetrators were most commonly reported to be only male staff (89 per cent) (Beck et al., 2012). The Bureau of Justice Statistics correctional authorities study which looked at data held by correctional authorities on substantiated incidents of sexual victimisation, rather than reports by children and young people, reported a much lower proportion of female perpetrators, though they were still in the majority, at 54.7 per cent (Beck and Rantala, 2016).

Peer on peer sexual abuse

The Bureau of Justice Statistics correctional authorities study reported that in 76.9 per cent of substantiated incidents of youth on youth sexual victimisation, the perpetrator was male (Beck and Rantala, 2016). The majority of perpetrators of these incidents were 16 years old and over.

Juvenile sex offenders at risk of victimising others

Some research from the USA suggests that juvenile sexual offending can be a predictor of antisocial behaviour and sexual misconduct in secure establishments (Delisi et al., 2008 cited in Worling and Langton, 2012). Linked to this, several studies from England and Wales raise concerns about accommodating juvenile sex offenders with other children. Concerns are raised particularly in relation to accommodating juvenile sex offenders with those who have been abused prior to custody, and - in SCHs - mixing these offenders with individuals placed on welfare grounds (Tunnard, Ryan and Kurtz, 2005; O’Neill, 2001; Brogi and Bagley, 1998). The issue of mixed criminal justice and welfare populations is discussed further in section 6.2.4.

A study relating to Glenthorne Youth Treatment Centre in Birmingham (which closed in 2002), observed a number of inappropriate sexual behaviours which may be displayed by juvenile sex offenders whilst in custody, some of which would amount to sexual victimisation of other young people and staff. These included: inappropriate touching of self and others; inappropriate sexual remarks to young people and staff; and other sexualised behaviour (Epps, 1997).

Not all juvenile sex offenders will be at risk of exhibiting such behaviour or perpetrating a sexual offence whilst in custody (Hackett, Masson and Phillips, 2005). Research which has looked at rates of sexual victimisation in secure establishments does not seem to ascertain how many incidents had been perpetrated by those with a history of sexually abusive behaviour (see for example, Beck, Harrison, and Guerino, 2010 cited in Worling and Langton, 2012). Research from the USA does, however, highlight some risk factors which may increase the likelihood of juvenile sex offenders re-offending. For example, one study which specifically looks at the behaviours of adolescent sex offenders whilst in custody suggests that younger detainees and those who exhibited greater levels of anti-social or delinquent behaviour prior to being in custody, were more likely to engage in sexual misconduct during their confinement (Delisi et al., 2008). Another study suggests that those who have specifically engaged in child molestation or rape, and those with dysfunctional families posed a greater risk of re-committing a sexual offence (and other offences) - although this was not specific to re-offending whilst in custody (various, cited in Underwood et al., 2008). See also section 4.5.2 in relation to juvenile sex offender characteristics.
It is also important to note that it has been suggested that juvenile sex offenders may also be at greater risk of being victimised in custody themselves as well as victimising others, see section 5.3.3 for more details.

5.3 Specific vulnerabilities and groups at heightened risk of child sexual abuse in custody

This section will consider the characteristics which may increase the likelihood of victimisation, including sexual victimisation, of children in custody.

The HMIP surveys carry out a number of comparisons of survey responses between different groups of children, for example, by gender, by ethnicity and by establishment. The most recent survey found no significant differences in the rate of reported sexual abuse between groups of children, with the exception of those children who had been restrained against those which had not (Simmonds, 2016).

Studies from other jurisdictions have, however, noted some associations between certain factors and the prevalence of child sexual abuse. These factors are summarised in Table 5.2 below and are discussed in more detail in the following paragraphs. Where relevant, associations between certain characteristics and victimisation more generally, not specifically sexual victimisation, are also noted.

Table 5.2: Factors which may be associated with child sexual abuse in custody

<table>
<thead>
<tr>
<th>Factor</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td>A large scale US study carried out by the Bureau of Justice Statistics found that rates of sexual abuse by staff were higher for male children and young people, whereas the converse was true for sexual abuse by peers (Beck et al., 2012). A much smaller Israeli study made the same finding in relation to staff abuse but no significant difference between genders in relation to peer abuse (Davidson-Arad and Golan, 2007).</td>
</tr>
<tr>
<td>Ethnicity</td>
<td>In the Bureau of Justice Statistics youth survey, white youth reported significantly higher rates of peer on peer sexual victimisation than Black and Hispanic youth. Conversely, Black youth reported a higher rate of victimisation by staff than white and Hispanic youth (Heaton et al., 2012).</td>
</tr>
<tr>
<td>Sexual orientation</td>
<td>Gay, lesbian and bisexual youth reported a much higher rate of peer sexual victimisation than heterosexual youth in the Bureau of Justice Statistics youth survey, at 10.3 per cent compared with 1.5 per cent (Heaton et al., 2012).</td>
</tr>
<tr>
<td>History of prior sexual assault</td>
<td>The Bureau of Justice Statistics youth survey found that youth-on-youth sexual assault was significantly more likely for youth with a history of sexual assault at 9.4 per cent compared with 1.4 per cent and, prevalence rates of staff sexual misconduct were similarly higher for these children, at 9.8 per cent compared to 7.2 per cent (Heaton et al., 2012).</td>
</tr>
<tr>
<td>Juvenile sex offenders</td>
<td>Although no studies have made a direct comparison between prevalence rates, it has been suggested that juvenile sex offenders may be at greater risk of sexual victimisation that other children in custody (Kennedy, 1995; Epps, 1994; Youth Justice Board and National Children’s Bureau, 2008).</td>
</tr>
<tr>
<td>Drug use in custody</td>
<td>A German study of male offenders aged 14-25 in YOIs found that drug use during imprisonment was a significant predictor of peer on peer sexual violence in custody (Klatt et al., 2016).</td>
</tr>
</tbody>
</table>
5.3.1 Demographic characteristics and risk of child sexual abuse in custody

The US Bureau of Justice Statistics youth survey (Beck et al., 2012) analysed differences in rates of victimisation by characteristics of children and young people. They found that 8.2 per cent males reported sexual activity with facility staff compared with 2.8 per cent for females. However, rates of sexual abuse by peers were higher for females than males, with 5.4 per cent of females reporting forced sexual activity with other youth at the facility, compared with 2.2 per cent of males. Comparisons made between genders in the Israeli study, described previously, echoed this finding, with reported rates of sexual abuse by staff being significantly higher for boys than girls (Davidson-Arad and Golan, 2007). This study, however, did not find any significant differences for the reported rates of peer sexual abuse and harassment between girls and boys (Davidson-Arad and Golan, 2007). In contrast to the US Bureau of Justice Statistics youth survey, findings of the correctional authority survey indicated higher rates of victimisation for girls than boys for both staff and peer on peer sexual victimisation. In the study, girls accounted for about a third of victims of substantiated incidents of both peer on peer and staff sexual victimisation but only made up around 10-15 per cent of the overall population of correctional facilities (Beck and Rantala, 2016).

Gay, lesbian and bisexual youth reported a much higher rate of peer sexual victimisation than heterosexual youth in the Bureau of Justice Statistics youth survey; 10.3 per cent compared with 1.5 per cent (Beck et al., 2012). The HMIP children in custody survey does not collect information on the sexual orientation of children in custody and there is no other comparable data on this for England and Wales. However, in relation to victimisation more generally it is noted that homophobia is prevalent in the male prison environment in England and Wales (Howard League for Penal Reform, 2015) and in the most recent HMIP Children in Custody survey (Simmonds, 2016), three per cent of boys in STCs reported being victimised by other young people and two per cent by staff in relation to their sexual orientation. The equivalent figures for YOIs were one per cent and zero per cent respectively. The most recent HMIP annual report has also noted in respect of YOIs that support for gay or bisexual children was ‘a significant gap’ and that more action was needed to assure these children that they would be kept safe (HM Chief Inspector of Prisons, 2017a). The report also notes that staff at one YOI had told inspectors that the most difficult diversity issue they faced was homophobic attitudes.

In the US Bureau of Justice Statistics study, white youth reported sexual victimisation by another youth more often than Black and Hispanic youth, at four per cent compared with 1.4 per cent and 2.1 per cent respectively. Whereas Black youth reported a higher rate of victimisation by facility staff than white and Hispanic youth, at 9.6 per cent compared with 6.4 per cent respectively (Heaton et al., 2012). The HMIP survey has not found a significant difference in the rates of sexual abuse between white and BAME children.

Whilst research evidence linking socio-demographic characteristics with the risk of child sexual abuse in custody is lacking, a number of studies have examined the links between these factors and victimisation in custody more generally. More specifically, the following groups have been found to be more at risk of victimisation (not specifically sexual victimisation) within custody: younger boys compared to older boys (Youth Justice Board for England and Wales, 2015b; Häufle and Wolter, 2015; Liefaard, Reef and Hazelzet, 2014, citing Häufle and Wolter, 2014, p. 5; Children’s Rights Alliance for England and Hodgkin, 2002); boys compared to girls (Moore, Gaskin and Indig, 2013, citing Indig et al., 2011; Stuart and Baines, 2004a); Gypsy, Romany or Traveller children (Prime, 2014); Muslim compared to non-Muslim young men (Summerfield, 2011); children with mental health problems and/or those who had spent time in a psychiatric hospital (Connell, Farrington and Ireland, 2016; Prime, 2014; Ireland, 2002a; Cesaroni and Peterson-Badali, 2005, citing Maitland and Sluder 1998); and boys reporting a disability (Prime, 2014).
5.3.2 Experience of child sexual abuse prior to custody and risk of child sexual abuse in custody

Although there is significant literature indicating that victims of child sexual abuse are at increased risk of being victimised again (see Fisher et al., 2017), only one study reviewed by this REA found any information on the relationship between child sexual abuse prior to custody and child sexual abuse within custody. It should be noted that this may simply be reflective of the general lack of research into child sexual abuse. The US Bureau of Justice Statistics youth survey found that youth-on-youth sexual assault was significantly more likely for youth with a history of sexual assault (9.4 per cent) compared to those who did not report having a history of sexual assault (1.4 per cent) (Beck et al., 2012). Similar patterns were also apparent for staff sexual misconduct. Rates were significantly higher for youth with a sexual assault history (9.8 per cent) as compared to youth who did not (7.2 per cent) (Heaton et al., 2012).

5.3.3 Juvenile sex offenders and risk of child sexual abuse in custody

A number of studies suggest that juvenile sex offenders may be at an increased risk of sexual victimisation whilst in custody and be targets for bullying, threatening and intimidation more broadly (Liefaard, Reef and Hazelzet, 2014; Worling and Langton, 2012; Heaton et al., 2012; Youth Justice Board and National Children’s Bureau, 2008; Ashkar and Kenny, 2008; Power, Dyson and Wozniak, 1997; Kennedy, 1995; Epps, 1994). Evidence that specifically related to England and Wales was limited on this issue, and it has not been possible to determine the prevalence of child sexual abuse victimisation amongst juvenile sex offenders compared to non-juvenile sex offenders in this context. However, studies do highlight an increased vulnerability for juvenile sex offenders. It has also been noted that a particular risk factor for juvenile sex offenders being targets for sexual abuse is the disclosure of their offence whilst in custody (Youth Justice Board and National Children’s Bureau, 2008; Kennedy, 1995; Epps, 1994). Such disclosures may be volunteered by the individuals themselves or be revealed via their attendance at sex offender treatment programmes/visits from organisations such as the Lucy Faithfull Foundation (Youth Justice Board and National Children’s Bureau, 2008; Khan, 2010; Kennedy, 1995). See also section 7.3 in relation to assessment and treatment of juvenile sex offenders.

US research draws attention to similar issues relating to the vulnerability of juvenile sex offenders in secure establishments. For example, one study found that establishments providing sex offender treatment programmes have higher overall rates of youth-on-youth sexual assault, compared to those not offering this type of treatment; 3.5 per cent compared to 1.7 per cent, respectively (Heaton et al., 2012). This study highlights juvenile sex offenders as both potential victims and victimisers. Juvenile sex offenders may be particularly vulnerable to violence in general, in areas such as showers (Children’s Rights Alliance for England, 2013 cited in Liefaard, Reef and Hazelzet, 2014). See also section 6.2 on structural challenges.

5.3.4 Drug use in custody and risk of child sexual abuse in custody

A German study of male offenders aged 14-25 in YOIs examined a number of factors as potential predictors of the rate of peer on peer physical and sexual violence. The study found that drug use during imprisonment was a significant predictor of perpetrating sexual violence in custody (Klatt et al., 2016). Although this is relevant to this review given the high rates of previous drug use reported by children in custody and the high proportion reporting in HMIP surveys that it is easy to get hold of illegal drugs in custody (Simmonds, 2016; Douglas and Plugge, 2006), the study is not directly transferable to an England and Wales context (due to differences in systems and the wide age range of those who participated in the study). It is also not clear if there is a direct relationship between drug use and sexual violence in custody and further research would be required if such a link was to be explored.
5.4 Victimisation and feelings of safety in the youth secure estate

A common question asked of young people in secure settings is how safe they feel. Within YOIs in England and Wales in 2015/16, 18 per cent of boys reported that they currently felt unsafe. The proportion who reported having ever felt unsafe in the establishment during their stay was 46 per cent, the highest ever recorded (Simmonds, 2016), (Figure 5.2).

Figure 5.2: Proportion of boys ever feeling unsafe in YOIs in England and Wales

Source: Simmonds, 2016

In England and Wales, children completing questionnaires as part of the HMIP children in custody surveys have reported feeling less safe in YOIs compared with STCs (Redmond, 2015). Interviews carried out with children as part of a safeguarding review carried out by the YJB in 2008 found that children felt safest in SCHs and least safe in YOIs, with STCs somewhere in between (Youth Justice Board and National Children’s Bureau, 2008). This is despite the fact that the likelihood of being victimised appears to be higher in STCs than in YOIs (Redmond, 2015; Simmonds, 2016) and based on figures for rates of assaults per 100 children in custody per month, as discussed previously, higher still in SCHs (Ministry of Justice and Youth Justice Board for England and Wales, 2017b).

Linked to feelings of safety are perceptions of what constitutes a dangerous or threatening environment. Despite the prevalence and sometimes seriousness of victimisation in secure settings, children often view the problem as less serious than children in other settings (Davidson-Arad, Benbenishty and Golan, 2009; Redmond, 2015). They may also view admitting the degree of the problem, even to themselves, as a sign of weakness (Davidson-Arad, Benbenishty and Golan, 2009, citing Connell and Farrington, 1996; Davidson-Arad and Golan, 2007). For example in an inspection of Feltham YOI, only 37 per cent of inmates said they had ever felt unsafe there despite it being deemed ‘unacceptably violent’. This suggests that some children may be resigned to accepting violence and bullying as everyday occurrences (British Medical Association Ethics Department, 2014).

The literature highlights a range of factors related to feeling safe in custody. Studies have shown that young people in custody for the first time are more likely to report feeling unsafe than those who had been in custody before. Likewise for those on remand, compared to those who have been sentenced (Kennedy, 2013). The HMIP 2015–16 Children in Custody study found that children who said they had
felt unsafe at some point at their STC were significantly more likely to report victimisation23 (including sexual victimisation) from their peers and victimisation24 (not including sexual victimisation) from staff. In relation to safety and wellbeing in YOIs and STCs, the Youth Custody Improvement Board advocated in 2017 for a better understanding of the level and complexity of children's needs and what treatment or regime is likely to impact most positively on them (Wood et al., 2017).

23 Specifically: having been physically abused; sexually abused; felt threatened or intimidated; received insulting remarks; and had their canteen/property taken by other young people at the centre; and being victimised by other children because of their offence or crime.

24 Specifically: having received insulting remarks; physical abuse; threats and intimidation; and having canteen or property taken.
6. Culture and environment
This chapter explores some of the cultural and environmental factors that can have an impact on keeping children safe and on the prevalence and response to child sexual abuse within custody that emerged from the literature. The culture within custodial establishments and its impact on welfare is considered first, followed by a discussion about the importance of trusting relationships between staff and children in both enabling children to raise concerns with staff and helping staff identify victimisation.

Literature about a range of structural challenges and their impact on the safety of children in custody is examined, such as size, staff to child ratios, distance from home of placements, the physical environment of custodial establishments, and the population mix within certain types of institutions.

The impact that the practice of restraint and strip searching can have on children who have been sexually abused prior to entering custody, as well as the impact of closed-circuit television (CCTV) on behaviour and feelings of safety, are discussed in section 6.4.

Comparisons between the different types of custodial establishments are made when they emerged in the literature.

### Summary of key themes

- The prevailing culture within a custodial institution has been identified as an important factor in keeping children safe (Holden et al., 2016; Review Panel on Prison Rape, Department of Justice, 2010; Erooga, 2009; Youth Justice Board and National Children's Bureau, 2008) and having a role in enabling or helping to prevent child sexual abuse (National Crime Agency, 2013). Certain types of culture which authors have argued are present in the youth secure estate have been identified as being particularly associated with the incidence of abuse. For example, punitive rather than rehabilitative cultures, ‘closed’ and hierarchical cultures and ‘macho’ cultures (National Crime Agency, 2013; Review Panel on Prison Rape, Department of Justice, 2010; Erooga, 2009).

- Trusting relationships between staff and children are important in enabling children to raise concerns or problems (User Voice, 2012) and enabling staff to be able to identify victimisation (Children’s Rights Alliance for England and Hodgkin, 2002).

- The literature highlights that the structure of the secure estate may compromise effective safeguarding of children in custody. For example, institutions being relatively large in size, and children being placed in institutions relatively far from home are factors which may have negative implications for an institution's ability to keep children safe, how safe children feel in custody, and the risk of sexual victimisation in custody. Other key factors also emerged which relate to the physical environment, the mixed population of children placed on welfare or youth justice grounds in SCHs, and the ratio of staff to children.

- Restraint (HM Inspectorate of Prisons, 2015a; Smallridge and Williamson, 2008; Carlile, 2006) and strip searching (Berelowitz and Hibbert, 2011; Khan, 2010; Lambert, 2005) may have a particularly negative impact on children that have previously been sexually or physically abused.

- The research evidence suggests that CCTV can have a positive impact on offender and staff behaviour, feelings of safety and safeguarding practices. However, there has also been criticism of gaps in CCTV coverage and over-reliance on CCTV evidence in investigating allegations of abuse (Holden et al., 2016). Body worn cameras have been introduced in YOIs and STCs (Youth Justice Board for England and Wales, 2017). However, the impact of these is reliant on a member of staff being present and having the camera turned on.
6.1 Culture within the youth secure estate

The prevailing culture within a custodial establishment has been identified as an important factor in keeping children safe (Holden et al., 2016; Review Panel on Prison Rape, Department of Justice, 2010; Erooga, 2009; Youth Justice Board and National Children’s Bureau, 2008) and in many cases has been identified as having played a role in enabling child sexual abuse (National Crime Agency, 2013). This idea emphasises that responsibility for and reasons behind the abuse of children within institutions or organisations lies with the institution itself rather than solely the individuals who perpetrate the abuse (Erooga, 2009). Certain types of culture have been identified as being particularly associated with the incidence of abuse. For example, ‘closed’ and hierarchical cultures and ‘macho’ cultures (Radford et al., 2017; National Crime Agency, 2013; Erooga, 2009). The literature identifies inherent features within secure establishments for children as well as features specific to certain establishment types which influence establishment culture and ethos and impact on safeguarding.

6.1.1 Rehabilitative versus punitive culture

The YJB, in their 2012 plan for developing the secure estate, developed a set of principles which provide a framework for the commissioning and delivery of services in custody. The principal focus is on rehabilitation and understanding the distinct needs of children and young people. The YJB considered the embedding of these principles in their work to be ‘essential’ for protecting the rights of children and young people in custody (Youth Justice Board for England and Wales, 2012, p.5). One key theme in much of the literature is the tension between a rehabilitative culture and a punitive culture in the youth secure estate (Bateman, 2016; Almond, 2012c; Khan, 2010; Hackett, Masson and Phillips, 2005). Similar discussions exist in relation to the wider criminal justice system, including the adult secure estate. Other papers point to a similar dichotomy between maintaining a culture of control and one of care (Simmonds, 2016; Holden et al., 2016; Bateman, 2016; Howard League for Penal Reform, 2015; Gyateng et al., 2013; Khan, 2010; Goldson, 2005; Hagell, Hazel and Shaw, 2000). Much of the literature argues that a rehabilitative approach is necessary with children in custody, but that this is not the approach taken within all institutions or by all staff (Holden et al., 2016; Almond, 2012c; Prison Reform Trust and Inquest, 2012; Khan, 2010; Youth Justice Board and National Children’s Bureau, 2008; O’Neill, 2001; Hackett, Masson and Phillips, 2005). It has also been argued that the two principles of care and control cannot be reconciled and that this leads to ‘conceptual ambiguity and operational difficulty’ (Goldson, 2005). Respondents from custodial establishments to a 2005 survey on services for children who sexually abuse also expressed concern about the tension between the dual mandate of control and care (Hackett, Masson and Phillips, 2005, p.114).

A review into mental health and emotional well being across the youth secure estate carried out by the Children’s Commissioner in 2010-11 found that there was an over reliance on physical controls rather than developing relationships to manage risk (Berelowitz and Hibbert, 2011). The Carlile Inquiry (2006) found that in some cases ‘there appeared to be a culture where dissent was not tolerated and that physical restraint was used to secure conformity’ (Carlile, 2006, p.29). These types of practices echo the discussion around a culture of control against one of welfare, with the former being prioritised to the potential detriment of the latter.

Research from the USA has suggested that child sexual abuse is more likely to occur in facilities with a correctional rather than rehabilitative culture. The 2010 Review Panel on Prison Rape, which carried out case studies into facilities with the highest and lowest levels of sexual victimisation, found that: ‘facilities that foster a therapeutic model, emphasizing rehabilitation, were more likely to have less prevalence of sexual victimization than facilities that rely on a corrections model, emphasizing punishment’ (United States Review Panel on Prison Rape, Department of Justice, 2010, p.iii). The emphasis placed on control in some
establishments may make it more difficult for children to talk to staff about problems or personal matters (Howard League for Penal Reform, 2015).

YOIs in particular have been characterised as establishments where the culture is focused on punishment and control (Almond, 2012c; Prison Reform Trust and Inquest, 2012). Many of the papers reviewed emphasised that the primary focus of YOIs and their staff is security (Bateman, 2016; Howard League for Penal Reform, 2015) and that children in YOIs are seen as offenders rather than children (Almond, 2012c). The purpose for which different establishment types have been set up has been suggested as an explanatory factor for differences between the cultures of establishment types, with the purpose for which YOIs and arguably STCs were set up being primarily punitive as opposed to SCHs (Willow, 2015). The type of companies that have managed STCs has also been a suggested factor in determining the prevailing culture. The Medway Improvement Board suggest that G4S, and its predecessor Group 4, being security firms may partly explain why a culture of control and containment developed at Medway (Holden et al., 2016). Staff understanding of the purpose of the establishment is also another factor which influences culture, and is discussed in more detail later in this section.

In a large scale study of the youth secure estate in 2008, staff interviews highlighted that in YOIs, in contrast to STCs and SCHs, staff were more focused on managing children’s time than developing relationships with them (Gyateng et al., 2013). Mental health practitioners participating in research in 2010 gave accounts of the difficulty of and time and energy spent in resolving tensions between care and control when working in YOIs (Khan, 2010). In STCs however, there is also research evidence that control can take priority over care. Whilst the 2000 evaluation of Medway STC found that there was a shift taking place from the initial focus on security and control to a more child-centred ethos (Hagell, Hazel and Shaw, 2000), the recent Medway Improvement Board’s 2016 report, following the uncovering of abuses of power by Medway staff highlighted by the BBC, found that control was prioritised over rehabilitation and safeguarding (Holden et al., 2016; Bateman, 2016; Simmonds, 2016). The Board argued that a culture of control and containment developed at Medway rather than a more appropriate culture for the caring of young and vulnerable children (Holden et al., 2016).

There was a consensus in the literature that SCHs are the most child focused type of secure establishment with the care provided being more individualised and personal and homes being described as having a more informal family atmosphere (Bateman, 2016; Ellis, 2016; Rose, 2014; Khan, 2010; Youth Justice Board and National Children’s Bureau, 2008). Reasons for this may be linked to the size of the establishments and staff ratios (Rose, 2014; Hollingsworth, 2014; Khan, 2010), and the backgrounds of the staff who hold residential child care qualifications (Youth Justice Board and National Children’s Bureau, 2008) as opposed to coming from a prison service background.

The motivations of staff can have a strong influence on the culture of an establishment, as set out in the National Children’s Bureau’s review into safeguarding in the youth secure estate; ‘although Governors and safeguards staff can develop robust safeguarding structures, disseminate information and provide training to their staff, effective practice will only be achieved if staff share their vision’ (Youth Justice Board and National Children’s Bureau, 2008, p.14). One paper argues that to change the culture in the youth secure estate there has to be an investment in not only recruiting staff with experience and expertise in working with children in prisons, but who wish to do so (Stuart and Baines, 2004a), with several studies echoing the notion that only staff who want to work with children in custody should be recruited (Howard League for Penal Reform, 2010; Douglas and Plugge, 2006).

Several studies and authors have noted that the level of commitment amongst staff to a child-centred culture varied between establishments and between individual staff (Youth Justice Board and National Children’s Bureau, 2008). In addition to staff’s motivation to work in the youth secure estate, their attitude
to the children in their care also varies and may have an impact on the culture of an establishment. In two separate research projects carried out in SCHs, some staff indicated that they view the primary purpose of the home as a penal facility (Ellis, 2016; O’Neill, 2001). This may lead to a culture closer to the punitive model than the rehabilitative culture as described above. The safeguarding review by the National Children’s Bureau suggested this lack of commitment to a child-centred approach is more difficult to deal with than outright abusive behaviour (Youth Justice Board and National Children’s Bureau, 2008).

6.1.2 Closed and hierarchical cultures

Closed and hierarchical cultures have been identified as associated with instances of abuse of power within institutions for children (National Crime Agency, 2013; Erooga, 2009; O’Neill, 2001). Institutions which are arranged along rigid hierarchical lines and closed to external scrutiny may be less open to external or internal challenge. In such an environment staff may feel disempowered to raise concerns and poor practice may persist unchallenged (Erooga, 2009).

Some authors have also contended that practice in the prison service has tended towards the ‘defensive’, precluding the development of close relationships between staff and children (Rose, 2014). ‘Defensive practices’ might include for example, referring to children by their surnames, over-reliance on procedures and inflexible application of the rules (Rose, 2014). Whilst in general, YOIs are described as having had the least child-centred cultures, such defensive practices do not appear to have been restricted to YOIs; O’Neill (2001) describes similar practices as being present amongst male staff members in SCHs. Female staff were described as being seen as necessary to protect female residents from predatory males, but also to protect male staff from the allegations from female residents which they were perceived to be at risk of. In this context defensive practises, abdicating male staff from responsibility for the girls, were employed (O’Neill, 2001).

6.1.3 ‘Macho’ culture

The literature also discusses the existence of a ‘macho’ culture within the youth secure estate (Almond, 2012c; Youth Justice Board and National Children’s Bureau, 2008; O’Neill, 2001; Dimond, Misch and Goldberg, 2001). A male-dominated or ‘macho’ culture has been identified as a factor in a number of inquiries into child abuse in residential settings (Erooga, 2009). This type of ‘macho’ culture might be evident through an inability to express feelings or emotional vulnerability, a denial of feelings or an inability to recognise them in others in either children or staff (Willow, 2015; Coles, 2015; Rose, 2014). Such factors may have implications for the identification and reporting of child sexual abuse in custody.

In research carried out in SCHs, which focused on gender, staff and managers described the culture in the units as ‘blokish’ and ‘macho’ and gave accounts of negative sexist attitudes, abusive language and intimidation of female children and staff by the male children (O’Neill, 2001). The gender balance of both children and staff, as generally skewed towards males or entirely male, has been identified as a factor in the development of a ‘macho’ culture (Hollingsworth, 2014; O’Neill, 2001). A paper, describing the treatment of juvenile sex offenders in secure centres, outlines that in such all-male environments and, given the background of the residents, staff ‘need to work hard to prevent the development of a hostile, anti-female atmosphere’ (Epps, 1997, p.80). One study, looking at how the needs of children are met in secure accommodation in Scotland (equivalent of SCHs), suggested that a ‘macho culture’ and a fear of being labelled as gay may have inhibited young boys from revealing involvement in or discussing circumstances that may relate to child sexual exploitation (Creegan, Scott and Smith 2005).
6.1.4 Relationships between staff and children

The literature emphasises the importance of trusting relationships between children and staff in custody to the welfare of children and young people (User Voice, 2012; Douglas and Plugge, 2008). Such relationships were seen as important for a number of reasons, including both the welfare of children and behaviour management and maintaining order (Douglas and Plugge, 2008; Youth Justice Board for England and Wales, 2006b). A US survey into sexual victimisation found that rates of sexual victimisation, as reported by children and young people, were lowest amongst children and young people who reported four or more positive opinions about staff, whilst children and young people with no reported positive opinions about staff had the highest rates of sexual victimisation (Beck et al., 2012). It is important to note that this association does not imply that there is a causal relationship between the relationships with staff and the rates of sexual victimisation.

Also of particular relevance to this REA is the importance of these trusting relationships in enabling children to raise concerns or problems (User Voice, 2012) and assisting staff to be able to identify victimisation (Children’s Rights Alliance for England and Hodgkin, 2002). The 2015/16 HMIP survey indicates that a small proportion of children in YOIs would disclose abuse to staff, with only 28 per cent of boys saying they would report victimisation to members of staff (Dyson, 2005). Some of the literature also emphasised that traumatised children in custody may find it difficult to trust adults or discuss painful experiences and events (Beyond Youth Custody, 2016; Gray, 2015; O’Neill, 2001). For example, a qualitative study carried out in six SCHs in England and Wales in 2004, which included 30 interviews with children from both the criminal and welfare route, found that those who had been the victims of prior abuse (including sexual abuse) felt unable to complain to staff about ill-treatment by their peers (O’Neill, 2001). Both pieces of research highlight the importance of building trusting relationships between staff and children in custodial establishments in order to support both the disclosure and the identification of child sexual abuse (Dyson, 2005; O’Neill, 2001).

Surveys and inspections have highlighted differentials in the quality of relationships between children and staff and of children’s perceptions of staff both between institutions of the same type, between different establishment types and between individuals.

In the 2015/16 HMIP Survey (Simmonds, 2016), there was a significant difference between STCs and YOIs in the proportion of children reporting that most staff treat them with respect, with 89 per cent of children reporting this at STCs in contrast to only 63 per cent of children at YOIs. This figure has decreased significantly in YOIs since 2014-15 when it was 70 per cent and has been called ‘too low’ by HMIP (HM Chief Inspector of Prisons, 2016). In a study on mental health in the secure estate, staff interviewees from all establishment types identified that building relationships based on trust was important, but those participants from YOIs reported that their relationships with children were more about managing their time than building trust (Gyateng et al., 2013). This may be due to staff perceiving children in these establishments as more independent. In addition, it has been suggested that in contrast to STCs and SCHs where staff are expected to have a high level of involvement in children’s daily lives, the role of the prison officer has typically been to maintain routines and security (Rose, 2014). As discussed further in section 6.2, it has also been suggested that the differences in staff to child ratios across the different establishment types can impact on the development of positive relationships between staff and children (Youth Justice Board and National Children’s Bureau, 2008; Hollingsworth, 2014; Howard League for Penal Reform, 2002; Howard League for Penal Reform, 2010; Smallridge and Williamson, 2008; Ellis, 2016; Ofsted, 2009; Stuart and Baines, 2004a).
The literature highlights variation in how different children are treated by staff (Prime, 2014; Wilson, 2004). In the 2015/16 HMIP survey (Simmonds, 2016), in both YOIs and STCs BAME children, children who had been restrained and children who reported feeling unsafe were significantly less likely to report that most staff treated them with respect. In addition in STCs, Muslim children were also significantly less likely than non-Muslim children to report that most staff treated them with respect. In YOIs, children who had been in segregation were also less likely than children who had not to report that most staff treated them with respect (Simmonds, 2016). As part of a 2004 ethnography focused on Black children in YOIs, children interviewed gave accounts of their relationships with staff, highlighting issues from subtly different treatment to overtly racist and anti-Muslim actions or comments (Wilson, 2004). The Youth Custody Improvement Board also suggested in 2017 that urgent action was needed to ensure BAME individuals do not experience discrimination whilst in custody - although the report does not specify whether this related to the behaviours of staff or other children, or both (Wood et al., 2017).

Literature has also highlighted the difference in the quality of relationships between staff and children on remand and staff and sentenced children (Dimond, Misch and Goldberg, 2001; Kennedy, 1995). It is possible that poorer relationships between staff and children on remand are related to the impact of shorter time for staff to develop relationships with these children. Secure estate staff interviewed as part of one study identified that shorter sentences have a negative impact on relationships between staff and children as there was insufficient time to build strong relationships with children with short sentences (Gyateng et al., 2013).

The literature emphasises the importance of staff in identifying potential victims of abuse within secure institutions, including victims of sexual assault (Rose, 2014; Struckman-Johnson et al., 2013). Some studies in England and Wales found that in relation to general victimisation and bullying, it was difficult for staff to identify victims or perpetrators of victimising behaviours (Goldson, 2006a quoting Goldson, 2003; Palmer and Farmer, 2002). The Howard League Commission on sex in prison, in its briefing paper on coercive sex in prison (which mainly focused on adult prisons but did also refer to juvenile offenders), heard evidence from the Prison Officers Association that cuts in staffing levels and the consequent reduction in contact time between officers and prisoners had impacted on staff prisoner relationships and could make it more difficult for staff to identify prisoners at risk of sexual assault or to prevent or detect sexual assaults in prison (Howard League for Penal Reform, 2014).

In all forms of secure accommodation there is a significant power imbalance between inmates and staff, and this is further exaggerated when inmates are children. In this sense the nature of secure units creates opportunities for staff to exercise power and for this to become abusive (O’Neill, 2001). Some of the literature reviewed gives examples of this imbalance being taken advantage of by staff (Wilson, 2004; Dimond, Misch and Goldberg, 2001; Lyon, Dennison, and Wilson, 2000). One study cites the opinion of a child that the uniforms of staff are a representation of the power and control of staff over the children and serve to further emphasise the divide between the two (Howard League for Penal Reform, 2010). Restraint is another area where it has been suggested that staff seek to assert their power over children (Smallridge and Williamson, 2008). Another study cited power imbalances between children and staff in custody as one of the reasons why children in prison do not complain to the Prison and Probation Ombudsman as they do not think they would be believed: ‘It’s your word against theirs... we’re still criminals isn’t it, obviously that’s why we’re here... They just see us as bad’ (Prisons and Probation Ombudsman for England and Wales, 2015, p.15). Such power imbalances are cited as an enabling factor or facilitator of child sexual abuse within institutions more generally (National Crime Agency, 2013; Erooga, 2009). While there is potential for individuals to specifically choose to work in the secure estate to exploit this power imbalance and abuse children, no evidence in the literature reviewed for this REA found this to be the
case in the context of the secure estate. More generally, the research evidence is mixed in relation to the idea that individuals specifically choose jobs in which they can offend (National Crime Agency, 2013).

The information reviewed indicates that, whilst strong relationships with staff can clearly be positive and protective factors for children in custody, such relationships can, in the context of the kinds of power imbalance found in secure settings, enable abuse of power on the part of staff. Sexual offenders working within institutions can use their ability to build relationships with children to enable them to abuse (National Crime Agency, 2013).

6.2 Structural challenges

The literature highlights that the structure, (such as size, geographic location, and the physical environment), of the secure estate may compromise effective safeguarding of children in custody. Five key issues emerged and these are summarised below, highlighting the specific implications they have for: the ability of institutions to keep children safe; how safe children feel in custody; and the risk of sexual victimisation in custody (see also 5.2 and 5.3).

6.2.1 Distance children are placed from home

Custodial placements a long distance from home inevitably restrict family, friend, youth offending team and social worker contact and have consequences for the level and quality of safeguarding (HM Chief Inspector of Prisons, 2015a; Coles, 2015; Association of Independent LSCB Chairs, 2014; Rose, 2014; British Medical Association Ethics Department, 2014; Prison Reform Trust and Inquest, 2012; Khan, 2010; Monaghan, Hibbert and Moore, 2003). The British Medical Association, Inquest and the Prison Reform Trust suggested that the long distances and lack of contact with family and friends can amplify a child’s feeling of isolation and sense of vulnerability (British Medical Association Ethics Department, 2014; Prison Reform Trust and Inquest, 2012; Coles, 2015). The organisation Inquest, notes that often it is family members who are best placed to detect changes in behaviour and increased vulnerability (Coles, 2015). In 2015 HMIP found that only 35 per cent of boys in YOIs said it was easy for their family or friends to visit them (HM Chief Inspector of Prisons, 2015a pp.84-85). The HMIP survey of children in custody in 2016 found that only 33 per cent of children in YOIs and only half the children (51 per cent) in STCs said they received a visit from their family or carers at least once a week (Simmonds, 2016).

A HMIP thematic review on the impact of distance from home on children in custody also found that children who were held further from home had fewer visits from family and friends than those who were close to home, with cost and travel time cited as the main reasons (HM Inspectorate of Prisons, 2016). The review also noted that there was little in place to mitigate the impact of distance from home on family contact. However, the review found that distance from home had the potential to increase feelings of isolation but was not a predictor of whether a child felt unsafe in their YOI or STC or whether a child reported having experienced victimisation from staff or other children (HM Inspectorate of Prisons, 2016). The review recommended that children be given the opportunity to discuss how they feel about their distance from home and how any negative impacts they are experiencing can be mitigated.

The Association of Independent Local Safeguarding Children’s Board Chairs published guidance for Local Safeguarding Children Boards (LSCBs) on child protection and safeguarding in YOIs, STCs and SCHs in 2014. The guidance notes the increasing national recognition of the safeguarding challenges in placing looked after children many miles from home, in particular, that the extended travel time reduces the frequency of visits by social workers (Association of Independent LSCB Chairs, 2014). Findings from the HMIP thematic review mirrored these findings, with children further from home receiving significantly fewer visits from professionals (HM Inspectorate of Prisons, 2016). The review
recommended the use of new technologies to enable children in custody to have the levels of contact they need with external professionals. Whether this would be a suitable substitute for face to face contact warrants further discussion.

6.2.2 Size of institution

A common suggestion to emerge from the literature was that the (relatively large) size of YOIs makes it harder to keep children safe (Willow, 2015; Stone, 2014; Rose, 2014; Hollingsworth, 2014; Review Panel on Prison Rape, Department of Justice, 2010; Goldson, 2007; Stuart and Baines, 2004a; Howard League for Penal Reform, 2002; Kennedy, 1995).

The Chief Inspector of Prisons said in 2002 that one of the most important factors in creating safe environments is size (HM Chief Inspector of Prisons, 2002 cited in Goldson, 2007), and in 2009 the Prisons Inspectorate concluded that institutions with 173 or fewer children were more likely to perform within the top 50 per cent of the healthy prison assessment (HM Chief Inspectorate of Prisons, 2009). In 2008, a review of safeguarding commissioned by YJB concluded that the size of units was one of the main factors affecting children's perceptions of safety (Youth Justice Board and National Children's Bureau, 2008). More recently, a report from the Office for the Children's Commissioner highlights that larger units with higher density populations are more likely to experience conflict and that institution size was a factor influencing the use of segregation and isolation (Children's Commissioner, 2016b). A 2016 review of the youth justice system, commissioned by the Ministry of Justice, also recommended that the secure estate should consist of small units (Taylor, 2016).

Looking outside of England and Wales, a review panel on Prison Rape in the USA held public hearings in 2010 on sexual victimisation in Juvenile Correctional Facilities and collected evidence from six facilities in order to identify common themes. One of its findings was that small facilities tended to have a lower prevalence of sexual victimisation, although the panel acknowledged that given the small sample size and the unique characteristics of each selected facility, there were significant limits to making generalisations (United States Review Panel on Prison Rape, Department of Justice, 2010).

Some concerns were raised about how overcrowding and consequently inmates sharing cells increased the risk of abuse (Liefaard, Reef and Hazelzet, 2014; Howard League for Penal Reform, 2014; Kennedy, 1995). In 2014 the European Committee on Crime Problems published a report on violence in institutions for juvenile offenders which stated that overcrowded institutions, including lack of one cell housing has been reported as particularly problematic since this increases stress and misconduct (Liefaard, Reef and Hazelzet, 2014). The Howard League's Commission on Sex in Prison has concluded in respect of adult prisons that placing two prisoners in a single cell puts people at risk of sexual abuse and is contrary to international standards and that no prisoner should be forced to share a cell (Howard League for Penal Reform, 2014). No recent literature reviewed for this REA focused on this issue in relation to the juvenile secure estate. However, a Howard League Inquiry into violence in penal institutions for teenagers under 18 in 1995 found that overcrowding meant that some single cells were being used for two people, which increased the risk of abuse (Kennedy, 1995).

6.2.3 Resourcing and staff to child ratios

Limited resources and low staff to child ratios in YOIs have made it difficult for staff to provide for the needs of children in prison and ensure their safety, while SCHs are better able to take care of children and make them feel safer due to smaller units, better staff to child ratios and staff having the time to develop better relationships with children (Bateman, 2016; Hollingsworth, 2014; Stone, 2014; Howard League for Penal Reform, 2010; Goldson, 2007; Carlile, 2006; Goldson, 2005; Lambert, 2005; Stuart and Baines, 2004a; Youth Justice Board for England and Wales, 2004; Lyon, 2004; Goldson, 2003). The YJB
have said that due to the lower staff to child ratio, YOIs were less able than STCs and SCHs to address the individual needs of children (Youth Justice Board for England and Wales, 2004). The independent inquiry into the use of physical restraint, solitary confinement and forcible strip searching of children recommended that staff to child ratios should be consistent across the secure estate (Carlile, 2006).

There was general consensus across the literature reviewed that low staff to child ratios in the secure estate, with particular reference to YOIs, and a lack of resources prohibits staff from being able to develop good relationships with the children in their care, and consequently can lead to neglect and prevent them from providing appropriate supervision or being in the best position to assess children’s needs and detect changes in behaviour or increased vulnerability (Youth Justice Board and National Children's Bureau, 2008; Hollingsworth, 2014; Howard League for Penal Reform, 2010; Smallridge and Williamson, 2008; Ellis, 2016; Ofsted, 2009; Stuart and Baines, 2004a). This is echoed by Howard League research carried out in YOIs in 2010 which found that many boys attributed poor relationships with staff to the low staff ratios and felt that this was the main issue that needed to be addressed in YOIs (Howard League for Penal Reform, 2010). Chapter 6.2 also highlighted the importance of staff being able to build trusting relationships with children and young people for effective safeguarding.

Staff ratios can have an effect on feelings of safety amongst children in custody (Youth Justice Board and Bateman, 2016 quoting from Redmond, 2015; National Children's Bureau, 2008). For example, the 2008 National Children's Bureau review of safeguarding in the secure estate found that children felt safest in SCHs and least safe in YOIs, and having more staff was cited by children as the single most significant factor in keeping them safer (Youth Justice Board and National Children's Bureau, 2008).

A literature review carried out by the NSPCC, which aims to describe the characteristics found in organisations where child abuse has taken place, referenced work which suggests that a lack of resources and reduced staffing ratios may have a bearing on levels of allegations of child abuse towards staff (Erooga, 2009). The suggestion is that inadequate resources and training combined with challenging demands in an unusual environment can lead to stress and isolation for staff, and in these circumstances power over children can possibly become a way of gaining a sense of significance for the worker (Erooga, 2009). Research in the USA also led to some relevant findings in this area. The 2012 Bureau of Justice Survey on facility-level and individual-level correlates of sexual victimisation in juvenile facilities found that rates of sexual misconduct by staff were significantly lower in facilities that had more staff than youth (Heaton et al., 2012). However, youth-on-youth sexual assault was highest in facilities where staff outnumbered youth (Heaton et al., 2012). The report does not explore why this is the case and does not conclude that staff ratios are a causal factor in rate of abuse. As outlined previously, this study was also conducted in the USA, where the context is significantly different to England and Wales.

6.2.4 Mix of welfare and criminal justice placements in SCHs

Where children may be placed in SCHs under the provisions of civil or criminal statute, this mixed population presents safeguarding challenges (Rose, 2014; Goldson, 2007; Goldson, 2003; Brogi and Bagley, 1998).

The mix of children on welfare placements and criminal justice placements poses challenges to the operational rationale, as well as the routines, regimes and practices of SCHs (Rose, 2014; Goldson, 2007; O’Neill, 2001; Goldson, 2003; Brogi and Bagley, 1998). Research carried out with 15 SCHs across England in 1998 illustrates this point. The majority of SCH managers identified clear problems and risks involved with a population with mixed backgrounds, acknowledging that children who were at risk from themselves or others were being placed with children who posed a risk to others. Managers spoke about how this led to a need for constant supervision and monitoring in order ensure safety (Brogi and Bagley, 1998). However, the literature reviewed also refers to the argument that the needs and backgrounds
of both groups of children are very similar, and therefore there are difficulties in placing both groups in such distinct categories (Ellis, 2016; Rose, 2014; Goldson, 2007; Goldson, 2003; O’Neill, 2001; Brogi and Bagley, 1998).

The risks posed to the children accommodated in SCHs on welfare grounds due to being placed alongside sentenced and remanded children was one theme to emerge from the literature (Brogi and Bagley, 1998; Goldson, 2007; O’Neill, 2001). Of particular concern was having girls who had suffered sexual abuse being placed alongside boys convicted of sexual offences (Goldson, 2007; O’Neill, 2001). However, while research carried out by O’Neill in SCHs in 2001 found that some staff were concerned about the risks posed by mixing boys convicted of sexual offences with girls who had suffered sexual abuse, some felt this practice was justified because it contributed to helping offenders face up to what they had done (O’Neill, 2001). The benefits of this practice were only considered from the perspective of the offenders. Most staff felt that these risks were managed well, and their main concern was over whether this was a situation they should be having to manage (O’Neill, 2001).

Research funded by the NSPCC and YJB in 2005 on services for children who sexually abuse included surveys completed by staff from 47 secure residential establishments across England, Wales, Northern Ireland, Scotland and the Republic of Ireland. The research found evidence that a significant number of units ensured that a careful assessment of the mix of children in the unit was undertaken before the admission of a young sexual offender. The aim of the assessments is to examine issues of potential vulnerability, risk and safety across the unit, including in relation to the young sexual abuser himself (Hackett, Masson and Phillips, 2005). However, other research suggested that SCHs have had a lack of control over which children to take in, which can result in an inappropriate or dangerous mix of children (O’Neill, 2001). It is important to note that a SCH can choose whether or not to offer justice placements, however, a Department for Education study found that many SCHs would be in financial difficulty if they lost YJB beds (Mooney et al., 2012).

Some research found that children in SCHs felt anxious about the practice of housing both groups together (Goldson, 2007; O’Neill, 2001; Kennedy, 1995). Children reported that they did not think it was right to be mixing children from the criminal justice system with those from the welfare route, with children from the welfare route feeling anxious about living alongside those who had offended, and sometimes convicted of violent and sexual offences (O’Neill, 2001; Goldson, 2003; Goldson, 2007).

O’Neill’s research in 2004 found that the majority of children in the sample felt that welfare and criminal justice children should be placed separately (O’Neill, 2001). Almost all of the girls and one of the boys placed through the welfare route in the sample expressed concerns around the risks of harmful emotional and physical effects of being placed with offenders (O’Neill, 2001).

6.2.5 The physical environment

The physical environment of custodial establishments also impacts on the safety of children in custody. For example, both the 2006 Carlile Inquiry and the 2008 National Children’s Bureau safeguarding review commented on the dangers of assault in communal showers which were too often associated with bullying, intimidation and abuse (Youth Justice Board and National Children’s Bureau, 2008; Carlile, 2006). Research carried out by the Prison Reform Trust and Inquest in 2012 found that the physical environments in STCs and YOIs were unsuitable due to inadequate consideration of safeguarding concerns (Prison Reform Trust and Inquest, 2012). The National Children’s Bureau review of safeguarding in the secure estate found that the physical environment can contribute to a sense of safety for children, and acknowledged that those in YOIs were at the biggest disadvantage due to inadequate buildings (Youth Justice Board and National Children’s Bureau, 2008). A victimisation survey carried out in two YOIs (Huntercombe and Feltham) in 2014 asked respondents where they felt least safe. The greatest number of respondents across both YOIs (between 19 and 23 per cent) felt unsafe in areas such as
the segregation unit, the showers, during their reception to the establishment and when travelling to and from their residential wing (Edgar, O'Donnell and Martin, 2011). One safeguard in the physical environment for children in YOIs is a bell in each cell which children can use to gain the attention of staff. The 2015/16 HMIP survey reported that only 21 per cent of boys in YOIs said their cell bell was normally answered within five minutes, which was significantly less than the figure the year before (39 per cent) (Simmonds, 2016).

6.3 Use of restraint, strip searching and CCTV

This section summarises what emerged from the literature about the impact that the practice of restraint and strip searching can have on children who have been sexually abused prior to entering into custody. Reports about the impact that CCTV can have on the behaviour of both staff and children and young people, as well as on feelings of safety, are also discussed. It is important to note that the literature search did not specifically focus on these three areas of practice. Instead some of the literature reviewed, which focused on child sexual abuse and safeguarding within custody, made reference to these three areas. These sections should therefore not be read as a comprehensive summary of each area. Furthermore, the omission of other practices is only because they were not mentioned in relation to child sexual abuse in the literature reviewed.

6.3.1 Restraint

Relative to the number of children incarcerated, the use of restraint has risen significantly over recent years, from 17.6 physical restraints per month per 100 children in custody in 2010 to 28.2 in 2015 (Bateman, 2016; Ministry of Justice and Youth Justice Board for England and Wales, 2016). The 2015/16 HMIP survey of children in YOIs and STCs found that approximately a third of children (32 per cent) stated that they had been restrained since their arrival at an STC and more than two fifths of boys (45 per cent) reported being restrained while in their YOI (Simmonds, 2016).

Safeguarding concerns about the use of restraint were cited by some of the reviewed literature. Concerns included: that the methods of restraint being used had not been developed for use with children yet were forming part of the strategy to manage children's behaviour (Carlile, 2006); that a significant proportion of child protection referrals from YOIs concerned allegations of abuse or rough handling during the use of force in many establishments (HM Chief Inspector of Prisons, 2006; Goldson, 2006a); and that children were restrained unlawfully in the secure estate between 1998 and 2008 in pursuit of good order and discipline rather than as a measure of last resort (Children’s Rights Alliance for England v Secretary of State for Justice and G4S Care and Justice Services (UK) Ltd and Serco plc, 2012 cited in Prison Reform Trust and Inquest, 2012).

Very little emerged from the literature around the impact of restraint in custody on children who have been victims of sexual abuse. Certain inquiries and reviews have briefly mentioned the subject (HM Inspectorate of Prisons, 2015a; Smallridge and Williamson, 2008; Carlile, 2006), but not in any detail. It was suggested within the Carlile Inquiry that for victims of sexual abuse, restraint would compound their past abusive experiences and that such children's responses to the practice could be complicated by the possibility they may have previously only experienced physical contact from an adult by force. The Carlile Inquiry does not make it clear where these suggestions came from, but concludes that more research is required in order to better understand the impact of restraint for victims of sexual abuse (Carlile, 2006). The 2006 YJB code of practice on managing the behaviour of children in the secure estate specifies that systems for restrictive physical intervention must be mindful of the particular needs and circumstances of the child being restrained. They provide the examples of medical conditions or pregnancy, but do not include being a victim of sexual abuse as an example (Youth Justice Board for England and Wales, 2006b).
The independent review of restraint in juvenile secure settings, which involved interviews with children and staff in visits to YOIs, STCs and SCHs, found that children in secure units that had been sexually and physically abused in the past did not like an adult touching or holding them (Smallridge and Williamson, 2008). The 2015 HMIP review of the early implementation of the current restraint system, Minimising and Managing Physical Restraint (MMPR)\textsuperscript{25}, asked children in YOIs and STCs about their experiences of restraint. The review reports that, for those children who have been victims of abuse in the past, restraint can be a highly traumatic experience (HM Inspectorate of Prisons, 2015a).

The 2015/16 HMIP survey with children in custody found that children in STCs who had been restrained were significantly more likely to report having been physically abused (40 per cent compared with 14 per cent) or sexually abused (eight per cent compared with zero per cent) by other children at the centre (Simmonds, 2016). Although this shows an association between restraint and physical and sexual abuse within the centre, it does not evidence that one caused the other. This association was not reported for boys in YOIs.

6.3.2 Strip searching

Routine strip searching was replaced by a risk assessment process in STCs in 2011, and in YOIs in 2014 (Willow, 2015; Hollingsworth, 2014) following a YJB review of the practice in 2011. Governors of STCs and YOIs across the secure estate can still introduce routine strip searching across their establishments for designated periods and strip searching remains mandatory for child prisoners assessed to be a serious security risk (Willow, 2015). Assessments of risk and decision making about strip searching are made by each prison and are not subject to external oversight (Willow, 2015).

A freedom of information (FOI) request to the YJB in 2013 gives an indication of the prevalence of strip searching across the juvenile secure estate. Between April 2011 and December 2012 there were 1,699 strip searches across the four STCs; 41,321 strip searches across the nine YOIs (Willow, 2015; Association of Independent LSCB Chairs, 2014); and in those searches, contraband was found three times in STCs and 315 times in YOIs, leading some commentators to raise questions about the proportionality of the practice (Willow, 2015). In the same time period there were 940 strip searches in the ten SCHs (Association of Independent LSCB Chairs, 2014). Only four of the 25 establishments that detained children over this time period reported that they had not strip-searched: three were SCHs (30 per cent of all SCHs) and the fourth was a women’s prison holding girls (Association of Independent LSCB Chairs, 2014). In the 2015/16 HMIP annual survey of children in STCs and YOIs the vast majority of children (95 per cent) from STCs said that they were searched on their arrival (Simmonds, 2016). Children in YOIs are not asked whether they were searched upon arrival.

Over the last decade several reviews and inquiries into different areas of the youth secure estate have noted, to varying degrees, the particularly traumatic effect that strip searching can have on children entering custody who have previously been sexually abused (Berelowitz and Hibbert, 2011; Khan, 2010; Lambert, 2005). A 2005 review of the effectiveness of operational procedures for the identification, placement and safeguarding of vulnerable children in custody stated that a full body search remained an essential part of the reception procedure because of genuine security concerns, but emphasised the importance of searches being conducted with consideration (Lambert, 2005). The review acknowledged that many children in custody are likely to have experienced physical or sexual abuse earlier in their life.

\textsuperscript{25} In response to a recommendation made by the Independent Review of Restraint in Juvenile Secure Settings in 2008 (Smallridge and Williamson, 2008), the government commissioned the National Offender Management Service (NOMS) to develop a new restraint system for secure training centres (STCs) and under-18 young offender institutions (YOIs). The system is called Minimising and Managing Physical Restraint (MMPR).
lives but asserts that, if the advice in the relevant Prison Service Order (PSO 4950) is followed, then children should not experience the practice as abusive or invasive (Lambert, 2005). In 2006 the Carlile Inquiry concluded that strip searching was not necessary for good order and security (Carlile, 2006). The Inquiry found the practice to be inherently coercive, demeaning and dehumanising, and were particularly sensitive to the fact that many of the children being sent to penal institutions had been sexually abused prior to arrival (Carlile, 2006). A report by the Centre for Mental Health, reviewing current levels and standards of mental health provision in the juvenile secure estate, cited research that found that females who had experienced abuse were more likely to feel traumatised by routine prison procedures such as body searches (Khan, 2010).

More recently, the Office for the Children's Commissioner report on the emotional well-being and mental health of children in the youth justice system in 2011 also acknowledged that the practice of strip searching would be especially traumatic for the large numbers of children entering custody that have experienced physical or sexual abuse (Berelowitz and Hibbert, 2011). In 2013 the National Crime Agency, in a thematic assessment of the risk of child sexual abuse by adults in institutions using case studies, concluded that strip searching facilitated the abuse of children in a secure unit (National Crime Agency, 2013).

Inquiries, reviews and research reviewed in this REA have found that being subjected to strip searching in custody can provoke strong feelings in young people. During research in Scotland with children in secure care (Barry et al., 2008) and research with young boys (15-17 years old) in prison in England and Wales, children expressed negative views around strip searching and questioned its fairness (Howard League for Penal Reform, 2010). A qualitative study carried out with children in 2011 found that, whilst strip searching was largely viewed as necessary to ensure safety, children reported that it made them feel humiliated, intimidated, paranoid, dirty, vulnerable, scared and violated (User Voice, 2011). There was a clear gender divide, with girls being more likely to feel intimidated and reporting feelings of anxiety, powerlessness and embarrassment (User Voice, 2011). The majority of children across STCs and YOIs who responded to the 2016 HMIP annual survey said that searches were carried out respectfully, but a significant minority said searches were not carried out respectfully (19 per cent in YOIs and 15 per cent in STCs.). Compared with the previous year children in STCs were also significantly less likely to say the search had been carried out respectfully (85 per cent compared with 95 per cent) (Simmonds, 2016).

Some of the literature also made reference to the experiences of children being strip searched who had been sexually abused (Willow, 2015; Association of Independent LSCB Chairs, 2014; Hollingsworth, 2014; User Voice, 2011; Carlile, 2006). During the Carlile Inquiry, a 16 year old stated that strip searches ‘for people who’ve been abused is not very nice’ (Willow, 2015, p.77). The User Voice research found that children and young people who had been abused or raped prior to entering custody expressed particular distress in relation to strip searching and some said the practice evoked memories of previous abuse (User Voice, 2011). In particular, a young girl in a STC talked about having to take off all her clothes at the age of 14, despite having been sexually abused, and felt uncomfortable showing her body as this brought back memories of her abuse (User Voice, 2011).

6.3.3 Closed-circuit television (CCTV)

Some of the reviewed literature commented on the need for and impact of CCTV in the youth secure estate in England and Wales. The positive impact that CCTV had on offender and staff behaviour, feelings of safety, and safeguarding practices were key messages to emerge. However, despite the positive impact CCTV could have, the literature cited gaps in CCTV coverage as a problem.

The Howard League Commission of Inquiry into violence in penal institutions for teenagers under 18 in 1994, which included visits to 29 penal institutions holding children, found that staff believed that
CCTV had reduced acts of violence but children were still able to point out blind spots and methods to avoid detection (Kennedy, 1995). Much more recently, the 2008 National Children's Bureau safeguarding review of the youth secure estate asserted that a required action in YOIs, in order to safeguard children from harm from their peers, was to address identified hotspots for violence where supervision was lacking and there were gaps in CCTV coverage (Youth Justice Board and National Children's Bureau, 2008). Children spoke about knowing where there were gaps in CCTV coverage and that these areas would be used 'if you had something to sort out' (Youth Justice Board and National Children's Bureau, 2008). Furthermore, when children were asked what would make them safer, the need for more CCTV cameras were amongst the more common responses (Youth Justice Board and National Children's Bureau, 2008). The review also found that in STCs and SCHs, although initially viewed by staff with suspicion, CCTV cameras were subsequently welcomed because they provided evidence to substantiate or disprove allegations (Youth Justice Board and National Children's Bureau, 2008). The 2015/16 HMIP annual report reported that children told inspectors that staff behaved differently when they knew they were under CCTV coverage (HM Chief Inspector of Prisons, 2016).

Criticism of over reliance on CCTV evidence also emerged from the literature. The impact that CCTV footage can have on whether allegations of abuse are substantiated by the local authority they are referred to was highlighted by the recent Medway Improvement Board report (Holden et al., 2016). The Medway Improvement Board looked at all the safeguarding referrals made to Medway Council between February and October 2015 (14 referrals were made) and found that none were substantiated by the local authority because there was no CCTV evidence to support the allegation being made. The Medway Improvement Board were critical of this finding as they propose that, in the community, a lack of CCTV evidence would not necessarily mean that allegations made by children cannot be substantiated. The Board felt that at least some cases warranted further investigation. The report also noted that young people at the STC were sent letters from local authorities telling them their allegations could not be substantiated because of a lack of CCTV evidence. The report concluded that consequently it must have been obvious to both staff and children that CCTV evidence was crucial to action being taken, and that this may have had an impact on when and where staff felt they could behave in a certain way towards children (Holden et al., 2016).

It is relevant to note that the YJB, as stated in their 2016/17 annual report, have invested around £2 million on improvements in the secure estate in order to improve the safety of children, including improving the CCTV system and coverage on a number of sites (Youth Justice Board for England and Wales, 2017). They have also invested in body worn cameras in order to capture incidents on film in areas where CCTV is inappropriate (Youth Justice Board for England and Wales, 2017). The impact of body worn cameras would however be limited to when a member of staff was present and had turned the camera on.

Research outside England and Wales echoed some of these findings. A study on violence in custodial institutions for children, which included a survey sent out to all member states of the Council of Europe, mentions that many forms of violence, including sexual abuse, can easily occur at places where there is little surveillance, such as gyms and showers (Liefaard, Reef and Hazelzet, 2014). A quantitative study in the USA compares the views of inmates and staff on solutions for reducing prison sexual abuse (Struckman-Johnson et al., 2013). Although the study only involved adult prisons, some of the findings are still worth mentioning. Improving surveillance and getting rid of blind spots was the eighth most common solution amongst inmates and staff (Struckman-Johnson et al., 2013).
7. Assessment of and response to needs and behaviours
This chapter focuses on the assessment of and responses to the needs and behaviours of children in custody. This section begins with a summary of evidence on the effectiveness of the assessment process used across the youth justice system. This has been included because it is one way for establishments in the youth secure estate to identify and review the vulnerability of a child, and consequently develop appropriate care plans that help keep them safe. This chapter will also explore any findings to emerge from the literature about institutional responses to children who have been victims of child sexual abuse or who are juvenile sex offenders. Lastly this chapter summarises what the reviewed literature said about the social and sexual development of children in custody.

**Summary of key themes**

- Studies have found that the risk assessment tool used in England and Wales, ASSET1, can fail to identify situations where a young offender is vulnerable to being harmed when it does not relate to their offending behaviour (Almond, 2012a; Almond, 2012b; Jacobson et al., 2010) and focuses primarily on the behaviour and risk management of children, not their safety or welfare needs (Almond, 2012a; Almond, 2012b; Kemshall, 2007; Goldson, 2003).

- There is a lack of literature discussing therapeutic interventions aimed at children who are victims of sexual abuse prior to or in custodial establishments.

- A few studies reference the challenges custodial establishments face in providing support to children who have experienced abuse, including sexual abuse, such as staff not having the necessary skills and knowledge or the limited amount of time available to work with children in custody (Berelowitz and Hibbert, 2011; Tunnard, Ryan and Kurtz, 2005; Children’s Rights Alliance for England and Hodgkin, 2002; O’Neill, 2001).

- Juvenile sex offenders have characteristics and needs that should be considered in their assessment and treatment whilst in custody. However, the literature highlights a number of concerns about the provision of services for children at risk of sexually harmful behaviour in the secure estate. Concerns include: a lack of clear guidance for driving and coordinating multidisciplinary activity; poor evidence of programme effectiveness; poor adaptation of assessment models for use in the secure estate; and lack of tailored support working with this group more generally (Khan, 2010).

- The custodial environment presents particular challenges in encouraging appropriate social and sexual development of children (Howard League for Penal Reform, 2015).
7.1 Risk assessment

ASSET was the first structured risk assessment tool for use with all children within the youth justice system in England and Wales, introduced by the YJB in 2000 (Raymond, 2004; Baker et al., 2004; Griffin and Beech, 2004). This section focuses on the literature reviewed about ASSET, but it is important to note that a new assessment framework called Asset Plus is currently being rolled out across the secure estate for children (Youth Justice Board for England and Wales, 2015a; Youth Justice Board for England and Wales, 2015b). No literature was found about Asset Plus in the literature search for this REA.

Youth offending team staff initially fill in the ASSET form, but it is supposed to be regularly updated and accompanies a child throughout their involvement with the youth justice system (Jacobson et al., 2010). Prison staff are advised to always read the ASSET assessment (as well as a Post Court Report (PCR) that is filled in after sentencing), before starting the initial assessment (Jacobson et al., 2010; Goldson, 2003). In this section, any findings referring to ASSET will relate to ASSET within the youth justice system in general, unless it specifies custodial establishments specifically.

The original aims of ASSET included both to identify information in relation to offending and reconviction and, secondly, to identify information around the risk of the harm, both to the young offender and presented by the young offender to others (Baker et al., 2004). Whilst some literature indicates that ASSET recognises a wider range of needs of children (Baker et al., 2004), most of the reviewed literature emphasised that ASSET has been developed mainly to identify and assess the risk of reoffending (Gray, 2015; Brooker and Fox, 2009; Jacobson et al., 2010; Almond, 2012a; Almond, 2012b; Baker, 2005; Baker et al., 2004; Griffin and Beech, 2004). It has been argued that ASSET fails to identify situations where a young offender is vulnerable to being harmed when it does not relate to their offending behaviour (Almond, 2012a; Almond, 2012b; Jacobson et al., 2010) and focuses primarily on the behaviour and risk management of children, not their safety or welfare needs (Almond, 2012a; Almond, 2012b; Kemshall, 2007; Goldson, 2003).

The reviewed literature generally concluded that ASSET takes on a very narrow view of vulnerability. It has been argued that ASSET does not explore a child’s individual strengths or protective factors nor effectively consider: vulnerability arising from past abuse; mental health problems; learning disabilities or speech, language and communication needs; issues of power or discrimination; or important demographics such as race, gender, class, culture, disability and sexuality (HM Inspectorate of Probation et al., 2014; Almond, 2012c; Almond, 2012a; Almond, 2012b; Jacobson et al., 2010; Griffin and Beech, 2004).

A 2014 report on violence in institutions for juvenile offenders by the European Committee on Crime Problems suggests that mental health is one of the factors causing violence in institutions and consequently reiterates the importance of screening mechanisms (Liefaard, Reef and Hazelzet, 2014). The YJB found that the most common reason for unmet mental health needs of children in custody in England and Wales was a failure to adequately assess and identify them (Harrington et al., 2005). ASSET, alongside other assessment tools used within the youth justice system, has faced criticism for underestimating or overlooking the physical and mental health needs of those entering custody (British Medical Association Ethics Department, 2014; Gray, 2015; Talbot, 2010; Khan, 2010; Harrington et al., 2005; Brooker and Fox, 2009; Tunnard, Ryan and Kurtz, 2005), either because they rely too much on self-reporting (Coles, 2015; British Medical Association Ethics Department, 2014; Gray, 2015; Khan, 2010), because staff are not appropriately trained (Tunnard, Ryan and Kurtz, 2005), or because they only assess health specifically in relation to offending behaviour (Gray, 2015; British Medical Association Ethics Department, 2014; Talbot, 2010).

The reliability of self-reporting during the assessment process for young offenders was mentioned by some of the reviewed literature. A US study investigating the accuracy of self-reports of juvenile offenders on health risk behaviours, trauma history (e.g. physical and sexual abuse) and psychological factors found
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moderate to high reliability in their self-reporting of health behaviours, including trauma history, which the authors stated was consistent with the majority of previous research on adolescent populations (Kenny and Grant, 2007). The study acknowledged the need for future research to strengthen these findings. No studies focusing on the accuracy of self-reporting for children in custody in England and Wales were reviewed. Some of the literature did however raise concerns about children being reluctant to share information more generally (not specifically in relation to trauma histories or child sexual abuse) with youth justice professionals (Gray, 2015) and minimising their mental health needs due to fear of stigma (Coles, 2015; Chitsabesan, 2014; Bailey and Kerslake, 2012; Prison Reform Trust and Inquest, 2012; Khan, 2010). The literature indicates that this may be particularly the case for some BAME groups (Khan, 2010).

Literature indicates that there have been problems with the effective sharing of ASSET and other assessment documentation between youth offending teams and the secure estate, including delays in receiving information and incomplete or poor quality information being received (Coles, 2015; British Medical Association Ethics Department, 2014; Prison Reform Trust and Inquest, 2012; Jacobson et al., 2010; Talbot, 2010; Berelowitz and Hibbert, 2011; Goldson, 2003; Harrington et al., 2005). This poor information exchange between community agencies and prisons was found to have undermined effective risk assessments of children in custody (Coles, 2015; Prison Reform Trust and Inquest, 2012; Goldson, 2003). Some studies also identified high levels of mistrust between youth offending teams and custodial establishments in relation to ASSET forms (Gyateng et al., 2013; Baker et al., 2004), with one study finding that secure estate staff were reluctant to rely on the data provided by youth offending teams (Gyateng et al., 2013). One study suggested an internal review process to quality assure the ASSET data arriving with a child when they enter custody, as well as youth offending team managers randomly auditing ASSET forms that arrive at the secure estate to ensure all information is timely and accurate (Gyateng et al., 2013). In another study, youth offending team staff expressed concern that the information they provided to the secure estate would not be read or would be used inappropriately (Baker et al., 2004). It is important to note however that this study took place shortly after ASSET was first introduced.

Assessment processes within custodial institutions not being carried out effectively was another key finding to emerge from the literature (Berelowitz and Hibbert, 2011; Stuart and Baines, 2004a; Goldson, 2003; Harrington et al., 2005). One study recommended that staff should be specifically trained to recognise crucial factors linked to vulnerability and use this expertise during assessments (Coles, 2015). Another study, involving interviews with children and staff in YOIs, found that staff were dissatisfied with the assessment process because they neither had the time nor the requisite skills, experience and knowledge to administer them to the standards they thought necessary (Goldson, 2003). The study also highlighted issues with the YOI reception process that affected its suitability for a vulnerability assessment process. These include the late arrival of many children into custody, the lack of appropriate spaces available for assessments, and the number of children arriving in relation to available staff (Goldson, 2003; Willow, 2015).

The YJB stated that Asset Plus would facilitate better information sharing between organisations (Youth Justice Board for England and Wales, 2015b) and assist youth offending teams in completing high quality and consistent assessments (Youth Justice Board for England and Wales, 2017). The Comprehensive Health Assessment Tool (CHAT) used alongside Asset Plus is undertaken by a qualified child and adolescent mental health services (CAMHS) professional (Porteous, Adler and Davidson, 2015). The YJB commissioned the development of the comprehensive health assessment tool because of the limitations of existing tools to comprehensively assess physical, emotional and mental health needs (Gray, 2015; British Medical Association Ethics Department, 2014; Chitsabesan, 2014). However, in 2017 it was noted that the CHAT assessments (in YOIs and STCs) should be reviewed as they were not being completed.
consistently. Furthermore, children’s health records were often unavailable meaning establishments may not always be aware of children’s pre-existing health conditions or medication - important for meeting their needs (Wood et al., 2017). Section 7.3 considers what the reviewed literature said about the assessment of juvenile sex offenders.

### 7.2 Institutional response to child sexual abuse prior to custody

The findings outlined in chapter 4.4 suggest that a prior history of child sexual abuse is prevalent amongst children who enter custody in England and Wales. Consequently, it is important that custodial establishments address and respond to these prior experiences of sexual abuse, through appropriate screening and assessment as well as with effective treatment interventions.

None of the literature reviewed in this REA focused specifically on institutional responses to children who entered custody having experienced sexual abuse. The YJB and others (Day, Hibbert and Cadman, 2008; Arnold et al., 2003) have noted a lack of literature that discusses or evaluates therapeutic interventions aimed at children in custodial settings with a history of sexual abuse. A few studies in England and Wales, which were focusing on general mental health interventions in custody, made limited references to the challenges that custodial institutions faced in providing support to children who had experienced abuse, including sexual abuse, such as staff having the necessary expertise and knowledge and the limited amount of time available to work with children in custody (Berelowitz and Hibbert, 2011; Tunnard, Ryan and Kurtz, 2005; Children’s Rights Alliance for England and Hodgkin, 2002; O’Neill, 2001).

The 2011 Office for the Children’s Commissioner investigation into mental health needs of children in custody found evidence of inconsistencies and wide variation in the understanding that relevant staff had of the impact of previous experiences, including sexual abuse, on the child’s emotional wellbeing and mental health (Berelowitz and Hibbert, 2011). A 2005 study, involving a survey of healthcare staff in 17 YOIs, found that staff felt it was very difficult to carry out long term work with children experiencing post-traumatic stress disorder (PTSD) as a result of sexual abuse, due to the average length of time in custody (Tunnard, Ryan and Kurtz, 2005). As a result, staff generally felt that their main role was to equip children with coping strategies and give them information about the support they could access on release. Similarly, a study in 2006 found that there was a real gap in the provision of support for prisoners living with the impact of trauma, including sexual abuse (Durcan, 2008). However, this study included a review of five prisons in the West Midlands, of which, only one was a YOI, interviewing 98 prisoners (male and female aged between 15 and 60).

One recent study in England and Wales explored whether secure care can meet the needs of sexually exploited children. The study was evaluating a pilot project in one SCH aiming to improve the mental health and wellbeing of sexually exploited children. The evaluation found that although it was possible to create a more therapeutic culture in a secure environment, an integrated longer term plan (including therapeutic support following the placement in secure care) would be needed to effectively meet those needs (Scott, 2016). A similar study in Scotland explored the views of a range of professionals on the efficacy of secure care in meeting the needs of sexually exploited children. The dominant view amongst secure unit respondents was that secure accommodation was not desirable for the majority of sexually exploited or at risk young girls, citing similar challenges such as: the short term nature of interventions; lack of confidence of staff in dealing with these issues; and the inappropriate aftercare provided (Creegan, Scott and Smith 2005). These studies focused on children placed in secure homes through the welfare route rather than the criminal justice system, but the findings were still relevant to the consideration of appropriateness of secure units for those who have been victims of child sexual exploitation.
A study in the USA examined the relationship between childhood sexual abuse and depression amongst a large sample of male and female children and young people in custody (Gover, 2004). The study found that the average depression levels for children and young people who were sexually abused was higher than the average depression levels for juveniles who were not sexually abused. The authors argue that these findings suggest that addressing the trauma of childhood sexual abuse amongst youth in custody is an important treatment strategy, because these youth are also at increased risk for psychological duress during incarceration (Gover, 2004). Several studies noted that the significant trauma that many children and young people experience, including sexual abuse and sexual exploitation, poses serious challenges for management, rehabilitation, and treatment of this population in secure settings (Ford et al., 2012; Berelowitz and Hibbert, 2011; Creegan, Scott and Smith 2005; Tunnard, Ryan and Kurtz, 2005).

### 7.3 Assessment and treatment of juvenile sex offenders

Literature relating to the assessment of, and treatment models for, juvenile sex offenders in custody is useful to consider given the risks this group of individuals may present as both sexually victimising others or being victimised themselves whilst in custody. They may also have characteristics/particular needs that should to be considered in their assessment and treatment (see also sections 4.5, 5.3 and 5.4).

#### 7.3.1 Provision of assessment and treatment

It is evident from the literature that the nature and provision of assessment and treatment models for juvenile sex offenders has changed and evolved over time. One study highlights the deficit of services (in general) in the early 1990s to support children presenting ‘problematic and abusive sexual behaviours’ - and the developments since then to better provide for, manage, and treat children exhibiting such behaviours (Masson and Hackett, 2004). Literature does, however, highlight that movements towards the better management and treatment of these children and young people have faced particular challenges amid various shifts in policy since this period (Grimshaw, 2008; Hackett, Masson and Phillips, 2005; Masson and Hackett, 2004; Griffin and Beech, 2004) (see section 7.1). A 2005 study mapping mental health interventions in YOIs specifically, found that behaviour programmes related to sexual offences were the least mentioned programmes, with only one establishment providing a programme of this nature (Tunnard, Ryan and Kurtz, 2005).

Aligning with wider research on this topic (see Radford et al., 2017), literature notes how it is now recognised that treatment models designed for adult sex offenders are not suitable for children and young people. It emphasised that not only are juvenile sex offenders different to adult sex offenders, they also constitute a diverse group in and of themselves (Grimshaw, 2008; Masson and Hackett, 2004; Griffin and Beech, 2004). NHS England has commissioned specialist services for children convicted of sexual offences (Howard League for Penal Reform, 2015). The YOI at Cookham Wood is particularly noted as having established an ‘enhanced sexual behaviour service’ - working closely with case-workers to identify and support victims and perpetrators of sexually harmful behaviour (HM Chief Inspector of Prisons, 2014 cited in Howard League for Penal Reform, 2015). However, the Deputy Children’s Commissioner for England remained critical of the lack of sexual offending education in custody (Hansard, 2014 cited in Howard League for Penal Reform, 2015).

In its 2015-16 commissioning plans, NHS England also noted the commissioning of assessment and intervention services for children who exhibit harmful sexual behaviour held in the secure estate as a priority area (NHS England, the Youth Justice Board and Public Health England, 2016). This is intended to extend the current provision within YOIs and extend it to STCs and SChs.
7.3.2 Assessment of juvenile sex offenders

In 2005, 96 per cent of youth offending teams reported drawing on the ASSET tool when assessing children who had sexually abused (Hackett, Masson and Phillips, 2005). The limitations of ASSET as focused on risk of re-offending rather than fully considering the wider needs and vulnerabilities of the individual (see section 6.4.1) poses questions as to its effectiveness with juvenile sex offenders. Findings from this study suggest that youth offending teams may, however, be drawing on more than one tool to assess juvenile sex offenders; 31 per cent made use of the ‘Assessment, Intervention and Moving-on Project’ model (AIM) (specific to children and young people who display sexually harmful behaviour) and 23 per cent were using the (broader) Department of Health ‘Framework for the Assessment of Children in Need and their Families.’ It is acknowledged that the assessment process may look different today, given the more recent commissioning of services. However, no literature was identified in this REA which set out the assessment tools currently being used (if different), or how effective they are.

Research from Canada and the USA also highlights assessments with (and treatment for) juvenile sex offenders as seemingly focused on their sexual offence and risk of re-offending. For example, in determining whether treatment is necessary and what the content of treatment should be, typically gathered information includes current levels of sexual aggression, deemed risk of recidivism, and perceived willingness of the individual to participate in treatment (Worling and Langton, 2012; Underwood et al., 2008 citing various studies).

7.3.3 Treatment of juvenile sex offenders

Treatment relates to the actual programme or service that a juvenile sex offender is given following assessment. In terms of the theoretical models being drawn upon in treatment, the aforementioned (2005) study with youth offending teams found that those offering intervention services of this nature most commonly drew on cognitive behavioural models (46 per cent), followed by relapse prevention (35 per cent), family systems ideas (23 per cent) and psychosocial-educational models (21 per cent) (Hackett, Masson and Phillips, 2005). No research was identified in this REA which specifically evaluated these approaches, although broader research (see Radford et al., 2017) highlights that programmes using cognitive behavioural approaches have shown ‘promising’ results in terms of reducing recidivism amongst children and young people who present with ‘harmful sexual behaviour’.

In 2010, child and adolescent mental health services (CAMHS) professionals described work with children at risk of sexually harmful behaviour in the secure estate as ‘under-developed’ (Khan, 2010) and a number of concerns were raised in relation to provision of this nature. These included: a lack of clear guidance for driving and coordinating multidisciplinary activity; poor evidence of programme effectiveness; poor adaptation of assessment models for use in the secure estate; and lack of support working with this group more generally.

A range of factors deemed influential to successfully engaging juvenile sex offenders in treatment and factors affecting treatment effectiveness emerge from the literature. These can be grouped into three areas:

**Tailoring to the individual**

It is suggested that treatment should recognise and be tailored to:

- the specific offence committed and nuances of different offences - including whether the offence was perpetrated against another child or an adult (Masson and Hackett, 2004; Grimshaw, 2008; Stuart and Baines, 2004b; Khan, 2010; Epps, 1997)
• gender, age, disability, ethnicity and cultural factors (Masson and Hackett, 2004; Hackett, Masson and Phillips, 2005; Grimshaw, 2008; Stuart and Baines, 2004b; Khan, 2010; National Institute for Health and Care Excellence, 2016)

• other present characteristics such as conduct disorder, education levels/difficulties, mental health conditions and history/possible history of sexual or other forms of abuse (Brogi and Bagley, 1998; Hackett, Masson and Phillips, 2005; Grimshaw, 2008)

• potential impacts of being away from their family/community (Epps, 1994)

• how long an individual has been exhibiting sexual behaviours (Stuart and Baines, 2004b).

Similar themes are echoed in research from Canada, USA and New Zealand (see Worling and Langton, 2012; Ikomi et al., 2009; Lambie and Seymour, 2006).

**Expertise and attitudes of professionals**

The importance of professionals having the right knowledge and skills and being aware of - and sympathetic to - the particular needs of the individual is highlighted (Epps, 1994, 1997). Included in this is not entering treatment with assumptions about or prejudices against the individual and their needs and being adequately equipped to be able to deliver education on healthy sexual attitudes, behaviours and social and sexual relationships, including consent.

Studies from Canada and the USA similarly emphasise the importance of therapists/clinicians establishing rapport and building a relationship with the individual (Worling and Langton, 2012; Underwood et al., 2008). Specific elements cited as helpful to creating a supportive environment that promotes trust and engagement are:

• showing empathy, warmth and respect;

• demonstrating knowledge about sexual offending and of the particular case;

• using open-ended questions;

• having a nonjudgmental posture.

**Tailoring to the youth secure estate context**

A number of challenges to delivering treatment in the youth secure estate context specifically are highlighted in the literature. For example, it is suggested that treatment delivered in a group format (versus individually) is unsuitable since it may not adequately address the diverse issues and needs of individuals (Masson and Hackett, 2004; Tunnard, Ryan and Kurtz, 2005). Individuals may also be subject to negative peer influences in a group format (Tunnard, Ryan and Kurtz, 2005). Research from outside England and Wales promotes the participation of the individual’s family in treatment, where practical and appropriate (Lambie and Seymour, 2006; Kent, 2004; Worling and Langton, 2012).

The delivery of juvenile sex offender treatment also raises potential safeguarding issues. Children have been described by professionals as being anxious about their offence being disclosed through their visible involvement in treatment (Kennedy, 1995; Youth Justice Board and National Children's Bureau, 2008; Khan, 2010). See also section 5.3 in relation to groups at risk of victimisation.

Other contextual challenges include:

• Accommodating those convicted of a sexual offence with those who are on remand for a sexual offence can be challenging since treatment cannot begin with those who have not been convicted (Tunnard, Ryan and Kurtz, 2005).
Some children may also not stay long enough to complete treatment (Epps, 1997).

Developing social and sexual relationship skills as part of treatment are not supported by the environment or regime of secure establishments (Howard League for Penal Reform, 2015; Epps, 1994).

7.4 Social, sexual and relationship development in custody

There is considerable reference within the literature to the social and sexual development of children in custody. Whilst closely interrelated, this can be categorised into two themes: the effect of children's experiences prior to custody on their development and, secondly; the effect of the custodial environment and regime on children's development.

As discussed in sections 4.3 and 4.4, children are likely to have histories of abuse and neglect prior to entering custody. This already puts them at a disadvantage in comparison with the wider population of children in terms of their social development (Beyond Youth Custody, 2016; Ford et al., 2012; Douglas and Plugge, 2008) and means that they have particular needs in this respect, which should be addressed within custody (Ford et al., 2012; HM Inspectorate of Prisons, 2011; Epps, 1997). In respect of sexual development, one qualitative study carried out with girls and professionals in female units at YOIs in 2008 identified concerns amongst professionals around sexual exploitation of the girls and the need for sexual health interventions in order to ‘instil the knowledge, confidence and competence to enable these young women to make informed decisions about sex and relationships’ (Douglas and Plugge, 2008, p.74).

In addition to the specific histories of children in the secure estate, their age is also particularly relevant when considering their needs in relation to social and sexual development. As described in section 4.3.1, the majority of the population of children in custody are older adolescents, with the largest group being aged 17. This is a critical time for children in the development of their ability to form relationships with others and their sexuality (Howard League for Penal Reform, 2015; Lambie and Randell, 2013; Ikomi et al., 2009; Stuart and Baines, 2004a; Epps, 1994), with boys reaching physical sexual maturity at around 16-17 years and girls at 15-16 years and with children and young people becoming sexually active and forming relationships between the ages of 16 and 24 (DoH cited in Howard League for Penal Reform, 2015).

In addition to the specific needs children entering custody may have around social and sexual development, the literature also discusses the particular challenges presented by the custodial environment in encouraging appropriate social and sexual development of children. As noted by the UN Committee on the Rights of the Child with reference to the article 6 of the UN Convention on the Rights of the Child: ‘the use of deprivation of liberty has very negative consequences for the child’s harmonious development and seriously hampers his/her reintegration in society’ (Khan, 2010, p.21).

Some establishments and regimes have been criticised for not providing children with an adequate level of physical activity for their needs. It has been argued that where children are unable to get sufficient exercise or time outdoors, this can lead to frustration which may manifest in conflict or aggression (Carlile, 2006; Howard League for Penal Reform, 2002). In HMIP's 2015-16 annual report, there was criticism of the inadequate access to exercise at most STCs and YOIs, with exercise periods at Feltham being less than 15 minutes and therefore ‘detrimental to the health, development and well-being of growing boys’ (HM Chief Inspector of Prisons, 2016, p.66).

The literature emphasises the artificial nature of custody in contrast to the normal social environment for children of the same age in the community and the impact that this can have on their development. This is noted in respect of the ability to freely form and maintain relationships with friends and family (Howard League for Penal Reform, 2015; Lambie and Randell, 2013; Epps, 1994) and also, in particular,
in the ability to socialise with children and young people of the opposite sex (Howard League for Penal Reform, 2015). This has been cited as an argument in favour of mixed sex units; that these promote normality (Stuart and Baines, 2004a), in particular for boys, and that this better prepares them for life in the community following release (O’Neill, 2001). The arguments in favour of mixed-sex units, however, have been characterised as only focusing on the benefits for boys and arguments have been made that mixed sex units have a negative impact on girls. One qualitative study involving children and staff in both mixed and single sex units heard concerns from staff that the prevailing culture in mixed units can be ‘male dominated’ and that boys can display sexist attitudes and abusive language and intimidation of girls and female staff (O’Neill, 2001).

The youth custodial environment has also been criticised for preventing what might be deemed as ‘normal’ sexual experimentation which would be typical of children of the same age in the community (Howard League for Penal Reform, 2015). The Howard League for Penal Reform’s Commission on Sex in Prison heard that this meant that children and young people had to be secretive about their sexual behaviour and could experience feelings of guilt and shame around their sexual behaviour (Howard League for Penal Reform, 2015).

It has been suggested that the lack of sexual contact or, indeed physical contact altogether, leads some children to deliberately seek restraint as a way of obtaining physical contact or even sexual gratification (Howard League for Penal Reform, 2015; Smallridge and Williamson, 2008; Carlile, 2006). It has been argued that in such scenarios children may be replicating previous experiences of abuse, or simply in that the only way they have experienced physical contact is by force from an adult (Carlile, 2006). Alternatively, the motivation behind such actions may be the desire for physical contact by children who are deprived such contact with parents (Smallridge and Williamson, 2008). Whilst the suggestion that children are actively seeking restraint for such reasons, made to the Carlile Inquiry (Carlile, 2006) and the more recent Independent Review of Restraint in Juvenile Secure Settings (Smallridge and Williamson, 2008), does not appear to have been raised by children themselves, as noted by the Carlile Inquiry, ‘the relationship between the use of restraint and sexual development needs serious research’ (Carlile, 2006, p.47). No other research on children seeking restraint in this manner, beyond these limited references, was found.
8. Safeguarding policies and procedures
This chapter discusses the role and effectiveness of six key safeguarding processes. These are:

- Inspections
- Staff training
- Referral processes
- Complaints processes
- Inter-agency working
- Reception processes

There have been a number of relevant developments in legislation, policy and procedures relating to the protection and welfare of children over the years both in general and specifically in relation to children in the youth secure estate. Appendix I provides a summary of the literature relating to these key developments which are most relevant to safeguarding in custodial establishments and provides helpful context for chapter 8.

The 2016-17 HMIP annual report highlights the importance of discussing safeguarding policies and procedures. The report reached the conclusion that, as of February 2017, there was not a single YOI or STC in which it was safe to hold children and states that none had reached the standard of 'good' or 'reasonably good' in the area of safety (HM Chief Inspector of Prisons, 2017a). The annual report notes deep concern at the speed of decline in this area, stating that in 2013–14 nine out of 12 institutions were graded as reasonably good or good for safety. The report argues that this slump in standards must be understood and addressed as a matter of urgency (HM Chief Inspector of Prisons, 2017a). A 2017 report by the Youth Custody Improvement Board also asserted (in relation to YOIs and STCs specifically) that whilst steps have been taken to improve safety, safety remained a key risk in these establishments with limited evidence as to a decrease in risks to safety (Wood et al., 2017).
Summary of key themes

- Although literature on the adequacy of or challenges faced by inspections in YOIs, STCs and SCHs is limited, the uncoordinated approach of the various monitoring bodies was highlighted as being unhelpful and increasing the risk of unidentified safeguarding issues (Holden et al., 2016; Taylor, 2016; Youth Justice Board and National Children’s Bureau, 2008).

- The literature suggests that staff working in YOIs and STCs do not have the skills and experience needed to manage the most vulnerable children in custody, and have not received sufficient training. Particular issues were raised about the lack of training in dealing with children with sexually harmful behaviour (Hackett, Masson and Phillips, 2005) and children who have experienced abuse (Howard League for Penal Reform, 2015; Berelowitz and Hibbert, 2011; Khan, 2010).

- The literature indicates that there was progress in regards to staff in establishments being clear about the processes to follow in the event of a child protection issue, but there remained issues around a lack of understanding of what constitutes a child protection matter. This was the case across all establishment types. (Association of Independent LSCB Chairs, 2014; Youth Justice Board and National Children’s Bureau, 2008).

- Children in custody demonstrate good knowledge about how to make a complaint but seldom do so or wish to do so (Prisons and Probation Ombudsman for England and Wales, 2015; User Voice, 2012; User Voice, 2011; Youth Justice Board and National Children’s Bureau, 2008). Reasons include: lack of confidence in the complaints system; fear of reprisals; and the complicated, bureaucratic and impersonal nature of the complaints system.

- The literature indicates that STCs and SCHs tend to have more effective complaints procedures in place that are more child focused than YOIs.

- A key finding from the literature was the need for greater involvement of local authorities in the safeguarding of children in custody (Willow, 2015; Association of Independent LSCB Chairs, 2014; Youth Justice Board and National Children’s Bureau, 2008; Bottoms and Kemp, 2007; Stuart and Baines, 2004a).

- A key concern was the proportion of children across the secure estate that have or see a social worker (Gyateng et al., 2013; HM Inspectorate of Prisons, 2011). Some literature revealed the anxieties felt by staff in YOIs about the withdrawal of certain social worker posts in 2009 (Khan, 2010; Berelowitz and Hibbert, 2011) after central government stopped funding an initiative that deployed 25 social workers in YOIs (Khan, 2010).

- There has been a mixed response from local authorities to safeguarding concerns that are referred to them by custodial institutions, with limited scrutiny of the outcomes of an allegation and poor feedback to establishments in relation to referrals (Association of Independent LSCB Chairs, 2014; Youth Justice Board and National Children’s Bureau, 2008).

8.1 Inspections

The role of inspections in identifying child sexual abuse in custody and having an understanding of the prevalence of child sexual abuse in custody is of vital importance and was highlighted by some of the literature reviewed for this REA. For example, following a Freedom of Information request to prison inspectorates, it was revealed that, between July 2009 and March 2014, inspectors reported 130
Child protection allegations from 112 children to prison child protection staff or managers following 30 routines inspections of YOIs and STCs in England (Willow, 2015). Of these allegations, 87 were for physical abuse and 15 were for sexual abuse by prison staff, and 11 allegations each of physical and sexual abuse by other children (Willow, 2015). Inspections also provide an important data set through the HMIP surveys in YOIs and STCs, which directly ask children whether they have been sexually abused in custody. The data these surveys have provided, as well as the limitations of this data set, are discussed in section 5.2. In SCHs, Ofsted carries out online questionnaires as part of the inspection process (Ofsted, 2017e).

**Table 8.1: Overview of the Inspection process across the secure estate for children and young people**

<table>
<thead>
<tr>
<th>Inspection bodies</th>
<th>YOIs</th>
<th>STCs</th>
<th>SCHs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Inspections led by HMIP and carried out alongside Ofsted or Estyn (Wales) (in YOIs Ofsted/Estyn inspect only education and skills/purposeful activity), and the Care Quality Commission or Healthcare Inspectorate Wales.</strong></td>
<td>Inspections led by Ofsted or Estyn (Wales), and carried out alongside HMIP and the Care Quality Commission or Healthcare Inspectorate Wales.</td>
<td>Ofsted regulates and inspects children’s social care services, including SCHs.</td>
<td></td>
</tr>
<tr>
<td><strong>Key policies and frameworks</strong></td>
<td>Inspections are carried out in accordance with Rule 43 of the Secure Training Centres Rules (see for example Ofsted, 2016a, p.7).</td>
<td>Ofsted has the power to regulate and inspect under the Care Standards Act 2000 (Ofsted, 2016a, p.4).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A framework for inspecting STCs was published in 2015 and updated in 2017 (Ofsted, 2017a)</td>
<td>The inspection framework for SCHs is set out within the social care common inspection framework (SCCIF) (Ofsted, 2017e).</td>
<td></td>
</tr>
<tr>
<td><strong>Inspection frequency</strong></td>
<td>YOIs are considered to be high-risk establishments and are therefore inspected annually (HM Inspectorate of Prisons, 2014).</td>
<td>STCs are subject to an annual inspection in accordance with a service level agreement with the YJB (Ofsted, 2017a).</td>
<td>SCHs have a minimum of two inspections a year, both are unannounced (Ofsted, 2017e).</td>
</tr>
<tr>
<td><strong>Assessment criteria</strong></td>
<td>Inspection reports include a summary of an establishment’s performance in the area of safety, defined as ‘children and young people, particularly the most vulnerable, are held safely’ (see for example HM Chief Inspector of Prisons, 2015b). Each area is rated as good; reasonably good; not sufficiently good; or poor.</td>
<td>STCs are assessed against seven criteria set by Ofsted, including safety. A four point scale is used for each area: outstanding; good; requires improvement; and inadequate (Ofsted, 2015). They are also given an overall assessment.</td>
<td>Inspectors assess SCHs against four criteria, including how well children and young people are helped and protected. Inspectors make judgements on a four-point scale: outstanding; good; requires improvement; and inadequate (Ofsted, 2017e).</td>
</tr>
</tbody>
</table>
There is limited reference within the literature reviewed for this REA to the adequacy or impact of inspections or the challenges faced by inspectors in YOIs, STCs and SCHs. This section summarises a few of the criticisms regarding inspections that were cited by some of the literature.

A 2002 Children’s Rights Alliance for England review of YOIs argued that HMIP were too under-resourced to provide a proper safeguard against abuse (Children’s Rights Alliance for England and Hodgkin, 2002). At the time YOIs were not being inspected every year and the review recommended that full inspections needed to take place at least annually (Children’s Rights Alliance for England and Hodgkin, 2002). The independent inquiry into the use of physical restraint, solitary confinement and forcible strip searching of children in the youth secure estate also recommended that unannounced inspections should be carried out in all establishments at least once a year (Carlile, 2006). Unannounced inspections are now carried out every year in YOIs and STCs.

As the table above indicates, there is no single framework of standards against which all three types of establishments are inspected and measured against, and they are also subject to a number of other quasi-inspection processes through YJB monitors and Independent Monitoring Boards (IMBs). Certain challenges in relation to this inspection structure emerged from the literature. The 2008 National Children’s Bureau safeguarding review found that while secure establishments recognised and welcomed the need for external scrutiny, they also felt that the national framework for performance management and inspection was confusing and even unhelpful (Youth Justice Board and National Children’s Bureau, 2008). The Medway Improvement Board, of which one objective was to investigate safeguarding arrangements, noted that the various organisations which play a role in ‘scrutinising and responding to safeguarding’ at Medway STC were not coordinated in their approach, consequently increasing the risk of safeguarding issues not being identified (Holden et al., 2016). The Board made a recommendation to appoint an independent governing body to provide overall oversight of safeguarding and child protection procedures in all STCs (Holden et al., 2016, p.6). The Ministry of Justice have accepted this recommendation and plan to establish this body that will form part of the wider STC monitoring system (Ministry of Justice, 2016a, p.2).

It is also important to note that there have been developments towards a more joined up approach, with HMIP and Ofsted recently coming together to inspect YOIs (since 2016) and STCs (since 2012) (Redmond, 2015). The Taylor review of the youth justice system in England and Wales suggests that
inspectorates should seek to develop a single inspection framework for all children living away from home in accommodation commissioned or provided by the state (Taylor, 2016). The review argues that all these children, including those in the youth secure estate, should be looked after by adults that are held to account to the same core standards, albeit with additional requirements which are specific to, for example, the secure setting (Taylor, 2016).

One commentary on the youth justice system in England and Wales draws attention to the fact that many criticisms made by successive joint inspectorates in YOIs and STCs have not been resolved, citing strip searching, inadequate vulnerability assessments and underdeveloped care and safeguarding arrangements as key examples of outstanding issues (Pitts and Stevens, 2011). Data in the 2015/16 and 2016/17 HMIP annual reports also raises questions about whether custodial establishments respond appropriately to the recommendations made by inspectors. The 2015/16 report notes that of all the previous recommendations made in the area of safety in YOIs only 29 per cent had been achieved, 17 per cent partially achieved and the majority, 55 per cent, had not been achieved (HM Chief Inspector of Prisons, 2016). In the year 2016/17 HMIP reported that only 28 per cent of their previous recommendations in the area of safety had been achieved, 21 per cent partially achieved and 51 per cent not achieved (HM Chief Inspector of Prisons, 2017a), demonstrating that this is an ongoing challenge.

The 2015/16 HMIP annual report notes that poorly performing prisons can sometimes fail to effectively implement inspection recommendations and suggests that, as part of a prison reform programme, individual establishments should be placed under an obligation to either accept recommendations, or set out clearly why a recommendation will not or cannot be implemented (HM Chief Inspector of Prisons, 2016). The 2016/17 HMIP annual report reiterates these concerns, stating that without formal powers, HMIP relies on ‘persuasion, logic, goodwill and publicity’ to achieve its impact (HM Chief Inspector of Prisons, 2017a, p.13) and that for the first time they found that the number of recommendations that had been fully achieved was lower than the number not achieved across all the establishments they inspected. The Chief Inspector of Prisons welcomed the provisions in the Prisons and Courts Bill to require a response to HMIP recommendations and that allows the Secretary of State to intervene in extreme situations, and hopes these provisions will be implemented quickly (HM Chief Inspector of Prisons, 2017a).

The Medway Improvement Board stated that ‘the Ofsted system means that an ‘Overall Effectiveness - Good’ rating could be given even when important measures such as safety are not as robust’ (Holden et al., 2016, p.36). Inspections of YOIs provide individual scores on key areas without an overall score. Concerns were noted by the Medway Improvement Board that this could lead to an increased focus on an overall score rather than the individual scores which may be less adequate and have an impact on safety. The Ofsted inspection framework for STCs states that inspectors will consider evidence and judgements from across the evaluation schedule in giving the overall effectiveness judgement. Safety is a ‘key judgement’, meaning that, if a judgement of ‘inadequate’ is given for safety then a judgement of ‘inadequate’ will be given for overall effectiveness. However, if a judgement of ‘requires improvement’ is given for safety, this does not automatically limit the overall effectiveness judgement to ‘requires improvement’ (Ofsted, 2017a).

The most recent YJB annual report (Youth Justice Board for England and Wales, 2017) explains that the YJB has reviewed the way it monitors the youth secure estate. The YJB state that they have worked with the Ministry of Justice and the Office for the Children’s Commissioner to implement an ‘enhanced system of scrutiny, support and performance improvement’ (Youth Justice Board for England and Wales, 2017, p.20). This new framework went live in April 2017. No literature was found that evaluates this new approach.
8.2 Staff training and supervision

8.2.1 Staff training

Much of the literature reviewed includes discussion or data on the training that secure estate staff receive. The recommendation that all staff working in custodial settings should receive specialist training on working with children was frequently made in the literature (Wood et al., 2017; See it, Say it, Change it steering group and Stephens, 2016; Taylor, 2016; Wales. National Assembly, 2010; Khan, 2010; Howard League for Penal Reform, 2010; Youth Justice Board and National Children’s Bureau, 2008; Carlile, 2006; Douglas and Plugge, 2006; Lyon, Dennison, and Wilson, 2000). This is reflective of the importance of staff skills and knowledge to their ability to safeguard children.

There is criticism within the literature of the extent of the training which staff undergo, with the 2016 Taylor Review of the youth justice system stating that ‘many staff working in YOIs and STCs do not have the skills and experience to manage the most vulnerable and challenging young people in their care, nor have they had sufficient training to fulfil these difficult roles’ (Taylor, 2016, p.36). There is significant variability in the training provided between establishment types, individual establishments and roles and individual members of staff (Khan, 2010; Youth Justice Board and National Children’s Bureau, 2008). Some papers reviewed as part of this REA specifically raised issues with a lack of training in dealing with children with sexually harmful behaviour (Hackett, Masson and Phillips, 2005) and children who have experienced abuse (Howard League for Penal Reform, 2015; Berelowitz and Hibbert, 2011; Khan, 2010; Children’s Rights Alliance for England and Hodgkin, 2002).

Criticism is particularly focused on YOIs where staff are drawn from the Prison Service more generally and therefore may not have previously had any specific training to work with children or have joined the service with a specific motivation to work with children (Rose, 2014; Berelowitz and Hibbert, 2011; Howard League for Penal Reform, 2010; Youth Justice Board and National Children’s Bureau, 2008; Goldson, 2006a). The training offered to staff in YOIs is the Juvenile Staff Awareness Programme (JASP), a seven day training course which covers safeguarding, mental health, substance misuse and behaviour management (Ministry of Justice, GOV.UK, 2017c). A number of commentators have criticised the brevity of this training (Coles, 2015; Department for Children, Schools and Families, 2010; Willow, 2015; Goldson, 2007; Goldson, 2006a), as well as its content (Khan, 2010). It seems these concerns may also be shared by the staff themselves; staff in the youth secure estate participating in research by the Officer of the Children’s Commissioner in 2011 said that they felt they were not properly ‘trained, equipped or supported to work effectively with children and young people’ (Berelowitz and Hibbert, 2011, p.13). Staff involved in a safeguarding review carried out by the National Children’s Bureau in 2008 (Youth Justice Board and National Children’s Bureau, 2008) shared similar views, with the quality of the JASP training reported as ‘basic’. The research also concluded that the delivery of the training was ‘patchy’ and in some settings few people had been trained. The review also found that even nominated safeguarding individuals within YOIs did not have the sufficient information or resources to fulfill the role (Youth Justice Board and National Children’s Bureau, 2008). There was also criticism of the absence of training on bullying or violence reduction (Youth Justice Board and National Children’s Bureau, 2008). In a study on mental health in secure settings, mental health teams identified child and adolescent development, attachment and experiences of maltreatment and their link to behavioural and emotional problems, mental health, learning and communication challenges as other key gaps in the JASP training (Khan, 2010). It should be noted that changes were subsequently made to the JASP to address some of these latter issues (Khan, 2010).

Whilst the staff in SCHs are described more positively in the literature (Rose, 2014), and care staff at SCHs are required to have a Level 3 Diploma for Residential Childcare (or equivalent) (Regulation 32(4))
Children’s Home (England) Regulations, 2015), there remained criticism of the specificity and depth of the training they receive (Rose, 2014). Whilst staff in SCHs must undertake appropriate continuing professional development, one study in SCHs found that staff felt that their access to training was restricted as this was seen as a ‘passport’ out of residential child care (O’Neill, 2001), which was seen as a lower status social work profession than others (O’Neill, 2001). In STCs and SCHs the provision and quality of training has varied significantly, however, the range of training has been described as wider than that available in YOIs (Youth Justice Board and National Children’s Bureau, 2008).

The 2016/17 HMIP annual report also notes that STCs have seen a reduction in the number of children they could accommodate safely due to staffing issues and the difficulties in maintaining a well trained and experienced workforce (HM Chief Inspector of Prisons, 2017a). The Medway Improvement Board argued that the provision of ongoing training and development for staff was inadequate in Medway STC, particularly in relation to behaving ethically or in understanding the range of special needs young people present with (Holden et al., 2016). This echoed findings from an evaluation of Medway STC in 2000 which found that staff had received inappropriate training, particularly in relation to the management of very challenging behaviour (Hagell, Hazel and Shaw, 2000). Staff across the secure estate can access training provided by LSCBs, however, take-up of this varies and it has been argued that the training is not always appropriate for a secure setting (Youth Justice Board and National Children’s Bureau, 2008).

More recently, the 2017 Youth Custody Improvement Board report, which reviewed the state of YOIs and STCs, repeated issues of poor behaviour management of children in these establishments and that staff lacked the skills to be able to meet the needs of some of the children in their care. The report emphasised the importance of recruiting new staff with the right skills, aptitude and knowledge to be able to work effectively with children in their care and reiterates that all existing staff should be provided with the right training to further develop their skills (Wood et al., 2017).

The UK Government, in its 2016 response to the Taylor review, committed to introducing ‘a new Youth Justice Officer role so that we have more staff specially trained to work with young people. These officers will be trained on the job or recruited with experience of youth work, social work or teaching.’ (Ministry of Justice, 2016b, p.5). This REA found no further published information about this initiative.

**8.2.2 Staff supervision**

In addition to training, staff supervision has been highlighted as an area of key importance in the secure estate (Rose, 2014). Frequent and supportive supervision is also an area which has been highlighted more generally as a key safeguard within all organisations (National Crime Agency, 2013). There is also variability in the supervision provided at different secure establishments (Rose, 2014; Youth Justice Board and National Children’s Bureau, 2008). In SCHs, the Children’s Home (England) Regulations 2015 set out that staff must receive appropriate practice related supervision, however, the extent to which this happens is variable according to the literature (Youth Justice Board and National Children’s Bureau, 2008; O’Neill, 2001). The Medway Improvement Board found that there was insufficient oversight of the work of operational staff in the STC (Holden et al., 2016). There has been criticism of YOIs in particular for not having a model of professional supervision for prison officers (Rose, 2014) and a review into safeguarding in the secure estate carried out by the National Children’s Bureau in 2008 concluded that, unlike in SCHs and STCs, the prison service ‘does not have a culture of individual supervision or learning from peers’ (Youth Justice Board and National Children’s Bureau, 2008, p.36). Furthermore, a key finding was that, although all YOIs had a structure of staff meetings where safeguards are considered, some needed support to make them more effective (Youth Justice Board and National Children’s Bureau, 2008).
Staff are required to undergo at least a basic criminal records check (Standard DBS) for all positions in the youth secure estate where they might be in contact with children and young people. However in 2008 a joint inspection report revealed that, although in place for new staff, vetting was not always taking place for existing staff, meaning that at that time only six out of 14 YOIs had had 90 per cent of their staff cleared to work with children and young people through what was then the Criminal Records Bureau (Ofsted, 2008, p.18). More recent data on the proportion of staff in the youth secure estate who have undergone a DBS check was not identified within this review.

### 8.3 Referrals

Some studies argue that children who are placed in custody are the most deprived young population in society and face the most serious risk to their welfare, sometimes being treated in ways that would in any other context trigger a child protection investigation (Hollingsworth, 2014; Goldson, 2008; Goldson, 2007; Stuart and Baines, 2004b; Monaghan, Stuart and Baines, 2004a; Lyon, 2004; Hibbert and Moore, 2003; Goldson, 2003; Dimond, Misch and Goldberg, 2001). The literature illustrates that, while progress has been made over time regarding the child protection referral process within custodial institutions, there is still a lot of room from improvement and issues related to the appropriate understanding of what constitutes a child protection matter within the secure estate remain.

A 2002 Joint Chief Inspectors report, ‘Safeguarding Children’, found that very few referrals under child protection procedures were being made by YOIs to social services within the areas they inspected, and they could not be confident that YOIs were effectively safeguarding these children (Dierkhising, Lane and Natsuaki, 2014; Joint Chief Inspectors, 2002). Similarly the Child Protection and Safeguards Review in 2003 found that YOIs would overuse their internal investigation processes prior to any consideration of a referral to statutory agencies and that there was little evidence of more general engagement between YOIs and Social Services Departments (Her Majesty’s Prison Service and Youth Justice Board, 2003 cited in Lambert, 2005). The Carlile Inquiry in 2006 found that child protection policies, procedures and training in the secure estate tended to focus on issues arising from children disclosing historic abuse but ignored the question of whether treatment in custody could be interpreted as abusive (Carlile, 2006). The Carlile Inquiry also found instances in the secure estate where following an incident no child protection referral was made, whilst in other circumstances the same incident would trigger a child protection investigation and could result in criminal charges (Carlile, 2006).

In 2008 the National Children’s Bureau safeguarding review found that secure establishments had improved in terms of making child protection referrals to their local authority, particularly in relation to disclosures around past abuse and concerns of complaints around physical restraint, but there was still a lot of room for improvement (Youth Justice Board and National Children’s Bureau, 2008). The review found that although staff in all establishments were clear about the processes to follow in the event of a child protection issue, safeguarding practice in all secure settings was hindered by the lack of clear definitions about what constituted a child protection concern, and therefore the threshold for referral to the local authority (Youth Justice Board and National Children’s Bureau, 2008). One particular example was given where an allegation of inappropriate sexual comments and approaches being made by an officer to a child was made in one establishment which was not deemed to reach the threshold for a referral to social services. Instead only an internal investigation took place and the officer returned to work without any further reference to the local authority (Youth Justice Board and National Children’s Bureau, 2008).
The National Children’s Bureau safeguarding review also found examples of child protection matters being overlooked in YOIs when children used the complaints system to make allegations against staff (Youth Justice Board and National Children’s Bureau, 2008). Similar concerns about referrals not being made in relation to certain types of incidents were raised more recently. The 2011 Office for the Children’s Commissioner examination of mental health services across the youth justice system found that incidents where injuries were inflicted by other inmates were not regarded or recorded as child protection incidents (Berelowitz and Hibbert, 2011). In 2014, the Association of Independent LSCB Chairs, noted than in the previous year YOI and STC inspections had found several cases where child protection referrals had not been made by the establishments when they should have been (Association of Independent LSCB Chairs, 2014).

In relation to institutional responses to allegations of sexual misconduct against a member of staff, the literature reviewed for this REA said little. A FOI request to the National Offender Management Service (NOMS, now called Her Majesty’s Prison and Probation Service (HMPPS)) for data on prison officers disciplined for abuse of child prisoners between April 2009 and December 2013, revealed that there had been 62 instances of prison officers being disciplined (Willow, 2015). Around ten per cent of these recorded instances were in relation to sexual abuse (six cases). Two of the sexual abuse cases did not result in dismissal (Willow, 2015). Information about the context of each incident was not made available so it is therefore difficult to draw any further insights into this data about how institutions responded to these allegations. Of note in the National Children’s Bureau safeguarding review was the finding that across the secure estate the onus was often placed on a young person to decide whether they wanted to proceed once making an allegation against a member of staff. If they said no, the matter was dropped (Youth Justice Board and National Children’s Bureau, 2008). The review also found evidence of unfair pressure being put on young people in these types of situations. The review concludes that this course of action was completely inappropriate for child protection matters (Youth Justice Board and National Children’s Bureau, 2008).

A practitioner’s reflection on the challenges of working with children in SCHs draws on the shared experiences of staff and children in these environments. The paper argues that it is essential that investigations into allegations of sexual misconduct against staff must be carried out within a transparent procedural framework which sets out how children and staff will be listened to and supported throughout. Furthermore, even when the conclusions are difficult, mechanisms for communicating the outcomes to staff and children have to be equally transparent (Rose, 2014). Related to this, the National Children’s Bureau safeguarding review found that, on the whole, STCs and SCHs were following the processes for responding to allegations of abuse against a person who works with children set out in the statutory guidance Working together to safeguard children (Youth Justice Board and National Children’s Bureau, 2008). The review found that in some SCHs and STCs there was a quick response, with both the child and staff being kept fully informed of progress with the investigation, while in others there were more delays and poor communication with children (Youth Justice Board and National Children’s Bureau, 2008). The review also found that in YOIs, where investigations into allegations of abuse by staff were undertaken, staff and children were not always provided with independent support, and outcomes were not always recorded (Youth Justice Board and National Children’s Bureau, 2008).

The National Children’s Bureau safeguarding review also found that practice was variable across custodial establishments in regards to ensuring that there was a clear outcome as a result of the referral, with some establishments proactively following them up until it was clear what had happened whilst others did not (Youth Justice Board and National Children’s Bureau, 2008).
8.4 Complaints

The YJB state that children in custody should have simple, accessible and safe opportunities to complain about the way they are treated without risk of reprisal (Youth Justice Board for England and Wales, 2011b). This is of particular relevance to this REA because, as spelt out by the YJB safeguarding review, the ‘ability to complain and have that complaint taken seriously is an important safeguard for all young people living away from home’ (Youth Justice Board and National Children’s Bureau, 2008, p.xv). Both the National Children’s Bureau safeguarding review and an Office for the Children’s Commissioner study identified problems around children making disclosures within their custodial institutions (Association of Independent LSCB Chairs, 2014; Youth Justice Board and National Children’s Bureau, 2008).

The safeguarding review also found that staff in the secure estate lacked the confidence to deal with complaints and disclosures (Youth Justice Board and National Children’s Bureau, 2008). One study, in its visits to secure estate establishments (YOIs, STCs and SCHs), found little evidence that secure units paid attention to issues of disclosure or provided a safe environment which supported children to discuss previous abuse (Berelowitz and Hibbert, 2011). This section has therefore focused on what the literature says about the complaints process within the secure estate.

Table 8.2: Complaints systems across the youth secure estate

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<tr>
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<th>YOIs</th>
<th>STCs</th>
<th>SCHs</th>
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<tbody>
<tr>
<td><strong>Overview</strong></td>
<td>A child can make complaints to a prison governor under the Prison</td>
<td>A child can raise a grievance to staff under the STC Rules 1998 (User</td>
<td>SCHs are governed by the Children Act 1989 and the Care Standards Act 2000 which requires them to develop complaint procedures that are accessible to children, including the provision of an advocacy service assisting children to make representations and complaints (User Voice, 2012).</td>
</tr>
<tr>
<td><strong>Independent</strong></td>
<td>Alongside complaining directly to the institution, a child can</td>
<td>Alongside complaining directly to the institution, a child can appeal</td>
<td>Non applicable.</td>
</tr>
<tr>
<td><strong>bodies</strong></td>
<td>complain to the Independent Monitoring Board (IMB) attached to their</td>
<td>complaints to YJB monitors (Association of Independent LSCB Chairs,</td>
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<td>YOIs</td>
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<tr>
<td><strong>The Prisons and Probation Ombudsman (PPO)</strong></td>
<td>A child can make a complaint to the Prisons and Probation Ombudsman (PPO), but only after they have first exhausted the internal complaints system (Children’s Rights Alliance for England and Hodgkin, 2002, User Voice, 2012).</td>
<td>A child can make a complaint to the Prisons and Probation Ombudsman (PPO), but only after they have exhausted the internal complaints system (Children’s Rights Alliance for England and Hodgkin, 2002, User Voice, 2012). This option opened up to STCs in September 2012 following YJB recommendations and threat of litigation from the Howard League (Association of Independent LSCB Chairs, 2014, 201).</td>
<td>Non applicable.</td>
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The YJB 2006 Code of Practice on managing the behaviour of all children and young people sentenced or remanded to custody in England and Wales states that every establishment must demonstrate that it has an effective complaints procedure (Youth Justice Board for England and Wales, 2006b). This includes providing children with information about the complaints procedure written in an accessible child friendly way and a procedure that resolves complaints locally, informally and swiftly (Youth Justice Board for England and Wales, 2006b). The following paragraphs consider what the reviewed literature has to say in relation to the complaints system in the youth secure estate.

### 8.4.1 Knowledge and use of the complaints system

Qualitative research carried out with children in all three custodial institutions generally found that children demonstrated good knowledge about how to make a complaint through their institutions’ internal complaints process and about their right to complain, but seldom do so or wish to do so (Prisons and Probation Ombudsman for England and Wales, 2015; User Voice, 2012; User Voice, 2011; Youth Justice Board and National Children’s Bureau, 2008). Illustrative of the fact that very few children in custody used the complaints process, a judicial review brought by Children’s Rights Alliance for England in 2013 reported that only two per cent of the children who had been subject to the unlawful regime of painful restraint that was used in STCs up until 2008 had used the internal prison mechanisms to make a complaint (Hollingsworth, 2014).

A very small number of children in custody have made use of the external complaints process. Few children in YOIs make use of the Prisons and Probation Ombudsman (PPO) complaints procedure after they have exhausted their establishment’s complaints process (Association of Independent LSCB Chairs, 2014; Willow, 2015; Youth Justice Board and National Children’s Bureau, 2008; Prisons and Probation Ombudsman for England and Wales, 2015). In 2008 the YJB’s own review of complaints found that only one or two children make complaints to the PPO each year (Association of Independent LSCB Chairs, 2014) and the PPO received only 29 complaints from child prisoners in the five years leading up to 2015 (Willow, 2015). The PPO stated that in the year 2013/14 only 0.1 per cent of complaints came from children and young people aged 18 and under despite accounting for one per cent of the prison population (Prisons and Probation Ombudsman for England and Wales, 2015). A similar story emerges with the number of appeals made to YJB monitors in STCs (which can be made when a child is dissatisfied...
with the outcome of a complaint) with only 15 appeals being made between 2009 and 2014 (Willow, 2015; Association of Independent LSCB Chairs, 2014).

The HMIP annual survey includes questions on the use and perception of complaints procedures in YOIs (since 2001) and STCs (since 2013). Looking at the results from surveys going back to the year 2009-2010, a consistently high percentage of children in both YOIs and STCs have said they know how to make a complaint (between 84 per cent and 98 per cent of respondents), suggesting that the majority of children are aware of the complaints process and how it works (Simmonds, 2016; Redmond, 2015; Prime, 2014; Elwood, 2013; Summerfield, 2011; Cripps, 2010). Since the year 2012-2013 it appears that surveys stopped asking children in YOIs whether they knew how to make a complaint. However, the existing data would appear to support the notion highlighted in qualitative studies that children know how to make a complaint and that other factors must explain why children in custody tend not to use the complaints system.

8.4.2 Satisfaction with the complaints system

Dissatisfaction with the outcome of complaints was a common theme to emerge from the reviewed literature. For example, a survey with children across YOIs, STCs and SCHs on their perspectives of the complaints system found that 70 per cent of respondents who had made a complaint stated that they were not content with the outcome (Enell, 2016). It is important to note that although 721 children were surveyed, only a modestly sized sample of 53 respondents reported having made a complaint and therefore answered this question. The PPO held focus groups in STCs and YOIs to find out why these groups were underrepresented in the complaints they received and found that the very small number of participants who had used the PPO system reported very negative experiences and were unlikely to use it again (Prisons and Probation Ombudsman for England and Wales, 2015).

Research has found that there is a general lack of confidence amongst children in custody in formal complaint systems as a means to resolving problems or concerns (Prisons and Probation Ombudsman for England and Wales, 2015; Howard League for Penal Reform, 2010; User Voice, 2012; User Voice, 2011; Youth Justice Board and National Children’s Bureau, 2008). A regular message from children is that they have little faith that the complaints process is fair and feel that their complaints are often not taken seriously or that they will not be believed (Prisons and Probation Ombudsman for England and Wales, 2015; User Voice, 2012; User Voice, 2011; Howard League for Penal Reform, 2010). For example, one study found that children thought that complaints that were inconvenient to staff were often ignored (User Voice, 2011). A User Voice consultation on the complaints system found that children felt that the complaints system was biased in favour of staff and lacked any independent oversight (User Voice, 2012). It made the recommendation that the YJB should regularly review complaints processes so that children are given confidence that complaints will be responded to fairly by someone who has the authority to effectively resolve the problem (User Voice, 2012).

8.4.3 Credibility

The lack of credibility that children in custody have is a theme that emerged from the literature (Willow, 2015; National Crime Agency, 2013). One commentator, in their review of child protection in the youth secure estate based on secondary data analysis and stakeholder interviews, argued that unless corroborative CCTV evidence exists, or a member of staff backs up the allegation, it is virtually impossible a child will be believed (Willow, 2015). Child Exploitation and Online Protection command (CEOP), in their thematic assessment of the risk of child sexual abuse by adults in institutions, also share concerns that children in custody are less likely to be believed by those to whom they disclose because they have been branded as 'bad' due to being placed in secure estate (National Crime Agency, 2013). The report also argues that adult offenders tend to commit abuse against children in institutions who are less likely
to be believed by adults, for example children branded as ‘bad’ or ‘problem children’ (National Crime Agency, 2013). This may have an impact on whether children disclose abuse to staff members and could partly explain why in the 2015/16 HMIP survey only 23 per cent of children in YOIs thought staff would take reports of victimisations seriously (Dyson, 2005).

8.4.4 Accessibility and ease of use

Children in YOIs have been asked in HMIP annual surveys whether it was easy to make a complaint (surveys for STCs do not include this question). The proportion of boys in YOIs that have said it was easy to make a complaint has steadily declined since 2009, falling from 69 per cent in 2009 to 44 per cent in the 2015/16 survey (Cripps, 2010; Summerfield, 2011; Kennedy, 2013; Prime, 2014; Redmond, 2015; Simmonds, 2016). The survey findings suggest that many children in YOIs do not find the complaints procedure straightforward. Among the concerns raised by the National Children’s Bureau review of safeguarding was that in YOIs the complaints forms being used were identical to those being used in adult prisons (Association of Independent LSCB Chairs, 2014; User Voice, 2012; Youth Justice Board and National Children’s Bureau, 2008). Several reviews and investigations recommended the redesign of YOI complaint forms, information leaflets and posters to make them more appropriate for children (Prisons and Probation Ombudsman for England and Wales, 2015; User Voice, 2012; Youth Justice Board and National Children’s Bureau, 2008). It has also been highlighted that low literacy levels of children in custody will have implications for their ability to use complaints procedures that are not child friendly (Willow, 2015). On accessibility, the User Voice consultation on the complaints system recommended that complaint systems offer children a variety of methods for making complaints, such as: making verbal complaints; completing complaints forms and/or writing a letter; and use of the internet (User Voice, 2012).

Another common reason for why children lack confidence in the complaints process is because they perceive the system to be bureaucratic, slow and arduous (Prisons and Probation Ombudsman for England and Wales, 2015; User Voice, 2012; User Voice, 2011; Howard League for Penal Reform, 2010; Kennedy, 1995). There have been particular concerns about the length of time it took for YOIs to respond to written complaints (Howard League for Penal Reform, 2010). The 2015/16 HMIP survey found that boys held in YOIs during 2015–16 were significantly less likely than in 2014–15 to report that the complaints process was prompt (23 per cent compared with 38 per cent) (Simmonds, 2016). The National Children’s Bureau safeguarding review found that in STCs and SCHs the processes for dealing with complaints were for the most part sound, although some were overly bureaucratic and lengthy (Youth Justice Board and National Children’s Bureau, 2008). The User Voice consultation recommended that formal complaints systems be time-limited with children receiving clear guidance on when they can expect to receive responses to complaints made (User Voice, 2012).

8.4.5 ‘Grassing’ and fear of reprisals

Referring to the deep-rooted feelings of aversion to the practice of ‘grassing’ within inmate culture and to the fears of being labelled a ‘grass’, some of the literature commented on how consequently a lot of abuse goes unrecorded (See it, Say it, Change it steering group and Stephens, 2016; Almond, 2012c; Goldson, 2008; Goldson, 2006a; Monaghan, Hibbert and Moore, 2003; Edgar and O’Donnell, 1997; Kennedy, 1995). Alongside the fear of being labelled a grass, embarrassment or the fear of harassment or retaliation are some of the main obstacles to reporting abuse, including sexual assault incidents in prison (Howard League for Penal Reform, 2014; Liefaard, Reef and Hazelzet, 2014; Just Detention International, 2009; Cesaroni and Peterson-Badali, 2005; Kennedy, 1995).

It was common for children in custodial institutions to talk about not wanting to make a complaint out of fear of reprisals (See it, Say it, Change it steering group and Stephens, 2016; Prisons and Probation
Ombudsman for England and Wales, 2015; User Voice, 2012; User Voice, 2011). The Children’s Rights Alliance for England See it, Say it, Change it project spoke with children about several issues, including policing and youth justice. They reported that children spoke about being too frightened to report issues because of potential repercussions, such as being subjected to violent treatment by staff as a punishment for complaining (See it, Say it, Change it steering group and Stephens, 2016). Since 2012/13 the HMIP annual surveys have asked children in STCs and YOIs if they had ever not made a complaint due to fear of what might happen if they did. Overall, there has been a slight increase over the years in the percentage of children who have reported feeling too scared or intimidated to make a complaint at some point, reaching a significant minority of 15 per cent of respondents in both STCs and YOIs in the 2015/16 survey (Simmonds, 2016; Redmond, 2015; Prime, 2014; Kennedy, 2013; Elwood, 2013; Summerfield, 2011; Cripps, 2010). The 2015/16 HMIP annual survey also found that in STCs children who said that they had felt unsafe at some point in their centre were more likely to say they had not made a complaint because they were concerned about the consequences (41 per cent compared with eight per cent) (Simmonds, 2016).

Narratives used by children to explain why they wouldn’t complain also highlight that the stigma of being labelled ‘a grass’ is clearly in itself a powerful incentive not to complain. For example, participants in research on children’s views on safeguarding in the secure estate in 2011, suggested that they would not use the complaints system because it was for ‘grasses’ (User Voice, 2011). Children do not solely fear reprisals from the child or children who they have been victimised by, but also other children within the establishment (Lyon, Dennison, and Wilson, 2000; O’Donnell and Kimmett, 1999); the norm against raising complaints and the stigma around ‘grassing’ is therefore imposed and maintained by the community as a whole and forms part of the culture of the youth secure estate. References in the literature to an ‘anti-grassing culture’ reinforce this idea (Smith, Pendleton and Mitchell, 2005).

8.4.6 Formality of the complaints process

Children, and several commentators, highlighted the impersonal and faceless nature of the complaints process and reported a desire for more effective and personal communication from staff who were processing their complaints (Prisons and Probation Ombudsman for England and Wales, 2015; Rose, 2014; User Voice, 2012; User Voice, 2011). For example, focus groups run by User Voice with children in YOIs and STCs found that there was a preference for expressing concerns and complaints verbally to staff rather than using a more formal written complaints system (User Voice, 2012). Recommendations by children in custody in one study included creating procedures which involve face-to-face discussion during which staff listen and discuss issues and provide opportunities for children to give feedback (User Voice, 2011). The authors of this study felt that the existence of a platform for children to express freely their views, concerns and experiences could have prevented many problems from arising and escalating (User Voice, 2011). The National Children’s Bureau safeguarding review recommended that responses to complaints be delivered face-to-face by staff as well as in written form and criticised the lack of child-friendly communication methods (User Voice, 2012; Youth Justice Board and National Children’s Bureau, 2008).

8.4.7 Differences between different types of institutions

The reviewed literature highlighted a divergence between the different types of institutions regarding children’s satisfaction with the complaints process and their perceptions regarding its fairness. Children in YOIs were most dissatisfied with the complaints system (Association of Independent LSCB Chairs, 2014; User Voice, 2012; User Voice, 2011) while children in SCHs were most satisfied (User Voice, 2011). Some research found a disparity amongst participant’s perceptions from STCs, with some feeling satisfied with the complaints process and others feelings dissatisfied, which may indicate that the complaints procedure is applied inconsistently across STCs (User Voice, 2012; User Voice, 2011). For example the User Voice consultation for the YJB and the Office for the Children’s Commissioner on safeguarding found that both
boys and girls from STCs thought the complaints system was 'hit and miss', where some complaints were resolved while others were ignored with no response received at all (User Voice, 2011). Children in STCs were more likely than those in YOIs to feel comfortable approaching staff members if unable to write a complaint themselves (Prisons and Probation Ombudsman for England and Wales, 2015). The HMIP annual surveys show that a significantly higher proportion of children in STCs than in YOIs have said that complaints were dealt with fairly over recent years (32 percent in YOIs and 69 per cent in STCs said complaints were dealt with fairly in the most recent survey) (Simmonds, 2016).

The National Children’s Bureau safeguarding review and the YJB’s review of complaints both found that STCs and SCHs had more effective complaints procedures in place that were more child focused, compared to YOIs (Youth Justice Board for England and Wales, 2011c; Youth Justice Board and National Children’s Bureau, 2008). The National Children’s Bureau safeguarding review found that in comparison to YOIs, complaints in STCs and SCHs were taken more seriously and there was more independent scrutiny (Youth Justice Board and National Children’s Bureau, 2008). Findings from YOIs were less positive: investigations into complaints were often not independent; responses failed to address complaints; allegations that should have been considered within child protection procedures were not always referred; complaints were not always kept confidential from the subject of complaints; and there was no consistent approach to ensuring independent scrutiny of complaints (Youth Justice Board and National Children’s Bureau, 2008). This may explain the disparity in young people’s perceptions across the different institutions.

8.4.8 Advocates

Guidance written by the Association of Independent LSCB Chairs for LSCBs in 2014 states that SCHs, like all institutions run by local authorities, must ensure that all child complainants are told of their right to an independent advocate (Association of Independent LSCB Chairs, 2014). This guidance states that no legal duty exists in YOIs and STCs to inform or assist the child to access an advocate (Association of Independent LSCB Chairs, 2014). Despite this, as noted in a recent report by the Office for the Children’s Commissioner, advocacy support is available to all children in the secure estate (Children’s Commissioner, 2016). In STCs and YOIs the advocacy service for children is commissioned by the YJB, with Barnardos currently holding the contract to deliver this (Children’s Commissioner, 2016; Holden et al., 2016). The report notes that despite the number of children in secure settings reducing considerably in recent years, there was an increase in referral and take up of the advocacy service (Children’s Commissioner, 2016). The Office for the Children’s Commissioner found that potential improvements could be made to way data involving advocates are recorded (e.g. who requested the service, why and what was provided) in order to help improve outcome measures, but that the regular visiting model was a helpful one for increasing access to advocates (Children’s Commissioner, 2016). The Medway Improvement Board, who held focus groups with children during their review, found that the children did not speak positively about the Barnardo’s advocate, stating that ‘they did not see them often and did not feel them to be advocates’ (Holden et al., 2016, p.38). The Board concluded that the Barnardo’s advocacy service was not fit for purpose and did not give ‘due regard’ for the complaints made by children (Holden et al., 2016).

8.4.9 YJB Action Plan

The YJB undertook a review of the complaints system in the secure estate for children and young people and made recommendations for improvement summarised in six key principles that can be found in Table 8.3. The review also included an action plan outlining how the recommendations would be taken forward, which was to be completed by the National Offender Management Service (NOMS, now called Her Majesty’s Prison and Probation Service (HMPPS)) and the YJB by end of 2011 (Youth Justice Board for England and Wales, 2011c). No progress report or formal update in relation to this action plan was found in the literature search for this REA. Some of the literature referenced here, including research with children in custody, that highlights some of the problems with the complaints system in areas related to the six
principles listed below, was conducted after the YJB review and action plan (Association of Independent LSCB Chairs, 2014; Willow, 2015; Hollingsworth, 2014; User Voice, 2012; Prisons and Probation Ombudsman for England and Wales, 2015; See it, Say it, Change it steering group and Stephens, 2016). This indicates that the action plan did not manage to address many of the issues that emerged from the literature.

Table 8.3: YJB principles for an effective complaints system

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<table>
<thead>
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<tbody>
<tr>
<td>1</td>
<td>The complaints system should be easy to use and accessible to all</td>
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<tr>
<td>2</td>
<td>Written responses should be timely, of high quality and appropriate</td>
</tr>
<tr>
<td>3</td>
<td>Responses to complaints should be discussed with the young person and they should always have the right to give feedback</td>
</tr>
<tr>
<td>4</td>
<td>All complaints should be considered from a safeguarding perspective</td>
</tr>
<tr>
<td>5</td>
<td>Young people should be able to express their grievances in a variety of ways</td>
</tr>
<tr>
<td>6</td>
<td>Young people must be able to complain easily to independent, outside agencies</td>
</tr>
</tbody>
</table>

Source: Youth Justice Board for England and Wales, 2011c

8.5 Inter-agency working

8.5.1 The role of local authorities in the safeguarding of children in custody

Some of the reviewed literature has stressed the need for greater involvement of local authorities in the safeguarding of children in custody and highlighted failures in this regard (Youth Justice Board for England and Wales, 2015b; Willow, 2015; Association of Independent LSCB Chairs, 2014; Almond, 2012c; Wales. National Assembly, 2010; Youth Justice Board and National Children’s Bureau, 2008; Bottoms and Kemp, 2007; Carlile, 2006; Stuart and Baines, 2004a; Children’s Rights Alliance for England and Hodgkin, 2002). One paper argued that, since the 1980s, a key feature of policy and practice in England and Wales has been the attempt to draw clear organisational boundaries between the work of the specialist juvenile justice teams and Children’s Social Service Departments (Bottoms and Kemp, 2007). This resonates with other literature reviewed for this REA.

A 2005 Home Office review of the ‘effectiveness of operational procedures for the identification, placement and safeguarding of vulnerable young people in custody’ found that, although custodial establishments liaising with Area Child Protection Committees (ACPCs) was an integral element of safeguarding practice, it had been ‘rather patchy’ (Lambert, 2005). The 2008 National Children’s Bureau safeguarding review and a 2011 Office for the Children’s Commissioner review of mental health services across the youth justice system identified the same problem across the secure estate, with a lack of multi-agency, and specifically LSCB, input into safeguarding practice (Youth Justice Board and National Children’s Bureau, 2008; Berelowitz and Hibbert, 2011). A 2010 Welsh Inquiry into the experience of Welsh children in the secure estate was also concerned to find that there was a lack of communication between local authorities and the youth secure estate (Wales. National Assembly, 2010). The Welsh Inquiry recommended that all secure estate providers should be expected to sit on the LSCBs in order to strengthen the relationships between local authority child protection units, YOIs and social services (Wales. National Assembly, 2010). Similarly, the 2015 updated Working Together guidance states that an LSCB must include at least one representative of its local Youth Offending Team, the governor or director of any STC in the area of the authority and the governor or director of any prison in the area of the authority accommodating children (Department for Education, 2015). It is, however, important to note that the Children and Social Work Act 2017 will abolish LSCBs and replace them with safeguarding partners.
In 2011 HMIP published a report that specifically looked at how well YOIs were jointly working with local authorities and youth offending services to ensure the needs of looked after children were met during their time in custody. A survey with safeguarding teams for all 12 YOIs in existence at the time found that three-quarters of them said that there were barriers which prevented effective communication between the YOI and the local authority. A third felt that local authorities discharged their duties when a looked after child in their care entered custody. Less than half of safeguarding teams said they would routinely keep a looked after child’s social worker informed of their wellbeing and progress in custody (HM Inspectorate of Prisons, 2011).

The response of local authorities to safeguarding concerns that are referred to them by custodial institutions has also been considered. The Association of Independent LSCB Chairs’ asserted that although Local Authority Designated Officers (LADO) prepare annual reports for LSCBs, there appeared to be limited scrutiny of the outcomes of abuse and neglect allegations in custody, including the proportion that lead to Section 47 enquiries and safeguarding action (Association of Independent LSCB Chairs, 2014). The 2008 National Children’s Bureau safeguarding review found that although institutions in the juvenile estate were consistently referring incidents to the local authority, their responses were mixed and feedback often poor (Youth Justice Board and National Children’s Bureau, 2008). The 2014 LSCB guidance noted that in the previous year YOI and STC inspections had found several cases where child protection referrals had been made to a local authority, but then inappropriately returned to the establishment with a recommendation for internal action only (Association of Independent LSCB Chairs, 2014).

8.5.2 Differences between different types of institutions

Differences between the types of establishments as well as between institutions of the same type in the secure estate in relation to inter-agency working was also identified by some of the literature (Berelowitz and Hibbert, 2011; Wales. National Assembly, 2010; Youth Justice Board and National Children’s Bureau, 2008; Stuart and Baines, 2004a). The meaningful involvement of a local authority was particularly rare in YOIs (Youth Justice Board and National Children’s Bureau, 2008; Stuart and Baines, 2004a). STCs also reported feeling very isolated and have received less support from their local authority than SCHs (Youth Justice Board and National Children’s Bureau, 2008). There was some research evidence from 2008 that relationships between STCs and LSCBs were slowly improving (Youth Justice Board and National Children’s Bureau, 2008). Despite better links between SCHs and LSCBs, the National Children’s Bureau safeguarding review found that SCHs still felt somewhat isolated and would have appreciated more communication with other secure settings and other children’s services (Youth Justice Board and National Children’s Bureau, 2008). The 2010 Welsh Inquiry into the experience of Welsh children in the secure estate notes that HMIP inspectors identified very good links between Parc YOI in Wales and local social services and the local LSCB, and that inspectors had added they rarely found such good links in English YOI establishments (Wales. National Assembly, 2010).

8.5.3 Social workers

Some of the reviewed literature was concerned with the proportion of children across the secure estate that did not have or had not seen a social worker. A YJB study found that a significant proportion of children in STCs and SCHs stated that they did not have a social worker (39 per cent and 34 per cent respectively), while the proportion in YOIs was greater with 54 per cent reporting that they did not have a social worker (Gyateng et al., 2013). An HMIP inspection interviewed 12 looked after children in YOIs and half said they had received a visit from their social worker during their time in custody (HM Inspectorate of Prisons, 2011). A Freedom of Information request sent to all local authorities in England in March 2013 that had a YOI or STC in their area (12 in total) were asked what the proportion of children, where there is
a Section 47 enquiry, were seen by a social worker based within or outside the closed institution (Willow, 2015). Only five of the 12 local authorities were able to provide any data on this. Within those five, the majority of children saw a social worker within their institution, but one local authority reported that every child was seen by a social worker and another local authority reported that no child was seen by a social worker (Willow, 2015).

In 2003, a review of safeguarding and child protection in YOIs resulted in the deployment of 25 social workers in YOIs (Khan, 2010). The development of these social work posts, which were funded by the YJB, were found to be very valuable (Almond, 2012c; Berelowitz and Hibbert, 2011; Khan, 2010; Stuart and Baines, 2004a; Lambert, 2005). Findings from an evaluation of this initiative suggested that the posts enhanced the focus on safeguarding in these units, increased the degree to which children’s needs were being met, and helped bridge the gap between YOIs and local authorities (Fielder et al., 2008). The evaluation notes that only five per cent of referrals made to these social workers resulted in section 47 investigations (from July 2006 till February 2007), but this is then explained by the fact that these posts were primarily designed to be strategic and to ensure that children received the services they needed from other agencies, particularly their home local authority (Fielder et al., 2008). Despite the ‘Working Together’ (HM Government 2010) document noting the value of posting social workers into YOIs (Almond, 2012c) the initiative was not sustained nationwide after central government funding ceased in 2009, passing funding responsibility over to local authorities and leading to fewer than half the posts being filled (Khan, 2010). Several studies involving interviews with staff in YOIs, SCHs and STCs revealed anxieties about the withdrawal of these posts because of the valuable link they provided between units and child protection services (Berelowitz and Hibbert, 2011; Khan, 2010).

8.5.4 Record keeping

Reports indicate that problems with inter-agency working may be further compounded by what appears to be a lack of recording and collating of relevant information by local authorities. An FOI request sent to every local authority in England in March 2013 asked for data on the number of referrals that they had received from a YOI or STC in the last five calendar years as well as the incidence of Section 47 enquiries (conducted when a child is known or suspected to be suffering significant harm). At the time of the FOI request, 12 local authorities had a YOI or STC in their area and were legally required to respond to concerns about a child suffering significant harm in a penal setting. Only nine of the 12 local authorities were able to indicate how many referrals they had received, and only five of those nine were able to provide basic data about alleged perpetrators in the different secure settings. Only six out of these 12 local authorities were able to provide data on the number of Section 47 enquiries after receiving child protection referrals (Willow, 2015). There is no statutory requirement on local authorities or LSCBs to collate and report on data relating to child protection allegations in custody, and no national template to facilitate consistent and valuable this information (Association of Independent LSCB Chairs, 2014).

The YJB, in their safeguarding report for 2013-2015, state that they had begun to engage with LSCBs and the Association of Directors of Children’s Services to raise awareness amongst local authorities about the specific safeguarding issues associated with children in the youth justice system, including the secure estate (Youth Justice Board for England and Wales, 2015b). No literature was found that comments on the effectiveness of this engagement work.

8.6 Reception process

This section focuses on the reception process (including an establishments induction process) because vulnerability is heightened for children at the point of prison entry, both due to the inherent difficulties of facing an unfamiliar environment as well as, it has been suggested, a heightened risk of victimisation from
other children (Connell, Farrington and Ireland, 2016; Coles, 2015; Children’s Rights Alliance for England and Hodgkin, 2002; Dimond, Misch and Goldberg, 2001).

There was a lack of information in the reviewed literature on the secure estate reception process for children in England and Wales in relation to child sexual abuse in custody or in relation to children who have been victims of child sexual abuse prior to custody. A 2012 study from the USA found that certain factors related to the reception process were correlated with the prevalence of sexual assault (both by staff and other children and young people) in juvenile custodial facilities. For example, sexual assault was lowest (with youth on youth sexual assault at 1.1 per cent and staff sexual misconduct at 1.8 per cent) in facilities where almost all youth reported learning upon arrival that sexual assault was prohibited. Prevalence rates increased in facilities where a greater number of youth reported only learning about this between one and seven days after arrival or after more than a week (3.1 per cent and 2.9 per cent respectively for youth on youth sexual assault and 7.8 per cent and 7.1 per cent respectively for staff sexual misconduct). The study suggests that this could be because informing children and young people relatively soon after arrival that sexual activity is not allowed could provide a clear message to both children and young people and staff that there is no tolerance of sexual misconduct, thereby reducing the risk to youth (Heaton et al., 2012).

The reviewed literature which mentions the custodial induction process in England and Wales does not refer to the impact or association it may have on the prevalence of sexual assault. However, several qualitative studies found that the majority of children spoken to in custody said they had had an induction process, but were not very positive about the quality of the information they had received (Howard League for Penal Reform, 2010; Youth Justice Board and National Children’s Bureau, 2008; Lyon, Dennison, and Wilson, 2000) and in the 2015/16 HMIP survey only just over half (53 per cent) of boys in YOIs reported that the induction they were given covered everything they needed to know (Simmonds, 2016).
9. Conclusions
9.1 Conclusions

This rapid evidence assessment has sought to draw together information available from research evidence on child sexual abuse within custodial institutions. It was also a purpose of the REA to summarise relevant contextual information, including socio-demographic characteristics of victims and perpetrators and the nature of safeguarding systems. The review of the literature has highlighted that there is a lack of robust information on child sexual abuse in custody in England and Wales.

Children in custody are a particularly vulnerable population, with high rates of histories of maltreatment, including child sexual abuse, deprivation, local authority care and mental health problems. Around four in ten children in custody have experience of local authority care and studies have suggested that between three in ten and nine in ten children have experienced prior maltreatment or neglect. Whilst there is limited research evidence on sexual abuse prior to custody, the limited studies available from both England and Wales and other jurisdictions indicate that this is common amongst the custodial population. The number of children in custody has fallen steeply in recent years and it has been suggested that, as children who have been convicted of less serious offences are now being diverted out of custody, this has left a more concentrated population of the most vulnerable children in custody.

As acknowledged earlier, there is a lack of reliable and detailed information on the extent of child sexual abuse in the youth secure estate in England and Wales. However the literature which is available indicates that child sexual abuse does occur within this setting and that it does so within a broader context of victimisation and violence which takes place within these establishments. The figures from the 2015/16 HMIP survey for sexual abuse by staff being one per cent in YOIs and two per cent in STCs and for sexual abuse by peers, one per cent in YOIs and three per cent in STCs.

Certain factors and characteristics are identified within the international literature in relation to child sexual abuse in custody as adding to children’s risk of sexual victimisation in custody. These include demographic factors such as gender, ethnicity and sexual orientation as well as children’s backgrounds, such as whether they have previously been victims of child sexual abuse or whether they have previously been convicted of a sexual offence.

A number of cultural and environmental factors have been identified as contributing to keeping children safe or, conversely, exposing them to higher levels of risk. Certain types of culture, which authors have argued have been present in the youth secure estate, have been identified as being particularly associated with the incidence of abuse. For example, punitive rather than rehabilitative cultures, ‘closed’ and hierarchical cultures and ‘macho’ cultures. The literature also highlighted the importance of trusting relationships between children and staff in custody in enabling children to raise concerns or problems and assisting staff to be able to identify victimisation. Key elements of the structure of the secure estate compromising the effective safeguarding of children in custody was a key theme to emerge. For example, the size of establishments, the ratio of staff to children, children being placed in institutions relatively far from home, the physical environment and the population mix are all factors which may have negative implications for an institution’s ability to keep children safe and how safe children feel in custody.

A prior history of child sexual abuse is prevalent amongst children who enter custody in England and Wales and consequently it is important that custodial establishments address and respond to these prior experiences of sexual abuse appropriately. A few studies in England and Wales made reference to certain challenges that custodial institutions faced in providing support to children who had experienced abuse, including sexual abuse, such as staff having the necessary expertise and knowledge and the limited amount of time available to work with children in custody. The literature also suggests that, for children who have been victims of abuse in the past, restraint and strip searching (practices that are still used within the secure estate) can be highly traumatic experiences.
Staff training is also a strong theme within the literature with significant criticism having been attached to training provision and supervision of staff in custodial establishments in England and Wales, in relation to its quantity, adequacy and consistency. This was particularly notable in YOIs. Systems surrounding safeguarding in custody, including inspection systems and multi-agency working, are also a focus of a number of studies and commentaries. Multi-agency working, such as work with local authorities, has been identified as a weakness in the youth secure estate, whilst there is little research information available on the efficacy of the inspection process.

Although this review did not identify literature relating specifically to the handling of incidents and allegations of child sexual abuse, literature relating to the child protection referral process and the complaints system within custody more generally was considered. A number of reviews have identified inconsistency in the making of referrals by custodial establishments, with some incidents not triggering a referral when this would be the appropriate course of action. The literature also highlighted that there has been a mixed response from local authorities to safeguarding concerns that are referred to them by custodial institutions, with limited scrutiny of the outcomes of an allegation and poor feedback to establishments in relation to referrals. Research suggests that, whilst children demonstrate a good awareness of the complaints system, there exist a number of barriers to them actually using it.

9.2 Research gaps

Whilst this review had a particular focus on research from England and Wales, there was little robust research evidence to draw on from England and Wales in respect of child sexual abuse in custody. This is in contrast to the USA, where a large annual survey of sexual victimisation in correctional establishments for children is carried out using a more reliable methodology. Whilst the HMIP annual survey in STCs and YOIs does ask children questions about sexual abuse, the way that these questions are asked and the challenged of collecting information on child sexual abuse may affect how accurately it represents the scale of child sexual abuse in custody. In addition, additional questions about any abuse which is reported, such as the circumstances and characteristics of the perpetrator are not asked. It is important to note, however, that no study or survey is likely to achieve completely accurate figures for the prevalence of child sexual abuse; all studies are likely to experience a degree of under-reporting.

The high proportion of children in custody who have experienced abuse, including sexual abuse in custody, is a theme within the literature. However, the implications for how this impacts these children’s experiences of custody, their needs and how these should be met have not been drawn out or fully explored through research. Similarly, whilst it has been suggested that juvenile sex offenders may be at higher risk of both becoming victims and victimising others within custody, the literature identified as part of this REA does not cover meeting the needs of these children and managing the risks surrounding them whilst in custody.

As described earlier in this section, the literature on keeping children safe in custody does not specifically explore keeping children safe from sexual abuse. Research addressing institutional factors (such as those relating to the structure and culture of the establishment as opposed to relating to victims or perpetrators) particularly associated with child sexual abuse in custody would be of value. Particular factors which could be looked into include: institutional culture; size and structure of establishments; staff training; and multi-agency working.

The literature highlights important differences in relation to safeguarding between YOIs, STCs and SCHs, with SCHs often being characterised as more child focused and safe than other establishment types. Research addressing whether this is indeed the case, particularly with reference to child sexual abuse, and drilling down into more detail about why it is the case could make an important contribution to knowledge in this field.


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Appendix A: Abbreviations and glossary

Table A.1: Key abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>BAME</td>
<td>Black, Asian and Minority Ethnic</td>
</tr>
<tr>
<td>HMIP</td>
<td>Her Majesty’s Inspectorate of Prisons for England and Wales</td>
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<td>QA</td>
<td>quality assessment</td>
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<tr>
<td>REA</td>
<td>rapid evidence assessment</td>
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<tr>
<td>SCH</td>
<td>Secure Children’s Home</td>
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<td>STC</td>
<td>Secure Training Centre</td>
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<td>YJB</td>
<td>Youth Justice Board</td>
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<td>YOI</td>
<td>Young Offender Institution</td>
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Table A.2: Glossary

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<tr>
<th>Term</th>
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<tr>
<td>Child</td>
<td>For the purpose of this report, a child is defined as a person aged 18 and under as 18 year olds are also held in the youth secure estate. See also 'juvenile' and 'young person'.</td>
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<tr>
<td>Child sexual abuse (CSA)</td>
<td>Sexual abuse of children involves forcing or enticing a child or young person to take part in sexual activities. The activities may involve physical contact, and non-contact activities such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse including via the internet. Child sexual abuse includes child sexual exploitation.</td>
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<tr>
<td>Child sexual exploitation (CSE)</td>
<td>Sexual exploitation of children is a form of child sexual abuse. It involves exploitative situations, contexts and relationships where a child receives something, as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology.</td>
</tr>
<tr>
<td>Custodial institution / custody</td>
<td>Umbrella terms to describe the establishments in operation for children and young people in the England and Wales youth justice system. See also 'youth secure estate'.</td>
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<tr>
<td>Grass / grassing</td>
<td>Informing the police or someone in authority about an incident.</td>
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<tr>
<td>Institution</td>
<td>Means the same as 'organisation'. That is, a group of people who work together in an organised way for a particular shared purpose. For example, a business, a government department, a school or a church.</td>
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<tr>
<td>Juvenile</td>
<td>A person under the age of 18. See also 'child' and 'young person'.</td>
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<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>Juvenile sex offender</td>
<td>A person under the age of 18 who commits a crime involving a sexual act.</td>
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<td>Perpetrator</td>
<td>A person who has committed a harmful, illegal or immoral act.</td>
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<tr>
<td>Prevalence</td>
<td>The proportion of a population who has experienced a particular event, such as child sexual abuse.</td>
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<tr>
<td>Rehabilitation</td>
<td>The reintegration into society of a convicted person, with the aim of preventing further offending.</td>
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<tr>
<td>Remand</td>
<td>‘On remand’ refers to those individuals who are placed in the youth secure estate in the interim of a trial.</td>
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<tr>
<td>Rapid evidence assessment (REA)</td>
<td>A research methodology used in the identification, quality assessment and synthesis of existing literature on a particular topic. More structured and rigorous than a standard literature review, it is not as exhaustive as a systematic review.</td>
</tr>
<tr>
<td>Secure Children’s Home (SCH)</td>
<td>Secure custodial institution for children convicted or on remand, and for those admitted via a welfare order. Accommodates males and females aged 10–17.</td>
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<tr>
<td>Secure Training Centre (STC)</td>
<td>Secure custodial institution for children convicted or on remand. Accommodates males and females aged 12–17.</td>
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<tr>
<td>Sex offender</td>
<td>A person who commits a crime involving a sexual act.</td>
</tr>
<tr>
<td>Young person</td>
<td>In the context of this report, this is used to describe someone aged 18 or over who is held in the youth secure estate.</td>
</tr>
<tr>
<td>Young Offender Institution (YOI)</td>
<td>In the context of this report, this is used to describe a secure custodial institution for male children convicted or on remand, aged 15-18 - not YOI in the broader sense of accomodating male children and young people aged 15-21.</td>
</tr>
<tr>
<td>Youth secure estate</td>
<td>Umbrella term to describe the establishments in operation for children and young people in the England and Wales youth justice system. See also ‘custodial institution/custody’.</td>
</tr>
</tbody>
</table>
### Appendix B: Method - technical details

This appendix supplements the information provided in Chapter 2 of this report, on the method adopted for this REA.

#### Table B.1: Search terms

A combination of the below terms were used to identify the literature.

<table>
<thead>
<tr>
<th>Terms related to child sexual abuse or offending</th>
<th>Terms related to the youth secure estate</th>
</tr>
</thead>
<tbody>
<tr>
<td>child sexual abuse</td>
<td>custody</td>
</tr>
<tr>
<td>child sexual exploitation</td>
<td>youth detention</td>
</tr>
<tr>
<td>child abuse</td>
<td>prison</td>
</tr>
<tr>
<td>sexual abuse</td>
<td>borstal</td>
</tr>
<tr>
<td>sexual exploitation</td>
<td>approved school</td>
</tr>
<tr>
<td>sexual assault</td>
<td>remand centre</td>
</tr>
<tr>
<td>child molestation</td>
<td>community home</td>
</tr>
<tr>
<td>child sexual victimisation</td>
<td>detention centre</td>
</tr>
<tr>
<td>sexual victimisation</td>
<td>youth custody centre</td>
</tr>
<tr>
<td>sexually harmful behaviour</td>
<td>YOI</td>
</tr>
<tr>
<td>child protection</td>
<td>young offender institution</td>
</tr>
<tr>
<td>safeguarding</td>
<td>STC</td>
</tr>
<tr>
<td>complaints</td>
<td>secure training centre</td>
</tr>
<tr>
<td>disclosure</td>
<td>SCH</td>
</tr>
<tr>
<td>bullying</td>
<td>secure children's home</td>
</tr>
<tr>
<td>juvenile sex offender</td>
<td>youth justice</td>
</tr>
<tr>
<td></td>
<td>young offender</td>
</tr>
<tr>
<td></td>
<td>secure estate</td>
</tr>
<tr>
<td></td>
<td>custodial institution</td>
</tr>
<tr>
<td></td>
<td>secure accommodation</td>
</tr>
<tr>
<td></td>
<td>juvenile detention</td>
</tr>
</tbody>
</table>
Table B.2: Databases and websites searched

The above search terms were used to search a number of different databases. More general searches for ‘grey literature’ were also carried out on a range of organisational websites. Both of these are detailed below.

<table>
<thead>
<tr>
<th>Database</th>
<th>Organisation/website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to Research</td>
<td>Barnardos</td>
</tr>
<tr>
<td>NSPCC</td>
<td>Nacro</td>
</tr>
<tr>
<td>Social Care Online</td>
<td>NICE</td>
</tr>
<tr>
<td>Directory of Open Access Journals</td>
<td>National PREA Resource Centre</td>
</tr>
<tr>
<td>Open grey</td>
<td></td>
</tr>
</tbody>
</table>

The abstracts returned from the search results were appraised and the articles sifted for their relevance to the specific aims of the REA and their eligibility based on the inclusion and exclusion criteria. The inclusion and exclusion criteria are set out below.

Table B.3: REA aims and inclusion and exclusion criteria

**REA aims**

- Evidence related to the prevalence of child sexual abuse in custodial institutions.
- Particular aspects of socio-demographic characteristics, both of victims and perpetrators.
- The factors associated with failure to protect or act to protect children in the care of custodial institutions.
- The nature of the safeguarding systems in place, and how they have changed over the years.
- Recommendations as to how those systems may be improved to better protect children in custody from sexual abuse.

**Inclusion criteria**

- Literature relating to sexual abuse in custodial establishments which accommodate a population including those up to 21 years of age.
- Literature relating to risk assessment within custodial establishments in England and Wales of individuals up to 21 years of age.
- Literature relating to victims of child sexual abuse or child sexual exploitation in custodial establishments which accommodate a population including those up to 21 years of age.
- Literature relating to safeguarding in custodial establishments which accommodate a population including those up to 21 years of age.
- Literature relating to individuals in custodial establishments who are under 19 years of age and who have committed sexual offences.
- Literature relating to making complaints and disclosing incidents (of sexual or other forms of abuse or violence) within custodial establishments which accommodate a population including those up to 18 years of age.
Exclusion criteria

<table>
<thead>
<tr>
<th>Literature which meets any of the following criteria will not be included within the REA.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Literature relating to countries outside England and Wales or countries with a significantly different level of economic development.</td>
</tr>
<tr>
<td>• Literature published before 1960.</td>
</tr>
<tr>
<td>• Literature which is not published in the English language.</td>
</tr>
</tbody>
</table>

Literature identified in the search which, based on its abstract, met any of the inclusion criteria was included in the REA. Literature which met any of the exclusion criteria was not included in the REA. Literature published between 1960 and 2017 was eligible for inclusion in the REA, however, the impact of the publication date on the relevance of literature to the research questions was taken into account when sifting and analysing literature. In practice, the earliest publication date was 1994.

The literature obtained through the literature search included journal articles, full research reports, annual reports, books, chapters and essays. As full articles were reviewed, 230 were sifted out based on a lack of relevance to research questions for the REA or not meeting the inclusion/exclusion criteria as set out above.

In addition to the database search terms, the research team at IICSA reviewed the bibliographies of included articles and liaised with expert academics to ensure that the breadth of literature available was considered.
Appendix C: Quality assessment process

The documents identified for inclusion in the review were coded into a framework devised by the IICSA research team. This summarised methods, approaches and findings for each of the documents. The review process classified articles into literature types based on their methods and content, as outlined below.

Literature types

Table C.1: Literature types

<table>
<thead>
<tr>
<th>Literature type</th>
<th>Sub-categories/description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary research</td>
<td>Further split into subcategories of quantitative research, qualitative research, mixed methods and secondary quantitative analysis.</td>
</tr>
<tr>
<td>Secondary research</td>
<td>Including reviews of existing literature, other REAs and systematic reviews.</td>
</tr>
<tr>
<td>Theoretical</td>
<td>Research papers or grey literature which do not report results from specific studies. This included commentary, analysis and expert opinion.</td>
</tr>
<tr>
<td>Evaluation</td>
<td>Further split into quantitative, qualitative, mixed methods and economic.</td>
</tr>
<tr>
<td>Policy or guidance documents</td>
<td>Organisational or government policies, guidance documents and annual reports.</td>
</tr>
<tr>
<td>Inquiries</td>
<td>Statutory or independent inquiries and reviews as well as internally commissioned inquiries and reviews.</td>
</tr>
</tbody>
</table>

Quality assessment

This section sets out the technical details of this process, whilst the following section, (Appendix D) sets out the results of this process in terms of the scores obtained. The quality assessment process was used to assist the Research Team in identifying those studies with serious methodological issues; comparing the relative quality of the studies; highlighting limitations in the available literature so that these could be taken into account when conducting the review and caveated as appropriate within this report. Whilst the information obtained through this process (and set out in Appendix D) gives a general sense of the standard and variability thereof of the literature, it is not intended to act as a comprehensive assessment of the quality of each study.

The REA used a quality assessment (QA) tool designed by the Research Team at IICSA. The QA tool ensures a consistent and transparent approach across the REAs undertaken to support the work of the Inquiry. It is a comprehensive tool, allowing for the assessment of all the literature types listed above. It was developed following a review of relevant published quality assessment tools.

The QA tool takes a thorough approach to appraising literature, asking the reviewer to consider and rate not only on the design of research, but the execution (e.g. sample achieved), transparency (e.g. limitations discussed), accessibility and clarity of the piece and the contribution made to the body of literature. It also accounts for issues such as the standing and expertise of authors writing the literature reviewed, ethical
considerations, and any obvious sources of potential bias in the work.

Each item in the quality assessment spreadsheet is a question answered either yes, no or non-applicable. Detailed guidance in the spreadsheet supports the researcher in deciding whether each item is adequate enough to be rated ‘yes’ or whether it falls below a reasonable level and is rated as ‘no’. Rating an item in the QA tool as a ‘yes’ gives a column score of one. These scores are added and recorded as a percentage score out of the potential maximum total (discounting any criteria for which the article has scored ‘non applicable) for each article.

Each type of article was scored for its quality, with the exception of policy, guidance and inquiry documentation which were summarised for their content but did not generate a score for quality assessment.

In this REA, the quality assessment was undertaken by both the IICSA Research Team and an external researcher. A sub-sample of the literature was rated by more than one reviewer (i.e. the external researcher and an IICSA researcher or two IICSA researchers) without seeing each others’ scores. This was to test the interpretation and application of the QA tool as well as to check that judgements employed were largely consistent. Whilst the QA tool systematises and standardises a quality appraisal across the design, execution, analysis and output of a piece of evidence, there is inevitably an element of subjective judgement involved in the process. Clarity on the parameters for these judgements was important to achieve across the reviewers. After the initial sample of articles the main body of quality assessment was split between the IICSA research team and the external researcher.
<table>
<thead>
<tr>
<th>Study type</th>
<th>Criterion</th>
<th>Primary quantitative study</th>
<th>Primary qualitative study</th>
<th>Primary mixed methods study</th>
<th>Secondary quantitative study</th>
<th>Secondary (critical) review</th>
<th>Theoretical</th>
<th>Qualitative evaluation</th>
<th>Qualitative evaluation</th>
<th>Economic evaluation</th>
<th>Economic evaluation</th>
<th>Mixed methods evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design</td>
<td>Clearly defined research question or objective</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Design</td>
<td>Appropriate research design that addresses research question or objective (including appropriate integration of quantitative and qualitative data/results)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Design</td>
<td>Appropriate sampling strategy</td>
<td>x</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Design</td>
<td>Adequate attention paid to ethical considerations</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Design</td>
<td>Source of opinion is clearly identified</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design</td>
<td>Source of opinion has standing in the field of expertise</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design</td>
<td>Maryland Scale of Scientific Methods (MSSM) score (1-5)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design</td>
<td>Comprehensive description of alternatives</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design</td>
<td>All relevant costs and outcomes are specified for each alternative</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design</td>
<td>(Where relevant) effectiveness of any interventions previously established</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data collection</td>
<td>Well defined outcome measures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data collection</td>
<td>Validity and robustness of data collection methods</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data collection</td>
<td>Appropriate sample achieved</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data collection</td>
<td>Appropriate search strategy</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Data collection</td>
<td>Sources and resources used to search for studies are adequate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data collection</td>
<td>Appropriate inclusion/exclusion criteria applied</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data collection</td>
<td>Validity and robustness of data extraction and recording methods</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data collection</td>
<td>Costs and outcomes measured accurately</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Study type</td>
<td>Criterion</td>
<td>Primary quantitative study</td>
<td>Primary qualitative study</td>
<td>Primary mixed methods study</td>
<td>Secondary quantitative study</td>
<td>Secondary (critical) review</td>
<td>Theoretical</td>
<td>Quantitative evaluation</td>
<td>Qualitative evaluation</td>
<td>Economic evaluation</td>
<td>Mixed methods evaluation</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>---------------------------------------------------------------------------</td>
<td>-----------------------------</td>
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<td>---------------------------</td>
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<td>------------------------</td>
<td>-----------------------</td>
<td>-----------------------</td>
<td>--------------------------</td>
<td></td>
</tr>
<tr>
<td>Analysis</td>
<td>Appropriate analytical methods</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Appropriate criteria applied to appraise studies</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Critical appraisal conducted by two or more reviewers independently</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Appropriate methods used to combine studies or to analyse extracted</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Costs and outcomes valued credibly</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Reporting</td>
<td>Reporting is accessible, clear and coherent</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Conclusion supported by results</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reference is made to existing literature</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Research advances knowledge or understanding, or fills evidence gap</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Limitations of research are discussed</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any theoretical perspectives, values or assumptions/presuppositions that</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>have shaped the form and output of the research are clearly addressed</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any obvious sources of potential bias (e.g. interests of funder and</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>commissioner) acknowledged</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
Appendix D: Profile of the literature reviewed

This section sets out the key characteristics of the literature reviewed as part of the rapid evidence assessment.

Study types

The review identified 237 documents which were relevant to the REA’s research questions and met the inclusion criteria. Just over half of these documents (120) were primary research documents; nine were evaluations; 30 were inquiry, review or inspection reports; 25 were policy, guidance or another form of organisational literature; 21 were secondary research or critical reviews (for example, systematic reviews and literature reviews); the remainder were theoretical papers.

Table D.1: Study type

<table>
<thead>
<tr>
<th>Study type</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Critical review</td>
<td>20</td>
</tr>
<tr>
<td>Evaluation mixed</td>
<td>5</td>
</tr>
<tr>
<td>Evaluation quant</td>
<td>4</td>
</tr>
<tr>
<td>Inquiry/review report</td>
<td>22</td>
</tr>
<tr>
<td>Inspection report</td>
<td>8</td>
</tr>
<tr>
<td>Other</td>
<td>15</td>
</tr>
<tr>
<td>Policy/guidance</td>
<td>10</td>
</tr>
<tr>
<td>Primary mixed</td>
<td>31</td>
</tr>
<tr>
<td>Primary qualitative</td>
<td>24</td>
</tr>
<tr>
<td>Primary quant</td>
<td>65</td>
</tr>
<tr>
<td>Secondary quant</td>
<td>1</td>
</tr>
<tr>
<td>Theoretical</td>
<td>32</td>
</tr>
<tr>
<td>Total</td>
<td>237</td>
</tr>
</tbody>
</table>

27 Research papers or grey literature which do not report results from specific studies. This included commentary, analysis and expert opinion.
**Jurisdiction**

The majority of documents (162) were from England and Wales and a significant minority (41) were US studies.

**Figure D.1:** Breakdown of included studies by jurisdiction

![Jurisdiction Graph](image)

**Publication date**

The studies reviewed are broken down by publication date below. Most papers were published after 2010-17 and the earliest publication date was 1994.

**Figure D.2:** Publication date of literature

![Publication Date Graph](image)
Quality bands

The quality of the literature was assessed using a framework developed by the Inquiry’s research team for the purpose of REAs, which was based on existing available tools. Each study was given a score and these were converted into percentages to allow for comparison between study types (which were scored using different tools with different numbers of items). Further detail on the quality assessment (QA) process is set out in Appendix C, which also notes some of the limitations of this process, which should be borne in mind when considering the information below.

Of the 182 studies eligible for the quality assessment process, the majority (n=109) scored between 80 and 100 per cent and only six studies scored below 40 per cent.

Table D.2: Quality bands

<table>
<thead>
<tr>
<th>Quality assessment score band (per cent)</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-20</td>
<td>2</td>
</tr>
<tr>
<td>20-40</td>
<td>4</td>
</tr>
<tr>
<td>40-60</td>
<td>10</td>
</tr>
<tr>
<td>60-80</td>
<td>57</td>
</tr>
<tr>
<td>80-100</td>
<td>109</td>
</tr>
<tr>
<td>Non-applicable</td>
<td>55</td>
</tr>
<tr>
<td>Total</td>
<td>237</td>
</tr>
</tbody>
</table>
Appendix E: Key features of establishment types and profiles of individual establishments

This appendix provides further details of the youth secure estate. It offers an overview of each establishment currently in operation, set out by establishment type. Youth custody data statistics (Ministry of Justice and Youth Justice Board for England and Wales, 2017a), HMIP inspection reports (most recent at time of writing) and individual establishment websites are the key data informing the information presented here.

Table E.1: Young Offender Institutions

Young Offender Institutions (YOIs) were created by the Criminal Justice Act 1998 and operate under the Young Offender Institution Rules 1988 and 2000. There are currently five YOIs accommodating children in England and Wales. Four of these are publicly run by HM Prison Service, with places commissioned by the Youth Justice Board (YJB). One (in Wales) is privately run by G4S. The table below provides further detail on each YOI.

<table>
<thead>
<tr>
<th>YOI name</th>
<th>Location</th>
<th>Holds</th>
<th>Operational capacity</th>
<th>Number of beds occupied</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feltham</td>
<td>Middlesex</td>
<td>Males aged 15-18</td>
<td>180</td>
<td>126</td>
<td>Public</td>
</tr>
<tr>
<td>Werrington</td>
<td>Stoke-on-trent</td>
<td>Males aged 15-18</td>
<td>142</td>
<td>110</td>
<td>Public</td>
</tr>
<tr>
<td>Wetherby and Keppel Unit</td>
<td>West Yorkshire</td>
<td>Males aged 15-18</td>
<td>422</td>
<td>272</td>
<td>Public</td>
</tr>
<tr>
<td>Cookham Wood</td>
<td>Kent</td>
<td>Males aged 15-18</td>
<td>196</td>
<td>156</td>
<td>Public</td>
</tr>
<tr>
<td>Wales:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parc</td>
<td>Glamorgan</td>
<td>Males aged 15-17</td>
<td>64</td>
<td>47</td>
<td>Private – run by G4S</td>
</tr>
</tbody>
</table>

Table E.2: Secure Training Centres

Secure Training Centres (STCs) were created by the Criminal Justice and Public Order Act 1994 and operate under the Secure Training Centre Rules 1998. There are currently three STCs accommodating children - all three of these are in England. One is (now) publicly run by HM Prison Service and the other two remain privately run by G4S and MTCnovo.

<table>
<thead>
<tr>
<th>STC name</th>
<th>Location</th>
<th>Holds</th>
<th>Operational capacity</th>
<th>Number of beds occupied</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>England:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medway</td>
<td>Kent</td>
<td>Males and females aged 12 -18</td>
<td>76</td>
<td>29</td>
<td>Public</td>
</tr>
<tr>
<td>Rainsbrook</td>
<td>Rugby</td>
<td>Males and females aged 12 -18</td>
<td>76</td>
<td>58</td>
<td>Private – run by MTCnovo</td>
</tr>
<tr>
<td>Oakhill</td>
<td>Milton Keynes</td>
<td>Males aged 12 -18</td>
<td>80</td>
<td>62</td>
<td>Private – run by G4S Care and Justice Services Limited</td>
</tr>
</tbody>
</table>

No STCs currently in operation in Wales

Sources: Ofsted, 2017b; Ofsted, 2017; Ofsted, 2017d.
Table E.3: Secure Children’s Homes

Secure Children’s Homes (SCHs) were created by the Children Act 1989 and operate under Part 2 of the Care Standards Act 2000. There are currently eight SCHs accommodating children in England and Wales. The seven in England are run by local authorities in conjunction with the Department for Education (DfE). The Welsh SCH is run by local authorities in conjunction with the Welsh Assembly Government. It is important to note that some SCHs accommodate only those who have been placed on welfare grounds. The total number of SCHs is therefore greater than the eight listed here, however, these particular institutions have not been included in this REA.

<table>
<thead>
<tr>
<th>SCH name</th>
<th>Location</th>
<th>Holds</th>
<th>Operational capacity</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>England:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adel Beck</td>
<td>Leeds</td>
<td>Males and females aged 10-17</td>
<td>24 (16 contracted to YJB)</td>
<td>Public</td>
</tr>
<tr>
<td>Aldine</td>
<td>Sheffield</td>
<td>Males and females aged 10-17</td>
<td>8 (4 contracted to YJB)</td>
<td>Public</td>
</tr>
<tr>
<td>Aycliffe</td>
<td>Durham</td>
<td>Males and females aged 10-17</td>
<td>38 (18 contracted to YJB)</td>
<td>Public</td>
</tr>
<tr>
<td>Barton Moss</td>
<td>Manchester</td>
<td>Males and females aged 10-17</td>
<td>24 (all contracted to YJB)</td>
<td>Public</td>
</tr>
<tr>
<td>Clayfields</td>
<td>Nottingham</td>
<td>Males and females aged 10-17</td>
<td>18 (14 contracted to YJB)</td>
<td>Public</td>
</tr>
<tr>
<td>Lincolnshire</td>
<td>Sleaford</td>
<td>Males and females aged 10-17</td>
<td>12 (11 contracted to YJB)</td>
<td>Public</td>
</tr>
<tr>
<td>Vinney Green</td>
<td>Bristol</td>
<td>Males and females aged 10-17</td>
<td>24 (all contracted to YJB)</td>
<td>Public</td>
</tr>
<tr>
<td>Wales:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hillside</td>
<td>Neath</td>
<td>Males and females aged 12-17</td>
<td>22 (6 contracted to YJB)</td>
<td>Public</td>
</tr>
</tbody>
</table>

Sources: Ofsted, 2016b; Secure Children’s Homes, 2017a; Secure Children’s Homes, 2017b; Durham County Council, 2017a; Durham County Council, 2017b; Secure Children's Homes, 2017c; Secure Children’s Homes, 2017d; GOV.UK, 2015; Secure Children’s Homes, 2017e; Secure Children’s Homes, 2017f; Secure Children’s Homes, 2017g.
Appendix F: Key legislative and policy shifts influencing the population of the secure estate

This appendix offers some examples of changes in policy and legislation since the 20th century and how this has influenced the population of the youth secure estate. This is not intended as an exhaustive timeline of the youth justice system, however, it gives further context to the report.

Table F.1: 20th Century events/shifts

<table>
<thead>
<tr>
<th>Date</th>
<th>Event/shift</th>
</tr>
</thead>
<tbody>
<tr>
<td>1908</td>
<td>The Prevention of Crime Act 1908 created borstals as an establishment for children and young people (male and female establishments). The Children Act 1908 also established a separate juvenile court and abolished custody for those under the age of 14 (Hagell, Hazel and Shaw, 2000; Bateman and Hazel, 2014).</td>
</tr>
<tr>
<td>1933</td>
<td>The Children and Young Persons Act 1933 placed an emphasis on child welfare and required courts to consider a child’s welfare (Raymond, 2010; Bateman and Hazel, 2014).</td>
</tr>
<tr>
<td>1948</td>
<td>The 1948 Criminal Justice Act saw a distinct shift back to an ethos of punishment due to rising levels of youth crime at this time. ‘Short, sharp, shock’ regimes were introduced in to new custodial establishments (Williams, 2004).</td>
</tr>
<tr>
<td>1952</td>
<td>The Prison Act 1952 was introduced amid concerns around football hooliganism, youth gangs and student protests (Association of Independent LSCB Chairs, 2014; Pearson, 1983 cited in Williams, 2004). The number of places in borstals rose to circa 2,000 at this time (Williams, 2004).</td>
</tr>
<tr>
<td>1964</td>
<td>The number of places in borstals reached circa 4,000 by 1964 (Williams, 2004). The first secure unit also opened - intended for children aged ten to 18 who had absconded from open approved schools (Bateman and Hazel, 2014).</td>
</tr>
<tr>
<td>1969</td>
<td>The Children and Young Persons Act 1969 shifted the focus back to welfarism (Williams, 2004). However, the new Conservative Government elected shortly after meant large sections of this Act were never implemented - such as raising the age of criminal responsibility to 14 (Raymond, 2010; Bottoms and Kemp, 2007; Williams, 2004; (Bateman and Hazel, 2014). Emphasis was again placed on punishment and government grants to local authorities facilitated the expansion of the youth secure estate (Bottoms and Kemp, 2007; Williams, 2004; Raymond, 2010; Goldson, 2003; Prime, 2014).</td>
</tr>
<tr>
<td>1982</td>
<td>The number of males aged 14-16 sentenced to custody per year stood at almost 8,000 at this time (Hagell and Newburn, 1994 cited in Williams, 2004) and there was a growing recognition of the need to distinguish between welfare and justice boundaries and interventions. A series of legislation followed triggering further reconfiguration of the youth secure estate with a heavy focus on protection and rehabilitation (Davidson-Arad, Benbenishty and Golan, 2009; Prime, 2014; British Medical Association Ethics Department, 2014; Raymond, 2010; Bottoms and Kemp, 2007; Williams, 2004; Lennox et al., 2015). Custody rates fall dramatically from 1983 (Bateman and Hazel, 2014).</td>
</tr>
<tr>
<td>1993</td>
<td>There was a significant shift back to punitive ‘tough on crime’ responses at this time placing pressure on the youth secure estate due to the growing numbers of children entering it (Pitts and Stevens, 2011; Hagell, Hazel and Shaw, 2000; Williams, 2004; Bateman, 2011; Hollingsworth, 2008; Goldson, 2006a). The murder of the toddler James Bulger by two ten year old boys was one factor contributing to this shift. The Criminal Justice Act allowed more scope for courts to impose harsher sentences (Bateman and Hazel, 2014). Secure Training Centres were then introduced in 1994 (Hagell and Hazel, 2001).</td>
</tr>
</tbody>
</table>
Changes in law and policy following the election of New Labour in 1997, have been described as the most radical overhaul of the youth justice system since the inception of the youth juvenile court in 1908 (Goldson, 2008).

The Crime and Disorder Act 1998 initiated a number of changes and introduced the principal aim for youth justice as being the prevention of offending (Bateman and Hazel, 2014). For example, it introduced the Detention and Training Order (DTO) - a specific type of sentence for children aged 12 - 17 who persistently commit offences/commit offences deemed ‘serious’ (Hagell, Hazel and Shaw, 2000; Bateman, 2016; Simmonds, 2016). It also abolished the legal presumption of ‘doli incapax’ - this principle deemed children aged 10-13 incapable of committing a crime unless criminal intent could be proven. This offered some protection for children under 14 against the age of criminal responsibility (which is age 10). Its abolition meant children under 14 were no longer protected from criminal prosecution, and could be charged and detained in a variety of settings (UK Parliament, 2009).

<table>
<thead>
<tr>
<th>Date</th>
<th>Event/shift</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>Changes in law and policy following the election of New Labour in 1997, have been described as the most radical overhaul of the youth justice system since the inception of the youth juvenile court in 1908 (Goldson, 2008). The Crime and Disorder Act 1998 initiated a number of changes and introduced the principal aim for youth justice as being the prevention of offending (Bateman and Hazel, 2014). For example, it introduced the Detention and Training Order (DTO) - a specific type of sentence for children aged 12 - 17 who persistently commit offences/commit offences deemed ‘serious’ (Hagell, Hazel and Shaw, 2000; Bateman, 2016; Simmonds, 2016). It also abolished the legal presumption of ‘doli incapax’ - this principle deemed children aged 10-13 incapable of committing a crime unless criminal intent could be proven. This offered some protection for children under 14 against the age of criminal responsibility (which is age 10). Its abolition meant children under 14 were no longer protected from criminal prosecution, and could be charged and detained in a variety of settings (UK Parliament, 2009).</td>
</tr>
</tbody>
</table>

Table F.2: 21st Century events/shifts

<table>
<thead>
<tr>
<th>Date</th>
<th>Event/shift</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>The population of children in the youth secure estate 18 stood at circa 3,000 (Williams, 2004) and reports emerged at this time that the UK locked up more young people than any other country in Europe (Council of Europe SPACE 2000 data cited in Howard League for Penal Reform, 2002). It is also noted that as the use of imprisonment of children was rising during the 1990s and into the 2000s, the use of custody for girls rose more rapidly than that for boys (Bateman, 2008).</td>
</tr>
<tr>
<td>2004</td>
<td>Further establishments opened (Prime, 2014; Simmonds, 2016) and the Chair of the YJB stated that numbers of children and young people in custody remained high due to an increase in remands (Stuart and Baines, 2004b). The Children Act 2004 was introduced which introduced some provisions for the safeguarding and welfare of children in custody. For example, it introduced statutory Local Safeguarding Children's Boards (LSCBs) with each LSCB required to have representation from their local youth offending team (YOT), and personnel from secure establishments in their area (Department for Education, 2015; Association of Independent LSCB Chairs, 2014).</td>
</tr>
<tr>
<td>2007</td>
<td>The average population of young people in custody remained at over 3,000 (Simmonds, 2016) but the numbers began to decline from mid-2008 (Jacobson et al., 2010) and there was an emphasis on the number of vulnerable children and young people entering custodial institutions rather than custody being viewed as a last resort (Glover and Hibbert, 2009).</td>
</tr>
<tr>
<td>2008</td>
<td>The Youth Crime Action Plan is published, with a target of reducing first-time entrants to the youth justice system by a fifth by 2020. An emphasis was placed on rehabilitation and alternatives to custody (Bateman and Hazel, 2014).</td>
</tr>
<tr>
<td>2009</td>
<td>The number of children in custody began to gradually decrease from mid-2008/2009 (Cripps, 2010; Prime, 2014; Ministry of Justice, 2016c). As a result a number of places were subsequently decommissioned from this point and several establishments closed. For example, between 2009 -2016 more than 2,000 places in YOIs and 81 places in SCHs have been decommissioned and more than 12 establishments closed during this period. (Ministry of Justice, 2016c).</td>
</tr>
<tr>
<td>Date</td>
<td>Event/shift</td>
</tr>
<tr>
<td>--------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2012</td>
<td>The YJB developed a new set of principles for the commissioning and delivery of services in custody, as part of their plan for developing the secure estate. These emphasised the rights and protection of children and young people in custody and understanding their distinct needs (Youth Justice Board and Ministry of Justice, 2012).</td>
</tr>
<tr>
<td>2015</td>
<td>The Criminal Justice and Courts Acts 2015 was introduced, intending to establish ‘Secure Colleges’ - a new form of large custodial institution with a greater emphasis on education and integrated multi-agency working, and with specialist provision for the most vulnerable (Prime, 2014; Stone, 2014). However, plans to build these were later abandoned.</td>
</tr>
<tr>
<td>2017</td>
<td>In September 2017, the number of children in custody stood at 880 for under 18 year olds (846 males and 34 females). The total including those aged 18 was 989 (Ministry of Justice and Youth Justice Board for England and Wales, 2017a).</td>
</tr>
</tbody>
</table>
Table G.1: Studies from England and Wales

<table>
<thead>
<tr>
<th>Title &amp; Author</th>
<th>Date</th>
<th>Key data</th>
<th>Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Psychiatric Morbidity among young Offenders in England and Wales.</td>
<td>2000</td>
<td>A study looking at psychiatric morbidity amongst 590 young offenders aged 16 - 20 years in England and Wales in 1997. Range of findings relating to the characteristics of young offenders and the prevalence of, for example, personality disorders, psychotic and severe affective disorders, neurotic disorders, self-harm, alcohol misuse and drug dependence, intellectual functioning. Females were far more likely than males to report having suffered as a result of violence at home and sexual abuse. About two fifths of the females and a quarter of the males interviewed reported having suffered from violence at home, while about one in three of the women reported having suffered sexual abuse compared with just under one in 20 of the men.</td>
<td>Experience of sexual abuse was collected through self-report data without confirming data from an official source. No comparative data for experience of sexual abuse provided for young males/females not in prison. Single-item question about sexual abuse and no definition given.</td>
</tr>
<tr>
<td>Sexual victimisation among 15 - 17-year-old offenders in prison.</td>
<td>2000</td>
<td>A study to examine the extent and nature of sexual victimisation amongst 15 to 17 year old offenders in prison. 979 interviews were carried out in 28 establishments. The study found that 0.3 per cent (three cases) of unwelcome involvement in sexual activity were reported; 0.3 per cent (three other inmates) reported seeing an inmate doing something sexual to another unwilling inmate; and eight per cent of inmates reported unsubstantiated rumours about sexual incidents; often about the same incidents.</td>
<td>Establishments accommodating fewer than ten young offenders were not included in the sample. Number of males and females interviewed is provided but no further sample details given. Sexual victimisation findings relate to the 931 males interviewed as no instances of sexual victimisation reported among the 48 females.</td>
</tr>
<tr>
<td>The prevalence of abuse and loss in the lives of Section 53 offenders.</td>
<td>1995</td>
<td>A study which aimed to, over a period of one year, obtain and analyse data about the nature and frequency of child abuse and loss in the backgrounds of a statistically significant number of Section 53 offenders. 29 per cent of a sample of 200 had experienced sexual abuse. The majority reported sexual abuse in the home under the age of ten.</td>
<td>Sample non-representative as focused on Section 53 offenders only so not generalisable to all sentenced children.</td>
</tr>
<tr>
<td>Title &amp; Author</td>
<td>Date</td>
<td>Key data</td>
<td>Limitations</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------</td>
<td>------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Adverse childhood experiences and violent acts of young people in secure accommodation  
Falshaw, L. and Browne, K.  
1997  
A study which details the adverse childhood experiences of young people (boys and girls) resident in secure accommodation, namely Glenthorne Youth Treatment Centre in Birmingham. Many had experienced extremely dysfunctional and/or abusive family environments and well as disruptive, numerous care placements. 11 residents had a record of having been sexually abused within the family, 23 outside the family and seven both inside and outside the family. Overall, 27 (34 per cent) had a documented history of sexual abuse. Females were more likely to have been sexually abused both inside and outside the family with 12 of the 19 females having suffered as opposed to 15 of the 60 males.  
Findings drawn from one establishment only. Majority of establishment residents (and assumed sample) admitted via a Section 25 (welfare order) rather than on criminal justice grounds. |      |                                                                                                                                                                                                          |                                                                                                                                                                                                            |
| Female health needs in young offender institutions  
Youth Justice Board.  
2006  
A study conducted to assess the health needs of 17-year-old females held in young offender institutions (YOIs) in England and Wales. The purpose of the research was to enable the YJB to advise local primary care trusts on what healthcare services should be provided in four new dedicated units for young women in the secure estate. Data was gathered from young females themselves as well as health care professionals. Range of health issues raised including that ten per cent of females reported having previously been paid for sex. Professionals raised concerns about the sexual health of the females and histories of sexual abuse.  
Study focused specifically on 17 year old females in YOIs so findings may not be generalisable to all female children in custody. Prevalence of sexual abuse limited to self-reporting of having been ‘paid for sex’. |      |                                                                                                                                                                                                          |                                                                                                                                                                                                            |
### Table G.2: International studies

<table>
<thead>
<tr>
<th>Title &amp; Author</th>
<th>Jurisdiction</th>
<th>Date</th>
<th>Key data</th>
<th>Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unequal sexual health – Differences between detained youth and their same aged peers</td>
<td>Sweden</td>
<td>2013</td>
<td>A study comparing sexual health risks between youth in detention (148 adolescents aged between 15 and 20 from 22 out of 27 detention homes) and non detained youth (aged 16, 20, 24 and 28 years) with a survey. The study found that to have ‘experienced sex against one’s will or have received or been given reimbursement for sex’ was more common amongst the detainees (62 per cent of detainee sample and 47 per cent of non detainee sample responded yes to this question).</td>
<td>Non-representative sample of non detainees. The different sample sizes where the non-detainees largely outnumber the detainees, as well as the small sample of detainees hinder advanced inferential statistics.</td>
</tr>
<tr>
<td>Childhood maltreatment and post-traumatic stress disorder among incarcerated young offenders</td>
<td>Australia</td>
<td>2013</td>
<td>A study looking at prevalence of, and association between, child maltreatment and post-traumatic stress disorder (PTSD) amongst young offenders. Used data collected as part of a ‘Young People in Custody Health Survey’ which was conducted in nine juvenile detention centers. The study analysed data from 291 participants aged between 13 and 21. One in ten young people reported sexual abuse. The study found that amongst young offenders, females were significantly more likely to report any form of child abuse or trauma than males (42 per cent to five per cent).</td>
<td>The tool used to collect data on sexual abuse had not been validated for use in Aboriginal populations, who were included in the sample. The small number of females in the study is a notable limitation.</td>
</tr>
<tr>
<td>Posttraumatic stress disorder and trauma in youth in juvenile detention</td>
<td>USA</td>
<td>2004</td>
<td>A poly victimisation study aiming to determine prevalence estimates of exposure to trauma and 12-month rates of post-traumatic stress disorder (PTSD) amongst juvenile detainees. Sample consisted of 532 males and 366 females, ages 10–18, in one large detention facility in Chicago. Data collected between 1995 and 1998. The study reported that 4.4 per cent of the total sample reported having experienced actual or potential sexual trauma. Significantly more females (30 per cent) than males (2.4 per cent) reported being ‘forced to do something sexual that you did not want to do.’</td>
<td>Findings are drawn from one site and may pertain only to youth in urban detention centers with similar demographic composition. Findings are based on a sample of pre-trial detainees and may not be generalizable to adjudicated juveniles serving sentences.</td>
</tr>
<tr>
<td>Title &amp; Author</td>
<td>Jurisdiction</td>
<td>Date</td>
<td>Key data</td>
<td>Limitations</td>
</tr>
<tr>
<td>---------------</td>
<td>--------------</td>
<td>---------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Child Maltreatment and Adjustment to Juvenile Correctional Institutions</td>
<td>USA</td>
<td>2003</td>
<td>A longitudinal study involving a survey with 509 juveniles across 48 correctional facilities in 20 states. Aim was to examine the relationship between experiencing child maltreatment and anxiety and depression. The study found that 11 per cent reported sexual abuse at least once during their childhood. Data was collected between 1997 and 1998. No age range given but the average age of respondents was 16 years. Only 22 of the facilities were traditional institutions such as training schools or detention facilities, whereas the remaining 26 facilities were boot camp facilities. Gender of respondents not specified.</td>
<td></td>
</tr>
<tr>
<td>Childhood Sexual Abuse, Gender, and Depression Among Incarcerated Youth</td>
<td>USA</td>
<td>1996-1997</td>
<td>Used data from a larger study, the National Evaluation of Juvenile Correctional Facilities, which was collected between 1996 and 1997 and included 588 young people across 6 facilities in 5 states. The age range was from 11 to 20 and 65 per cent of the sample were male and 35 per cent were female. Young people were asked 'How often were you personally ever touched in a sexual way or forced to have sex by an adult or older child when you did not want this to happen (include family members and people outside of your family)'. Females in this sample were significantly more likely than males to have a history of childhood sexual abuse (8.4 per cent of males in the sample reported a history of sexual abuse compared to 37.5 per cent of females). The measure of sexual abuse was collected through self-report data without confirming data from an official source. The original purpose of the data collection was not to examine childhood maltreatment, the measure of sexual abuse was limited to a single-item question with unknown reliability.</td>
<td></td>
</tr>
</tbody>
</table>
### Appendix H: Studies including information on the prevalence of child sexual abuse in youth secure facilities

Table H.1: Studies including information on the prevalence of child sexual abuse in youth secure facilities

<table>
<thead>
<tr>
<th>Title and author(s)</th>
<th>Year</th>
<th>Jurisdiction</th>
<th>Establishment type</th>
<th>Prevalence figure</th>
<th>Gender</th>
<th>Ages</th>
<th>Methodology</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children in Custody 2015-2016 HMIP/Joe Simmonds</td>
<td>2015-2016</td>
<td>England and Wales</td>
<td>YOI</td>
<td>1% by other young people 1% by staff</td>
<td>Boys</td>
<td>15-18</td>
<td>Surveys conducted at all YOIs and STCs annually on a rolling basis. All children in each establishment at the time of the survey are asked to complete the self-completion questionnaire. Different questionnaires used in STCs and YOIs. Young people asked if they have experienced sexual abuse in the establishment – by other young people or by staff. Young people are not given an explanation about what is meant by ‘sexual abuse’.</td>
<td></td>
</tr>
<tr>
<td></td>
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<td>STC</td>
<td>3% by other young people 2% by staff</td>
<td>Girls and boys</td>
<td>12-18</td>
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<td>Children in Custody 2014-15 HMIP/Alissa Redmond</td>
<td>2014-15</td>
<td>England and Wales</td>
<td>YOI</td>
<td>1% by other young people 1% by staff</td>
<td>Boys</td>
<td>15-18</td>
<td>As above Young people asked if they have experienced sexual abuse in the establishment – by other young people or by staff. Young people are not given an explanation about what is meant by ‘sexual abuse’.</td>
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<td>Girls and boys</td>
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<td>Children in Custody 2013-14 HMIP/Rachel Prime</td>
<td>2013-14</td>
<td>England and Wales</td>
<td>YOI</td>
<td>1% by other young people 0% by staff</td>
<td>Boys</td>
<td>15-18</td>
<td>As above Young people asked if they have experienced sexual abuse in the establishment – by other young people or by staff. Young people are not given an explanation about what is meant by ‘sexual abuse’.</td>
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<td>2% by other young people 2% by staff</td>
<td>Girls and boys</td>
<td>12-18</td>
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<td>Children in Custody 2012-13: YOIs HMIP/ Ewan Kennedy</td>
<td>2012-13</td>
<td>England and Wales</td>
<td>YOI</td>
<td>Boys: 1% by other young people 1% by staff Girls: 0% by other young people 0% by staff</td>
<td>Girls and boys</td>
<td>15-18</td>
<td>As above plus number of girls very small (16 girls in comparison to 942 boys), though this is reflective of the overall population, and results reported separately.</td>
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<tr>
<td>Children in Custody 2012-13: STCs HMIP/ Caroline Elwood</td>
<td>2012-13</td>
<td>England and Wales</td>
<td>STC</td>
<td>1% by other young people 0% staff</td>
<td>Girls and boys</td>
<td>12-18</td>
<td>Young people asked if they have experienced sexual abuse in the establishment – by other young people or by staff. Young people are not given an explanation about what is meant by ‘sexual abuse’.</td>
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Where known this is date of data collection/fieldwork, where unknown, publication date
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<th>Methodology</th>
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<tr>
<td>Children in Custody 2011-12 HMIP/Rachel Murray</td>
<td>2011-12</td>
<td>England and Wales</td>
<td>YOI</td>
<td>Boys: 1% by other young people 1% by staff Girls: 0% by other young people 0% by staff</td>
<td>Girls and boys</td>
<td>15-18</td>
<td>Surveys conducted at all YOIs annually on a rolling basis. Random sample of children in each establishment are asked to complete the self-completion questionnaire.</td>
<td>Number of girls in sample very small (25 girls in comparison to 926 boys), though this is reflective of the overall population, and results reported separately.</td>
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<td>Children in Custody 2010-11 HMIP/Amy Summerfield</td>
<td>2010-11</td>
<td>England and Wales</td>
<td>YOI</td>
<td>Boys: 1% by other young people 1% by staff Girls: 0% by other young people 0% by staff</td>
<td>Girls and boys</td>
<td>15-18</td>
<td>As above</td>
<td>Data not collected for STCs</td>
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<tr>
<td>Children in Custody 2009-10 HMIP/Hayley Cripps</td>
<td>2009-10</td>
<td>England and Wales</td>
<td>YOI</td>
<td>Boys: 1% by other young people 1% by staff Girls: 4% (n=2) by other young people 0% by staff</td>
<td>Girls and boys</td>
<td>15-18</td>
<td>Surveys conducted at all YOIs annually on a rolling basis. Random sample of children in each establishment are asked to complete the self-completion questionnaire.</td>
<td>Data not collected for STCs</td>
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<td>Children in Custody 2008-2009 HMIP/Deborah Tye</td>
<td>2008-2009</td>
<td>England and Wales</td>
<td>YOI</td>
<td>Boys: 1% by other young people 1% by staff Girls: 0% by other young people 0% by staff</td>
<td>Girls and boys</td>
<td>15-18</td>
<td>As above</td>
<td>Data not collected for STCs</td>
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<tr>
<td>Children in Custody 2006-2008 HMIP/Sherrelle Parke</td>
<td>2006-2008</td>
<td>England and Wales</td>
<td>YOI</td>
<td>Boys: 1% by other young people 1% by staff Girls: 0% by other young people 1% (n=1) by staff</td>
<td>Girls and boys</td>
<td>15-18</td>
<td>Surveys conducted at all YOIs every two years on a rolling basis. Random sample of children in each establishment are asked to complete the self-completion questionnaire.</td>
<td>Data not collected for STCs</td>
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<tr>
<td>Children in Custody 2004-06 HMIP/Rachel Worsley</td>
<td>2004-2006</td>
<td>England and Wales</td>
<td>YOI</td>
<td>Boys: 2% by other young people 1% by staff Girls: 0% by other young people 0% by staff</td>
<td>Girls and boys</td>
<td>15-18</td>
<td>As above</td>
<td>Data not collected for STCs. It is not clear how the reported percentages for sexual abuse have been derived so these figures should be interpreted with caution. Figures for overall rates of reported sexual abuse are not provided.</td>
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## Child sexual abuse in custodial institutions: A rapid evidence assessment

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<tr>
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<tbody>
<tr>
<td>Sexual victimisation among 15-17 year old offenders in prison</td>
<td>2000</td>
<td>England and Wales</td>
<td>YOI</td>
<td>Unwelcome involvement in sexual activity: reported by 0.3% (3 cases) of participants</td>
<td>Girls and boys</td>
<td>15-17</td>
<td>Structured interview/ face to face questionnaire carried out with 50% of the population of 28 prison establishments housing under 18 year olds. 96% response rate for those invited to participate. 20 smaller establishments not included in sample.</td>
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<td>Barry J. McGurk, Robert Forde &amp; Ann Barnes/Home Office</td>
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<td>Protecting Youth from Sexual Victimization in Illinois Department of Juvenile Justice Facilities</td>
<td>2012</td>
<td>US (Illinois)</td>
<td>All 6 Illinois Youth Centre facilities</td>
<td>Youth on youth victimisation: 0.05% Staff on youth victimisation: 0.001%</td>
<td>Girls and boys</td>
<td>13-20</td>
<td>Review of records of reported sexual victimisation to compare locally recorded prevalence with figures from national survey (see 055)</td>
<td>Figures are based on ‘substantiated allegations’ (making up a small proportion, 1/4-1/3, of allegations) and an average population figure of 900.</td>
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<td>Kinsale Management Consulting</td>
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<td>Sexual Victimization in Juvenile Facilities Reported by Youth, 2012</td>
<td>2012</td>
<td>US</td>
<td>All types of youth custody</td>
<td>Youth on youth victimisation (includes non-consensual sexual acts or sexual contacts): 2.5% Staff sexual misconduct: 7.7%, can be broken down into 3.5% where force was reported and 4.7% where no force or other forms of coercion reported.</td>
<td>Girls and boys</td>
<td>Unspecified</td>
<td>Survey of 8707 youth in 326 facilities, results weighted to represent the total population.</td>
<td>Youth asked to report on victimisation in the last 12 months or since admission to the facility, if less than 12 months.</td>
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<tr>
<td>Allen J. Beck, David Cantor, John Hartge, and Tim Smith / Bureau of Justice Statistics</td>
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<td>Sexual violence reported by juvenile correctional authorities 2007-2012</td>
<td>2007-12</td>
<td>US</td>
<td>Juvenile residential placement facilities for juveniles and youthful offenders (including closed and open facilities)</td>
<td>Allegations 23 allegations per 1000 youth in 2012. Breakdown of allegations by type: 29% youth on youth non-consensual sexual acts; 25.9% youth on youth abusive sexual contacts; 38.1% staff sexual misconduct; 7% staff sexual harassment. Substantiated incidents 2.6 youth on youth substantiated incidents per 1000 youth in 2007-2012. 0.8 staff on youth substantiated incidents in 2007-12.</td>
<td>Boys and girls</td>
<td>As above</td>
<td>All state operated facilities surveyed, sample taken of locally and privately operated facilities, the latter were weighted in order to achieve national estimates.</td>
<td>Completed by facilities therefore does not include incidents which were not reported to or known about by facility. Includes data relating to over 18 year olds (category “20 and over” is used for victims, however, maximum age is not specified).</td>
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<td>Allen J. Beck and Ramona R. Rantala</td>
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<tr>
<td>Characteristics of bullies and victims among incarcerated male young offenders</td>
<td>2016</td>
<td>Canada (Ontario)</td>
<td>6 open facilities and 3 secure custody</td>
<td>1.1% (n=2) of sample reported having been sexually bullied in their current institution.</td>
<td>Boys</td>
<td>16-19</td>
<td></td>
<td>185 male young offenders aged 16-19 in nine Ontario facilities were individually interviewed about their bullying and victimization, and two standardized inventories were completed</td>
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<td>Anne Connell, David P. Farrington and Jane L. Ireland</td>
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<td>Sexual violence reported by juvenile correctional authorities 2005-2006</td>
<td>2005-2006</td>
<td>US</td>
<td>Juvenile residential placement facilities for juveniles and youthful offenders (including closed and open facilities)</td>
<td>Allegations 16.7 allegations per 1000 youth in 2005; 16.8 allegations per 1000 in 2006. Breakdown of allegations by type: 36% youth on youth non-consensual sexual acts; 21% youth on youth abusive sexual contacts; 32% staff sexual misconduct; 11% staff sexual harassment.</td>
<td>Girls and boys</td>
<td></td>
<td>All state operated facilities surveyed, sample taken of locally and privately operated facilities, the latter were weighted in order to achieve national estimates.</td>
<td>Completed by facilities therefore does not include incidents which were not reported to or known about by facility. Includes data relating to over 18 year olds (category “20 and over” is used for victims, however, maximum age is not specified).</td>
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<td>185 male young offenders aged 16-19 in nine Ontario facilities were individually interviewed about their bullying and victimization, and two standardized inventories were completed</td>
</tr>
<tr>
<td>Bullying among incarcerated young offenders: developing an interview schedule and some preliminary results</td>
<td>1992-1993</td>
<td>Canada</td>
<td>Open facility</td>
<td>Zero respondents reported that they had been bullied in a sexual way.</td>
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<td>Entire population (n=10) sampled once in 1992 and once in 1993</td>
<td>Ages 16-18. Very small sample, not comparable facility type.</td>
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<tr>
<td>Violence in youth custody: Risk factors of violent misconduct among inmates of German young offender institutions</td>
<td>2011-2012</td>
<td>Germany</td>
<td>YOI</td>
<td>3.6% of sample reported having perpetrated sexual violence on other inmates within the last 4 weeks.</td>
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<td>Self-report data from 865 male inmates. Survey conducted in 5 YOIs in 4 of Germany’s 16 federal states. Age range of participants 14-25.</td>
<td>Includes over 18 year olds (only 6.9% of sample under 18 years old)</td>
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<tr>
<td>Prisoner-on-prisoner violence: Victimization of young offenders in prison. Some German findings</td>
<td>1999</td>
<td>Germany</td>
<td>YOI</td>
<td>1% of respondents reported having been sexually assaulted during their time at the establishment</td>
<td></td>
<td></td>
<td>Voluntary participation self-report survey in one German YOI.</td>
<td>Voluntary sample only of German Nationals in the centre. Appears that participants aged 14-25 but not made clear. Study carried out as part of undergraduate thesis.</td>
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<tr>
<td>Title and author(s)</td>
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<td>Victimization of juveniles in out-of-home placement: Juvenile correctional facilities</td>
<td>2007</td>
<td>Israel</td>
<td>Correctional facilities: closed facilities; hostels; and diagnostic facilities</td>
<td>Peer sexual harassment (closed facility/hostel/diagnostic facility): 34.4%/ 12.7%/ 48.6% Peer sexual abuse: 20.3%/ 6.9%/ 14.3% Staff sexual harassment: 14.1%/ 6.9%/ 5.7% Staff sexual abuse: 10.9%/ 8.8%/ 2.9%</td>
<td>Girls and boys</td>
<td>12-20</td>
<td>Questionnaires administered to the entire population (N = 201) of the 20 gender-separated juvenile correctional facilities for Jewish youths in Israel. Includes 14 hostels – i.e. non-closed facilities (50.7% of sampled children were in hostels).</td>
<td>Girls (52.2%) and boys (47.8%). Age range of participants 12-20. Measures for abuse and harassment taken from a validated tool measuring violence in schools.</td>
</tr>
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</table>
Appendix I: Safeguarding context and overview

This appendix supplements the information provided in Chapter 8 of this report, on safeguarding policies and procedures.

There have been a number of relevant developments in legislation, policy and procedures relating to the protection and welfare of children over the years both in general and specifically in relation to children in the youth secure estate. Developments have typically been shaped by identified safeguarding failures which have drawn attention to child protection improvements being needed, and improved safeguarding coordination amongst services responsible for child welfare (see for example, Stuart and Baines, 2004b).

Pre 2004 context

From 1986, various efforts were made to address the specific issue of institutional abuse. The Children Act 1989 was the first major legislative response to abuse of this kind (Rose, 2014; Gallagher, 2000 cited in Erooga, 2009). Following its introduction, the applicability of this legislation (sections 17 and 47 in particular) to children in custody became the subject of much debate (see for example, Stuart and Baines, 2004b; Monaghan, Hibbert and Moore, 2003; Association of Independent LSCB Chairs, 2014; Goldson, 2003). At this time, concerns about the welfare of children in custody rose and in 1998, the Youth Justice Board (YJB) pushed the Home Secretary for improvements to be made to child protection policies and procedures for children in custody (Goldson, 2007). In 2002, the applicability of the 1989 Children Act to the secure estate was confirmed by the High Court (Stuart and Baines, 2004b; Burdett, 2004). This change marked a significant shift in the way safeguarding and protection of children in custody was considered, and had direct implications for the secure estate and those working within it (Willow, 2015; Association of Independent LSCB Chairs, 2014; Goldson, 2007).

A series of child protection initiatives were developed around this time (Association of Independent LSCB Chairs, 2014; Goldson, 2007; Stuart and Baines, 2004b; Erooga, 2009), including:

- A Child Protection and Safeguards Review carried out by the HM prison service and YJB to review safeguarding arrangements for children in the secure estate – including specific arrangements for females (Stuart and Baines, 2004b; Stuart and Baines, 2004a).

- The publication of a local authority circular entitled ‘Safeguarding and Promoting the Welfare of Children and Young People in Custody’, was issued by The Department for Education (DfE) (Goldson, 2007) advising local authority areas that establishments must have local safeguarding protocols in place (Goldson, 2007).

- The YJB published a three year strategy of the secure estate, emphasising a determination to ensure that children are cared for in custody (YJB, 2004 cited in Goldson, 2007).

- A number of policy, practice and guidance documents for executing and recording child protection interventions in YOIs were issued by YJB’s Prison service order 4950 (HM Prisons Service, 2003 cited in Goldson, 2007; Stuart and Baines, 2004b).

Following this, the [updated] Children Act 2004 was introduced. This coincided with the deaths of two boys in STCs following the use of restraint by staff (Association of Independent LSCB Chairs, 2014). This triggered the need for further action to improve the safeguarding of children in custody, with the Inquiry into the death of the two boys providing a number of recommendations (see, Carlile, 2006).
Key policy developments since 2004

The Children Act 2004 replaced Area Child Protection Committees (ACPCs) with statutory Local Safeguarding Children’s Boards (LSCBs). The establishment of which was intended to significantly improve safeguarding - and inter-agency safeguarding provision - by ensuring local safeguarding policies and procedures were developed as needed across every local authority area. This included policies for the training of persons working with children or working in services affecting the safety and welfare of children, and the recruitment and supervision of persons working with children. Specifically, this included ensuring staff working in custodial settings were able to identify and respond to the needs of children in this context (Association of Independent LSCB Chairs, 2014). Furthermore, each LSCB were required to have representation from their local youth offending team (YOT), and personnel from secure establishments in their area (Department for Education, 2015).

This legislation triggered a number of other changes and initiatives relating to - or impacting on - safeguarding regimes within the secure estate. For example:

- The 2006 ‘Working Together to Safeguard Children’ statutory guidance gives all agencies responsibilities for ensuring new staff are safe to work with children and young people (Erooga, 2009) and states that children and young people who have been in care/are care leavers ending up in custody, must be visited on a regular basis (Prison Reform Trust and Inquest, 2012).

- All secure establishments are required to have a clear anti-bullying strategy in operation - and ensure children and young people are able to safely voice their concerns (Rose, 2014; Tunnard, Ryan and Kurtz, 2005).

- A ‘Minimising and Managing Physical Restraint’ system has been introduced to monitor and manage the use of restraint (Prison Reform Trust and Inquest, 2012).

- A ‘Placement Review and Transfer Protocol’ (and associated appeals protocol) was published by the YJB in an effort to ensure children are placed in the most appropriate secure establishment and any plans to move the child would consider the best interests and needs of the child (Stone, 2014).

- YJB introduced a code of practice in 2006 as guidance to managing ‘challenging and problematic behaviour’ of children in the secure estate - including mechanisms for children to make a complaint (Youth Justice Board for England and Wales, 2006b).

- (Following the earlier 2003 review) The YJB and the Prison Service carried out a joint review of child protection and safeguarding practices in the secure estate in 2008 (Wales. National Assembly, 2010). One of the recommendations being that staff need clear direction about what is expected of them, with defined roles and responsibilities, transparent lines of accountability, and monitoring systems in place (Youth Justice Board and National Children’s Bureau, 2008).

- Since 2012, every remanded child (not just those remanded to STCs and SCHs) automatically acquires looked after status and protection (Association of Independent LSCB Chairs, 2014).

- (More recently) a range of mechanisms have been put in place to improve the sharing of information and learnings relating to safeguarding in the secure estate and the YJB issued a new Child Protection Policy in 2014 (Youth Justice Board for England and Wales, 2015b).

- The ‘Working Together to Safeguard Children’ guidance was also updated in 2015 with certain elements focused specifically on the needs of children in custody (Youth Justice Board for England and Wales, 2015b).
Effectiveness of policy developments

There are some positive examples of the effectiveness of new policies, the progress they have made, and factors which have contributed to their success. For example, the involvement of children in establishment changes (see for example, Youth Justice Board and National Children’s Bureau, 2008; Tunnard, Ryan and Kurtz, 2005). However, improved practice in the secure estate as a result of new policies has been inconsistent and the need for significant progress is highlighted (Goldson, 2007; Youth Justice Board and National Children’s Bureau, 2008).

Factors linked to this inconsistency - and which affect safeguarding - include:

- A lack of guidance, support and frameworks from government, LSCBs or other external bodies/agencies on how best to implement new policy and ensuring they are adhered to (Youth Justice Board and National Children’s Bureau, 2008; Stuart and Baines, 2004b; Berelowitz and Hibbert, 2011; Youth Justice Board for England and Wales, 2006b).

- A lack of formalised systems in place to quality assure safeguarding processes or a standardised approach to reviewing and updating policies (Youth Justice Board and National Children’s Bureau, 2008).

Inconsistencies appear to exist by establishment type and at individual establishment level (Youth Justice Board and National Children’s Bureau, 2008). For example, safeguarding processes and procedures are said to be far better in (smaller) SCHs and STCs compared to (larger) YOIs (Youth Justice Board and National Children’s Bureau, 2008; Stuart and Baines, 2004b; Stuart and Baines, 2004a; Pitts and Stevens, 2011; Kennedy, 1995; Hollingsworth, 2014). However, SCHs also face their own specific safeguarding challenges as they are also typically working to local authority-wide policies which may not always be helpful to the practice of the secure estate (Youth Justice Board and National Children’s Bureau, 2008).
Child sexual abuse in custodial institutions: A rapid evidence assessment