

The UK's compliance with the United Nations Convention on the Rights of the Child

Evidence to the Joint Committee on Human Rights from Carolyne Willow

Children in custody

1. Introduction

I am a children's rights campaigner and writer, as well as a registered social worker. I started my career as a child protection social worker in 1988, and then moved into roles promoting and protecting the rights of children in care. Between 2000 and 2012, I was national co-ordinator of the Children's Rights Alliance for England (CRAE), and led the NGO (England) submissions to the Committee on the Rights of the Child in 2000 and 2008. Since leaving CRAE, I have been researching the treatment of children in penal custody, culminating in my book *Children behind bars*, published last month. I am now in the process of establishing a charity to promote and protect the rights of children in institutional settings.

My submission to the Committee is aimed at assisting your analysis of the extent to which the situation for children's rights has improved or deteriorated with regard to children in custody. The focus of my submission is children's rights in England.

2. Concluding observations 2008

After the Committee on the Rights of the Child last examined the UK's compliance with the CRC, it made several recommendations pertaining to children in custody. These were:

- The state should use all available resources to protect children's right to life, including by reviewing the effectiveness of preventive measures. There should be an automatic, independent and public review of any unexpected death or serious injury of a child in custody
- Restraint against children must be used only as a last resort and exclusively to prevent harm to the child or others. All methods of physical restraint for disciplinary purposes must be abolished
- The age of criminal responsibility should be raised
- A broad range of alternative measures to detention should be developed
- The principle that detention must be used as a measure of last resort and for the shortest period of time should be enshrined in law
- Children in custody must always be separated from adults
- Children in custody should be given the statutory right to education

- Ensure children in custody have the right to maintain contact with their family through regular visits (unless this conflicts with their best interests).

2.1. *Protecting children’s right to life; review of preventive measures; and reviews of child deaths and serious injuries of children in custody*

Three more children have died in custody since the UK’s last examination by the Committee on the Rights of the Child. The total number of children to die in custody in England since the UK signed the CRC in 1990 is 33. There has never been any public inquiry following a child’s death in custody, even when requested by a coroner – as with the case of Joseph Scholes (died in 2002).

Ryan Clark, aged 17, was found hanging in his cell at 7.51am on 18 April 2011 whilst on remand at Wetherby young offender institution (YOI). Jake Hardy, also aged 17, was found hanging in his cell at Hindley YOI in Wigan at 11.45pm on 20 January 2012 whilst serving a six-month sentence for affray and assault. He was pronounced dead in hospital four days later. Alex Kelly, aged 15, was found unconscious in his cell at Cookham Wood YOI in Kent at approximately 8.30pm on 25 January 2012, and was pronounced dead in hospital the following evening. Alex was serving a 10-month custodial sentence for burglary and theft of a vehicle.

All three boys were profoundly vulnerable, two had been looked after by local authorities from early childhood and the third had a statement of special educational needs and ADHD. They each struggled to cope within the prison environment and were punished for behaviour symptomatic of extreme child distress. Inquests and serious case reviews conducted after the children’s deaths raised a catalogue of failures by agencies within and outside the prisons. The independent Chair of Leeds Safeguarding Children Board (LSCB) told the inquest into the death of Ryan Clark, who was looked after from the age of 16 months, that the system failed him. For the last year of his life, this child had ‘no consistent professional responsible for him’.¹

The coroner conducting the inquest into the death of Alex Kelly submitted a report to the Justice Secretary under her statutory duty to take action to prevent other deaths.² This report states:

*‘[Alex Kelly was] a child with complex unresolved emotional issues and undiagnosed mental health issues [but] prison staff misread his behaviour as obstructive rather than signs of distress or a means of communicating that he needed help... I am aware of the deaths of a number of other children in custody who similarly had not had forensic psychiatric assessments... **there is a risk that future deaths will occur unless action is taken [emphasis added]**’.*³

The serious case review undertaken after the death of Jake Hardy observed that the local authority's youth offending service had successfully persuaded the Youth Justice Board (YJB) to make '*greater use of Secure Training Centres and Children's Homes for young people in custody [since these] are smaller establishments... and provide a more supportive environment.*'⁴ This action relates only to Derbyshire children: the vast majority of detained children continue to be imprisoned in YOIs (see below).

While inquests and serious case reviews are vital mechanisms for establishing the cause of individual children's deaths, and exposing inadequacies in their care and treatment by statutory agencies, neither gives full effect to the Committee on the Rights of the Child's recommendations concerning the child's right to life (article 6) and the effectiveness of preventive measures. Critically, neither process is aimed towards establishing the extent to which the child's CRC rights had been upheld before they died or, more narrowly, whether there had been any breaches of the treaty's general principles (articles 2, 3, 6 and 12) and what action had been taken to prevent the child having contact with the criminal justice system and being imprisoned (article 37b).

There is no statutory duty on the Secretary of State or any other named person to take remedial action when an inquest or serious case review has indicated other children may be at significant risk of death or serious injury.

Successive governments' refusal to establish an independent inquiry into child deaths in custody, as is now in process in respect of young adults⁵, inevitably impedes the development of effective child-centred mechanisms that have the explicit aim of preventing further child deaths and serious injuries in custody.⁶ As for reviews of serious injuries suffered by children in custody, the current legislative framework only requires a serious case review when a child has been seriously harmed and there is cause for concern about how agencies have worked together to safeguard the child. This creates a very high hurdle for independent scrutiny of the failure of custodial establishments to safeguard and promote the welfare of children.⁷

In March 2013, I made freedom of information requests to every English local authority asking about the number of section 47 (child protection) enquiries⁸ established in relation to children in custody, and the number of serious case reviews undertaken, within the past five calendar years. At the time, 12 local authorities had YOIs and/or secure training centres (STCs) in their area. Only half of these provided data on the number of section 47 investigations they had undertaken in respect of abuse and neglect allegations from child prisoners. One local authority said it investigated more than three-quarters of allegations whereas two failed to establish any official enquiries, and the remaining three responded to just 3%, 5% and 9% of children's reports of abuse.

Despite continuing high rates of injury following self-harm, assaults and restraint, and other findings from research I have undertaken about prison officers disciplined for child abuse, as well as those jailed for sexual offences against children, there was just one report of a serious case review being established in respect of a child who had died in custody. Not a single local authority reported a serious case review being instituted because a child had suffered a serious injury in custody.

Custodial establishments are required to report to the YJB a number of incidents that ‘involve highly sensitive issues’ – including the death of a child; serious injury requiring ‘substantial medical treatment’; the refusal of food for three consecutive days (unless it is deemed to be life-threatening before this time); and deliberate self harm which is seen to be life-threatening and requires substantial medical treatment.⁹ The YJB’s policy document refers to the possibility of Ministers being informed of such matters. However, there is no reference to establishments routinely reporting these grave incidents to the child’s parents, his or her home local authority or to independent reviewing officers (assigned to looked after children).

Secure children’s homes (SCHs) must notify serious incidents to Ofsted. These incidents are set out in statute and include the death of a child; serious complaints about the home or anyone working there; section 47 enquiries established in respect of a child in the home; attempted suicide and serious self harm; and serious assaults by children within the home. Establishments are required to notify the Secretary of State of any death of a child in their care; and placing local authorities must be notified of all events.¹⁰ The SCH must notify parents of any significant incident affecting their child’s welfare (with some caveats).¹¹

The Department for Education plans to reduce the number of incidents that SCHs must notify Ofsted (and LSCBs in future) because, it says, ‘local authorities are unclear both about the requirement to notify and what constitutes a notifiable incident’.¹² The intention is to apply the notification duty only to child deaths and to serious harm where abuse or neglect is known or suspected. This means neither Ofsted nor LSCBs will any longer have an independent scrutiny function in relation to self-harm unless this is seen to be connected to abuse or neglect (though the YJB will continue to collect this data in respect of children detained in SCHs on remand or conviction). They will also not be routinely informed of child abuse allegations and complaints where a child is not deemed to have suffered serious harm.

The YJB publishes data annually on injuries suffered by children in custody arising from self-harm, assault and restraint. In the five years since the Committee on the Rights of the Child last examined the UK, the data shows there were 3,920 incidents where children were injured as a result of self-harm (1,471 incidents), assault (1,389)

and restraint (1,060). This equates to an average of 15 incidents causing injuries in custody every week across the whole five-year period. Table 1 below gives the aggregate data for the five-year period, indicating that the majority of injuries occurred in YOIs. This would be expected given these establishments hold the majority of children in custody: in December 2014, 69% of the 957 children in custody were held in YOIs; 21% were in STCs; and just 10% were in SCHs¹³).

Table 1: Incidents leading to injury in child custody, 2009/10–2013/14

	Total number	YOIs	STCs	SCHs
Self-harm incidents leading to injury	1,471	1,088 (74%)	139 (9%)	244 (17%)
Assault incidents leading to injury	1,389	917 (66%)	374 (27%)	98 (7%)
Restraint incidents leading to injury	1,060	631 (60%)	318 (30%)	111 (10%)

Table 2 below shows the number of self-harm incidents per 100 children in each type of custody between 2009/10 and 2013/14, and Table 3 indicates the number of self-harm incidents involving injury to a child. Official data does not indicate the total number of injuries suffered by children, and neither does it show the rate of injury following self-harm, making comparisons between the different types of custody difficult.

Notwithstanding these reservations, the data suggests that, although children self-harm less frequently in YOIs than in SCHs, incidents are more serious in YOIs.

Table 2: Number of self-harm incidents per 100 children per month, 2009/10–2013/14

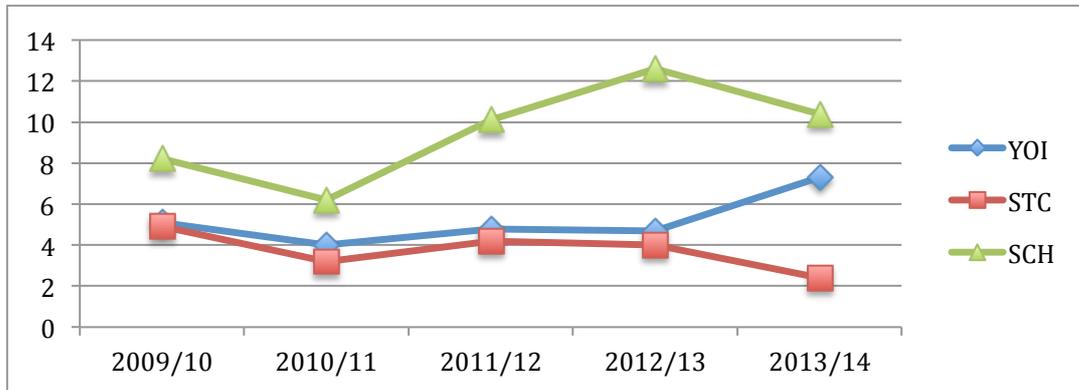


Table 3: Number of self-harm incidents involving injury, 2009/10–2013/14

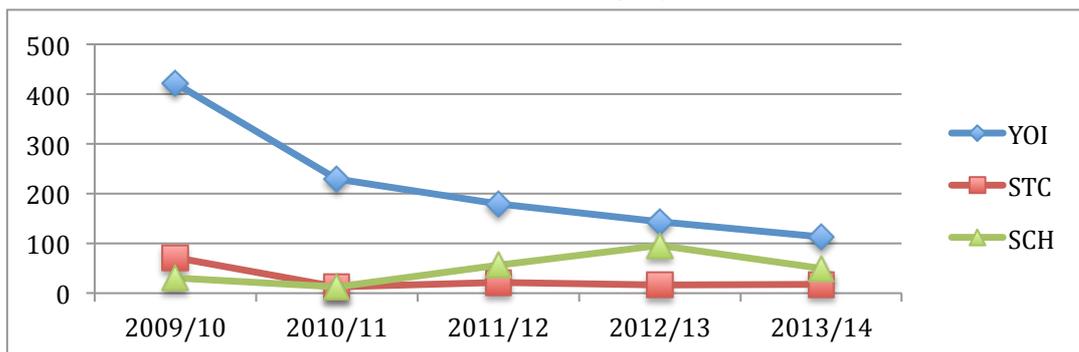


Table 4 below shows the number of assault incidents per 100 children in each type of custody between 2009/10 and 2013/14, and Table 5 indicates the number of assault incidents involving injury to a child. The data suggests that assaults in YOIs occur far less frequently than in other types of custody, but that injury is more common.

Table 4: Number of assault incidents per 100 children per month, 2009/10–2013/14

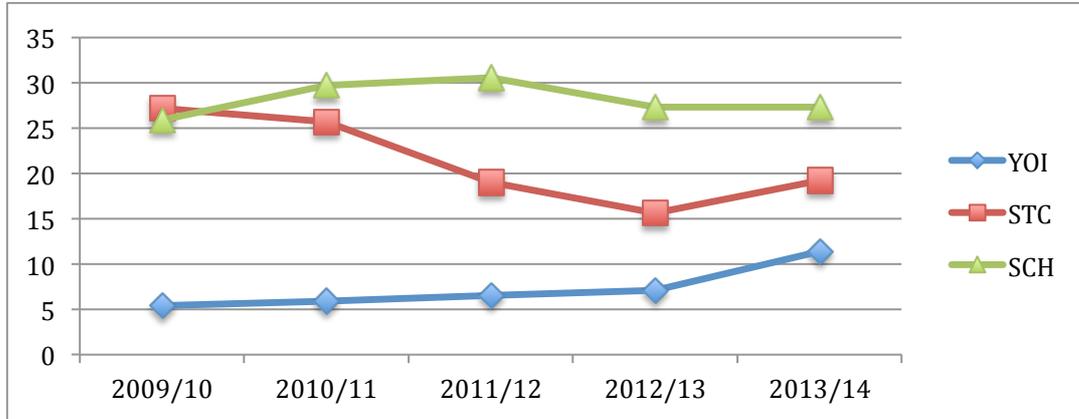


Table 5: Number of assault incidents involving injury, 2009/10–2013/14

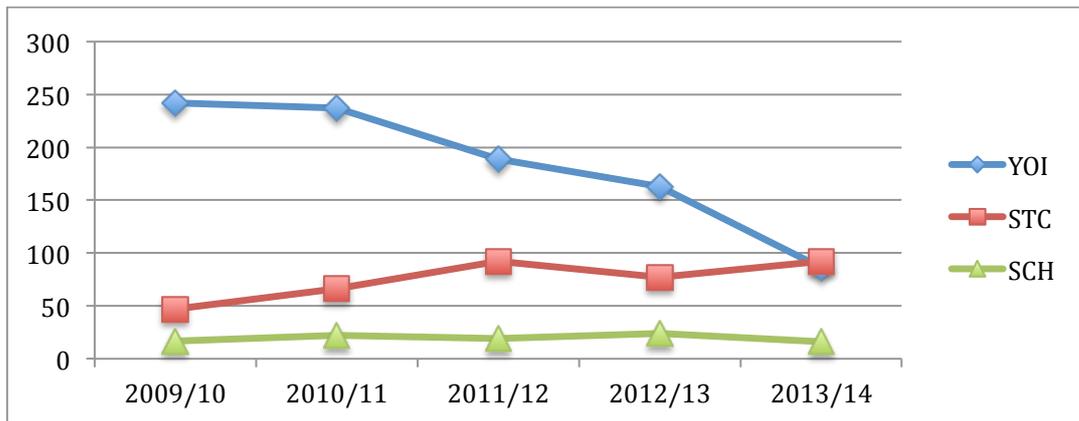


Table 6 below shows the number of restraint incidents per 100 children in each type of custody across the five-year period 2009/10–2013/14, and Table 7 indicates the number of restraint incidents involving injury to a child. The data suggests that children are restrained less frequently in YOIs yet they sustain the most injuries.

Table 6: Number of restraint incidents per month per 100 children, 2009/10–2013/14

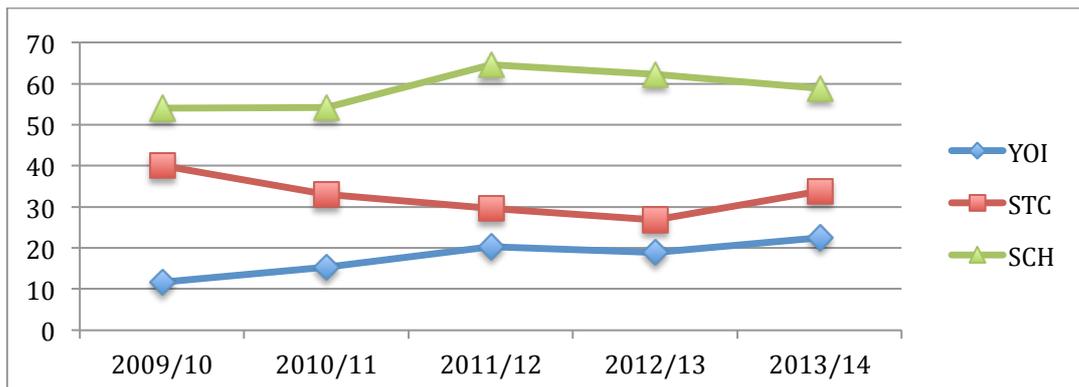
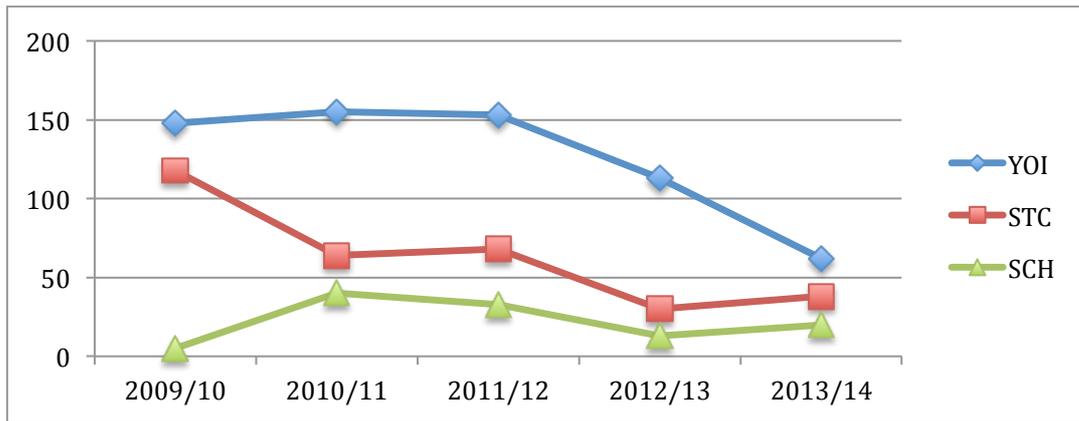


Table 7: Number of restraint involving injuries, 2009/10–2013/14



2.2 Restraint against children must be used only as a last resort and exclusively to prevent harm to the child or others. All methods of physical restraint for disciplinary purposes must be abolished

Since the Committee on the Rights of the Child last examined the UK, the second inquest into the death of 14 year-old Adam Rickwood in Hassockfield STC confirmed he was subject to unlawful restraint and the institution was running an unlawful regime. The following year, the High Court found all four STCs had been subjecting children to widespread unlawful restraint for at least a decade.

Individual cases brought to the attention of the Prisons and Probation Ombudsman and the prisons inspectorate have highlighted many instances of children in YOIs being subject to extreme forms of restraint, and suffering broken bones and degrading treatment, in situations where the child was not fighting or being violent and the use of restraint was highly questionable.

There has been no progress on the removal of pain infliction as a form of restraint in child prisons, despite the UN Committee Against Torture’s recommendation in 2013 that the UK ‘ban the use of any technique designed to inflict pain on children’.¹⁴ One-third of the restraint techniques in the new Minimising and Managing Physical Restraint (MMPR) system of restraint for child custody relies on the infliction of severe pain. In addition, officers are trained in personal safety techniques. The MMPR manual has been published with 182 redactions; I am presently applying to the upper tribunal to appeal against the first-tier tribunal’s decision to uphold the Information Commissioner’s decision that to release the full manual would jeopardise security in both adult and child prisons because there are many similarities between the MMPR restraint techniques and those used on adult prisoners. The Ministry of Justice has similarly refused disclosure of the personal safety manual.

Staff are authorised to restrain children whilst they are being strip-searched. The Restraint Advisory Board, which conducted the independent assessment of the MMPR

restraint techniques, was not invited to assess the methods used by private contractors on children during transportation. Furthermore, the Government has not given a clear assurance that it obtained legal advice confirming the lawfulness of methods of restraint that inflict pain – this was the condition imposed by medical practitioners when they gave temporary approval for the techniques to be used on children.

Custody officers in the new secure colleges are to be empowered to use force to ensure good order and discipline, risking widespread breaches of children’s right to protection from all forms of violence (article 19) and inhuman and degrading treatment or punishment (article 37).

Recent limitations on children’s access to legal aid to challenge mistreatment in custody is a very serious attack on child protection given continuing concerns about the use of restraint in custody, and the known difficulties abused children in closed institutions have in accessing outside help.¹⁵

2.3 *Raising the age of criminal responsibility*

The age of criminal responsibility has a direct relationship with the number of children in custody in two ways. First, if a child cannot legally enter the criminal justice system, he/she cannot be given a sentence of custody. Second, the younger a child is brought into contact with the criminal justice system the greater the chance of him/her travelling ‘up tariff’ and being given a custodial sentence during his/her childhood years.

The UK Government’s report to the Committee on the Rights of the Child explains why the age of criminal responsibility has not been increased:

‘The UK Government believes that children aged 10 are able to differentiate between bad behaviour and serious wrongdoing and it is right that they should be held to account for their actions.’¹⁶

No explanation is given as to why primary school children cannot be held to account for their actions through other means than arrest and criminal prosecution.

Members of the Joint Committee on Human Rights will be aware that younger children (10-14 year-olds) had greater statutory protection from formal contact with the criminal justice system *before* the UK ratified the CRC.

The substantial reduction in the number of first-time child entrants to the criminal justice system in recent years indicates greater compliance with article 37’s requirement to make the arrest of children a measure of last resort as well as the Children Act 1989’s obligation on local authorities to reduce the need for criminal proceedings being

brought against children in their area.¹⁷ However, this is no substitute for ministers deciding a) to use legislation to protect children from contact with the criminal justice system, and b) to concentrate their efforts on bolstering the capacity of families and child welfare services to promote and protect the rights of children. Such a bold move would accord with current political and public concern about child sexual exploitation and the abuse of children in institutional settings, whereby children perceived to be ‘unworthy’ and ‘criminal’ have been denied protection from statutory agencies.

Table 8 below indicates the age breakdown of children entering the criminal justice system for the first time in each of the last five years.

Table 8: Age of first-time child entrants to criminal justice system, 2009/10–2013/14

	Total	2009/10	2010/11	2011/12	2012/13	2013/14
10-12 years	17,697	6,762	4,252	3,049	2,184	1,450
13 years	20,206	7,218	4,771	3,540	2,664	2,013
14 years	31,785	10,751	7,490	5,859	4,350	3,335
15 years	40,110	12,961	9,337	7,337	5,893	4,582
16 years	41,809	12,388	9,873	8,128	6,153	5,267
17 years	44,299	12,484	10,245	9,009	6,814	5,747
Total	195,906	62,564	45,968	36,922	28,058	22,394

2.4 Alternatives to detention and article 37b in law

There has been a significant reduction in the number of children in custody since the UK’s last examination by the Committee on the Rights of the Child in 2008.

Place of detention	Average for 2008/09¹⁸	Average for 2013/14¹⁹	% change between
Young offender institution	2,444	825	296% decrease
Secure training centre	236	262	11% increase
Secure children’s home	201	129	56% decrease
Total average children in custody	2,881	1,216	236% decrease

A number of inter-related factors can be attributed to the reduction in the use of child custody across this period, including a dramatic decrease in the number of children appearing before the courts, a falling child population and a relatively quiet political atmosphere surrounding child offending.²⁰ I am not aware of any research into the effects of the custody scandals of the past 10 years, but feel sure the revelations of widespread unlawful restraint in STCs²¹, continuing concerns about self-harm and very poor conditions, and the appalling deaths of child prisoners, must have impacted the actions of those working with, and making decisions about, children at a local level. The dangers of child custody have become even more apparent. With the demise of so many juvenile YOIs, it is unquestionable that far fewer children are being placed in damaging environments than was the case in 2008/09. However:

- We still lock up more children than we did when the UK took on the CRC's legal obligations to use arrest and detention as a measure of last resort (article 37b) and to develop alternatives to institutional care consistent with children's wellbeing (article 40(4)). The average juvenile YOI population in 2013/14 was 144% higher than in 1991, the year the UK ratified the CRC (825 children compared with 572²²)
- England continues to operate far outside European norms in our use of penal incarceration for children. Latest results of the annual penal survey conducted by the Council of Europe reveal only two of 46 member states had more children in prison than the UK in September 2011 (Greece and Turkey, though the Russian Federation did not participate in the survey). Less than 10 children were imprisoned in 18 countries – including Denmark, Finland, Norway, Spain and Sweden²³
- One in five (21%) of children in custody were held on remand in 2013/14. Of these, 25% were subsequently acquitted and another 37% were given a non-custodial disposal.²⁴ In human terms, this was 1,272 children sent to custody for offences they were either found innocent of, or for which a non-custodial sanction was deemed most appropriate – in a single year
- Ministers have failed to introduce a custody safeguard that would ensure children could be only given a sentence of custody as a measure of last resort, as recommended by the Committee on the Rights of the Child in 2008 and NGOs²⁵
- The substantial disinvestment in SCH provision will make it more difficult (though not impossible) for future policymakers to reject imprisonment in favour of care and containment that is compliant with the CRC and other international standards. More than a decade has passed since the inquest jury considering the death in 2002 of 16 year-old Joseph Scholes in a Shropshire YOI asked: 'Perhaps more money could be put into building more secure units'.²⁶

2.5 *Children in custody always separated from adults*

The prisons inspectorate repeatedly raises concerns about children being transported with adults to custody.²⁷ This breaches domestic legislation²⁸ as well as article 37c CRC. Child prisoners are held in segregation alongside adults in at least one YOI.²⁹

2.6 *Statutory right to education*

Children in custody have extremely poor educational histories prior to detention, and a significant proportion have learning difficulties. Latest data shows 88% of children held in YOIs were excluded from school, and 38% were 14 years or younger when they last attended school.³⁰ The Apprenticeships, Skills, Children and Learning Act 2009 placed a legal duty on local authorities to ensure 'enough suitable education is provided to meet the reasonable needs' of children in custody.³¹ The duty came into force in September 2010. A few years after this, the Local Government Association reported, 'councils are in the untenable position of having the legal duty but not the power to fulfil it'.³² Children held in YOIs were, at that time, meant to receive 15 hours education

a week – half the amount provided to children held in SCHs. Even so, the Ministry of Justice admitted, ‘Frequently, young people do not get the required hours of education’.³³ From March 2015, the four remaining YOIs are due to start providing 30 hours education a week.³⁴ No minimum requirements for children’s education were enshrined in the primary legislation establishing secure colleges, and the statutory functions of the ‘principal’ are tied to the Prison Act 1952 (and forthcoming rules) rather than to education or child welfare legislation.³⁵

2.7 Family contact

The Department for Education promotes placements close to home for looked after children, and requires local authorities to provide data on such placements in order to monitor the situation (17% were placed more than 20 miles away on 31 March 2014³⁶). There is no such policy commitment for children in custody. Indeed, the Ministry of Justice’s secure colleges plan will entrench the practice of placing vulnerable children many miles from their homes and communities. The Government has been explicit that costs savings are dependent upon younger, and more vulnerable children, being placed in the secure colleges:

*The Secure College model will be able to accommodate 12-17 year olds, including younger and more vulnerable children in custody as well as those aged 15-17 and currently accommodated in YOIs. Should this not be the case, the savings from the consolidation of the youth custodial estate would be reduced.*³⁷

The quantity and quality of family contact in penal custody (YOIs and STCs) is integrated into institutions’ rewards and sanctions schemes, and the managers of these institutions have weaker statutory duties to promote and enable family contact than managers running SCHs. Secure colleges will be expected to entitle children to just one family visit a week, with the principal having discretion beyond this.³⁸ The same restrictions on adult prisoners hugging family members during visits are also imposed on child prisoners. Each of the three boys who died in custody since 2008 experienced difficulties with maintaining family contact, and bereavement and distress caused by lack of family contact is known to have punctuated the deaths of other children in custody.³⁹

3. Conclusion

There is no sense that the principles and provisions of the CRC have informed policy development in relation to children in custody since the UK was last before the Committee on the Rights of the Child. The substantial decrease in the numbers of children entering the criminal justice system, being brought before criminal courts and being given a sentence of custody is very welcome. This means far fewer children are being exposed to processes and institutions known to be extremely harmful. However,

this progress does not signal a radical change of direction required by the CRC, and the many breaches identified by the Committee on the Rights of the Child in 2008 (and before) continue today.

Ministers pressed ahead with legislation to introduce secure colleges despite strong opposition from parliamentarians, professional bodies and NGOs. That children as young as 12 are intended to be held in these prisons is likely to attract criticism from the Committee on the Rights of the Child which, 20 years ago, was very alarmed to hear of proposals to detain young children in STCs.⁴⁰ The JCHR has repeatedly expressed concern about the Government's failure to undertake a CRC impact assessment of the secure colleges legislation.⁴¹ Imprisoning a child is one of the gravest acts undertaken by the state. The legislation was passed in the absence of a robust and transparent assessment across government of the extent to which children's rights will be enhanced or endangered within these large prisons. This is surely a shameful prelude to the UK's examination by the Committee on the Rights of the Child in 2016.

Carolyn Willow

9 March 2015

References

¹ INQUEST press release, 28 January 2014, 'Serious failures identified by jury at inquest into death of 17 year old Ryan Clark at HMYOI Wetherby'.

² Paragraph 7, Schedule 7, Coroners and Justice Act 2009.

³ Israel, S., Channel 4 news report: 23 February 2015: "'Could have been saved'": failing the mentally ill in prison' <http://www.channel4.com/news/mental-health-deaths-custody-detention-prisons-alex-kelly>

⁴ Johnston, G. (2014) Serious case review overview report in respect of ADS: born 15th June 1994: died 24th January 2012. Derbyshire Local Safeguarding Children Board, page 33.

⁵ The Independent Review into Deaths in Custody of Young Adults (aged 18-24), under the chairmanship of Lord Harris, was established in January 2014.

⁶ The aim of serious case reviews is not set out in legislation. The statutory functions of Local Safeguarding Children Boards, which are required to establish the reviews, are (a) to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area of the authority; and (b) to ensure the effectiveness of what is done by each such person or body for those purposes: Section 14, Children Act 2004.

⁷ Section 11, Children Act 2004.

⁸ Section 47 of the Children Act 1989 requires local authorities to investigate whether action is required to safeguard or promote a child's welfare when they have reasonable cause to suspect that a child in their area is suffering, or is likely to suffer, significant harm.

⁹ Youth Justice Board (2009) Protocol for reporting serious & significant incidents.

¹⁰ Schedule 5, The Children's Homes Regulations 2001.

¹¹ Section 30(2), The Children's Homes Regulations 2001.

¹² Department for Education (2015) Revisions to working together to safeguard children. Government consultation, pages 10-11.

¹³ Ministry of Justice and Youth Justice Board (2015) Youth custody report.

¹⁴ UN Committee Against Torture (2013) Concluding observations on the fifth periodic report of the United Kingdom, paragraph 28.

¹⁵ For references in this section, see chapters 5 and 6 of Willow, C. (2015) Children behind bars. Why the abuse of child imprisonment must end. Policy Press.

- ¹⁶ UK Government (2014) The fifth periodic report to the UN Committee on the Rights of the Child. United Kingdom, page 55.
- ¹⁷ Paragraph 7, Schedule 2, Children Act 1989.
- ¹⁸ Data taken from Youth Justice Board (2009) Workload statistics 2008/09. Table 5.1: Secure estate for children and young people establishment type populations and occupancy rates, 2008/09.
- ¹⁹ Data taken from Ministry of Justice and Youth Justice Board for England and Wales (2015) Youth Justice statistics. Table 7.1: Custody population and occupancy rates by sector, 2013/14.
- ²⁰ See Allen, R. (2011) Last resort? Exploring the reduction in child imprisonment 2008-11. Prison Reform Trust.
- ²¹ [2013] EWHC 498 (Admin).
- ²² Utting, W. (1991) Children in the public care. A review of residential child care. HMSO, page 40.
- ²³ Aebi, M. F. and Delgrande, N. (2013) Council of Europe annual penal statistics. Space I survey 2011. Strasbourg: Council of Europe, pages 68-69.
- ²⁴ Ministry of Justice and Youth Justice Board for England and Wales (2015) Youth Justice statistics. Table 6.5: Outcomes for young people on custodial remand, 2009/10 to 2013/14
- ²⁵ Standing Committee for Youth Justice (2010) Raising the custody threshold, page 28.
- ²⁶ [2006] EWCA Civ 1343 [32].
- ²⁷ See, for example: Her Majesty's Inspectorate of Prisons (2015) Report on an unannounced inspection of HMYOI Werrington by HM Chief Inspector of Prisons, 1 – 12 September 2014, page 19; Her Majesty's Inspectorate of Prisons (2014) Report on an unannounced inspection of HMYOI Cookham Wood by HM Chief Inspector of Prisons, 9 – 20 June 2014, page 19; Her Majesty's Inspectorate of Prisons (2014) Report on an unannounced inspection of HMYOI Hindley by HM Chief Inspector of Prisons, 3 – 14 March 2014, page 21; and Her Majesty's Inspectorate of Prisons (2014) Report on an unannounced inspection of HMP & YOI Wetherby by HM Chief Inspector of Prisons, 7 – 18 October 2013, page 19.
- ²⁸ Section 31, Children Act 1933.
- ²⁹ Her Majesty's Inspectorate of Prisons (2013) Report on an unannounced inspection of HMP/YOI Feltham (Feltham A – children and young people), 21 – 25 January 2013, by HM Chief Inspector of Prisons, page 31.
- ³⁰ HM Inspectorate of Prisons and Youth Justice Board (2014) Children in custody 2013–14. An analysis of 12–18-year-olds' perceptions of their experiences in secure training centres and young offender institutions. Appendices: Young offender institutions.
- ³¹ Section 48, which inserts new Section 18A into the Education Act 1996.
- ³² Local Government Association (2013) LGA response to Transforming Youth Custody Ministry of Justice consultation, 29 April 2013, page 3.
- ³³ Ministry of Justice (2013) Transforming youth custody. Putting education at the heart of detention. Consultation paper.
- ³⁴ Ministry of Justice press release, 15 December 2014, 30 hours education a week for young offenders.
- ³⁵ See Schedule 10, Criminal Justice and Courts Act 2015.
- ³⁶ Department for Education (2014) Children looked after in England, including adoption. Table A6: Children looked after at 31 March by distance between home and placement and locality of placement. Year ending 31 March 2014.
- ³⁷ Ministry of Justice (2014) Transforming youth custody. Impact assessment, page 3.
- ³⁸ Ministry of Justice (2014) Plans for secure college rules, page 13.
- ³⁹ See chapter 3 of Willow, C. (2015) Children behind bars. Why the abuse of child imprisonment must end. Policy Press.
- ⁴⁰ Committee on the Rights of the Child (1995) Concluding observations of the Committee on the Rights of the Child: United Kingdom of Great Britain and Northern Ireland, paragraphs, 18, 19 and 36.
- ⁴¹ Joint Committee on Human Rights (2014) Second Report. Legislative Scrutiny: (1) Serious Crime Bill, (2) Criminal Justice and Courts Bill (second Report) and (3) Armed Forces (Service Complaints and Financial Assistance) Bill, paragraph 2.7.