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OpenLearn course: Youth justice in the UK: children, young people and crime
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Putting children in custody punishes disadvantage

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Most young people in custody have had childhoods marked by neglect and abuse. Locking them up is no solution to offending

[Locking up children](#) is the surest way to increase the adult prison population of the future. Before getting into trouble, most young people will have had childhoods marked by abuse and neglect. By the time they reach custody many will be inured to punishment. No surprise, then, that three quarters of these 10-17-year-olds will be reconvicted within a year of release.

At any given time, between 2,000 and 3,000 10-17-year-olds in England and Wales will be in custody. More children are locked up – on remand or under sentence – in this country than in most others in Europe. At 10 years, the age of criminal responsibility in England and Wales is lower than almost all other European nations. Between 1997 and 2007, the number of 10-14-year-olds in custody increased nearly three-fold, by 295%. With numbers just starting to drop back and a determination by the government to cut out any unnecessary use of custody, this could be the time to take a more active, effective approach.

A major [study by ICPR](#) based on a census survey of over 6,000 children in custody, published this week by the [Prison Reform Trust](#), set out to find who these children are and how and why they came to be there. Part of the [Out of Trouble programme](#), this report shows most young people in custody are being doubly punished: first, by having very difficult childhoods characterised by loss and disadvantage; then, by being locked up, often for not very serious crimes.

At least three quarters of children had absent fathers, and a third had absent mothers; more than a quarter had witnessed domestic violence and a similar proportion had experienced local authority care; a fifth were known to have harmed themselves and 11% to have attempted suicide. More than one in 10 had suffered the untimely death of their mum or dad, brother or sister.

Jake, 15, jailed for 10 months for breaching a community order after being in care, excluded from four schools and in and out of trouble for many years, told the Prison Reform Trust: "My mum had an accident and died one day and that's probably the reason why I'm in here. Upset and then not bothered about anything." He has had no visits from family while in custody and said: "Not bothered. I've done something wrong so I have to do this."

The findings show that a great many children like Jake are being sentenced to custody for offences that are, in themselves, not very serious. Three fifths were convicted of offences that would usually result in non-custodial sentences and half the children were imprisoned for crimes that were not violent.

The study reveals a "fast track" into custody for breach. Around three fifths of those imprisoned for nonviolent, less serious offences were for breaches such as not complying with conditions of community sentences, of asbos, of licences following earlier release from custody or for failing to surrender to bail. But missed meetings and broken curfews should not merit jail.

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Most of the children sentenced to custody were repeat offenders – and it is the persistence of their offending, rather than the gravity of the offence, which would seem to explain the use of custody in most instances. Prison is often seen as a deterrent; but for these young people it clearly isn't. It is just the last in a long series of bad experiences in which family and state have failed to protect them from harm and steer them out of trouble.

If offending by children is to be effectively tackled, their welfare needs must be addressed. Early intervention and family support are vital. Schools must pick up on learning difficulties and disabilities. New GP commissioning should take account of children's health and welfare needs. If child custody budgets were devolved, local authorities could get a better grip on effective alternatives, such as intensive fostering or restorative justice. The government's sentencing review and commitment to a "rehabilitation revolution" could present valuable opportunities for reform.

A [YouGov poll](#) conducted to coincide with the report suggests the public would support alternatives to custody for children. Nearly two thirds of the 2,089 people surveyed said they did not want to see children behind bars until at least the age of 12, rising to 14 for young people convicted of a nonviolent crime. Better supervision by parents, treatment to tackle drug addiction and binge drinking and better mental-health care are all rated much more effective than a prison sentence at preventing young offenders from returning to crime.

Norman Tutt, former director of social services in Leeds, led groundbreaking research into child custody 25 years ago. In his foreword to this new study, he concludes: "We are currently being exhorted by the coalition government to propose ideas to reduce wasteful public expenditure. Let us start here, by reducing the inappropriate use of custody, and stop this waste of public money and children's lives."