

Written evidence from Agenda

Executive Summary

1. Girls in custody face considerable disadvantage, including high rates of mental ill health, self-harm, and experiences of abuse, and have distinct experiences from boys in the justice system. Gender-specific and trauma-informed approaches, which take account of the root causes of girls offending, are required to respond appropriately to girl's high levels of needs.
2. Whilst the numbers of girls in custody have reduced, there remain high numbers of girls entering custody on short sentences and for low level offences. Further efforts must be made to reduce the use of custodial sentences for girls, as even a short period of time in custody can be damaging and have a long-term impact.
3. Better join-up is needed between relevant organisations that are part of the solution to girls' offending and needs, both nationally and locally, and all strategies designed to meet the needs of young people in the justice system must take a gender focus.

The Youth Justice Population and entering the system

How has the young offender population changed and what are the challenges in managing this group?

a) What are the characteristics of those entering the youth justice system and how has the mix of offences committed by young people changed?

4. Girls in custody face considerable disadvantage, with distinct experiences from both young men and adult women. They have been systematically overlooked in the criminal justice system - a minority in a system primarily designed around the needs of boys and young men - and their gender-specific needs are often misunderstood or overlooked. Their experiences illustrate the need for a gender-specific and trauma-informed response to girls at risk, which take account of the root causes of their offending.
5. Prior to entering custody, girls are more likely than boys to have experienced sexual abuse (1 in 3 compared to 1 in 20 boys)ⁱ, been exposed to domestic abuseⁱⁱ and have been reported by professionals to be at risk of sexual exploitation (60% compared to 7% boys).ⁱⁱⁱ When in custody, girls are more likely than boys to report feeling unsafe whilst detained (80% compared with 29% of boys).^{iv}
6. Girls offending patterns differ from boys: they are less likely to offend and their offences tend to be less serious.^v Many have had difficult experiences of home and family life, and their offending is often more likely than boys to be associated with problems relating to relationships with parents, partners and friends.^{vi}
7. Over the last decade, there has been a welcome decrease in the number of girls entering the criminal justice system for the first time.^{vii} At any one time, girls make up only around 4% of the youth custodial population. This reduction, however, masks the actual numbers of girls who pass through custody on short sentences and for low level offences. Three quarters of girls receive custodial sentences of six months or less, and 90% for 12 months or less.^{viii} A third (34%) of girls were sentenced to custody for non-violent offences, and three fifths were sentenced to custody for offences that were at the less serious end of the spectrum.^{ix} Given what is known about the impact of custody, for even a short time, and the ineffectiveness of short sentences, this is a concerning picture.
8. **The Youth Justice Board (YJB) should develop and lead a cross-departmental national strategy to manage and respond to the needs of girls at risk, focused on reducing the use of custody and addressing the underlying reasons for girls offending. This must fully involve all relevant departments to ensure girls can**

access the support they need across mental health, social services, housing and education, in custody and the community.

9. Data on the offence types or length of sentences for which girls are sent to custody is not regularly published, so it is not known whether government regularly carries out analysis on the needs and nature of the population of girls in custody. Youth custody data is not published in a way that allows for a reading of gender alongside other protected characteristics such as race and disability. **Data disaggregated by gender, ethnicity and other equality information must be regularly published and analysed to understand the changing nature of the population of girls who pass through the youth justice system, in both custody and the community.**
10. Whilst there has been considerable attention given to areas of what is perceived to be “youth crime”, including gang association, county lines and serious youth violence, girls have been all but completely overlooked in this, in a way that has been described as “a blind spot”.^x This lack of attention means girls needs are not being considered in the response designed, or in the funding allocated to these issues. **All strategies, initiatives and funding streams developed to tackle areas of youth offending, including gangs, county lines and serious youth violence, must recognise the specific experiences of girls.**

b) What is the experience of Black, Asian and Minority Ethnic offenders of the youth justice system and secure estate and what progress has been made in implementing the recommendations of the Lammy Review?

11. Black, Asian and minority ethnic (BAME) girls in the justice system face considerable and distinct disadvantage, discrimination and stigma, though their particular needs are mostly invisible in research and data. As with boys, BAME girls are overrepresented in the youth justice system: for example, Black girls make up 10.8% of all girls entering the criminal justice system for the first time,^{xi} and are five times more likely to be arrested for robbery compared to white girls, and three times more likely to be arrested for fraud.¹⁵
12. Whilst the Lammy Report highlighted the considerable racial bias against BAME children in the criminal justice system, it gave little attention to the particular experiences of girls. David Lammy himself acknowledged this, in evidence given to the Justice Select Committee:

“My view was that a separate piece of work could be targeted particularly at those [BAME] women. That was an area that needs a lot more explanation. I found that specific cohort to be very vulnerable and experiencing quite a lot of discrimination in our prison system.” (Lammy, 2019)

13. Agenda research into the experiences of adult BAME women also found that women felt they had been discriminated against at all stages of the justice system. It is likely that many of these negative experiences are shared by younger women. As one woman described:

“Women are treated lesser than men and I think Black, Asian people are treated lesser than white people so if you are a black or Asian woman... You're already at a disadvantage, a double disadvantage”^{xii}

14. All work to address the disproportional representation of BAME children, including all follow up to the Lammy Review, as well as care experienced young people in the justice system must take a gender focus.

c) How effective is the youth justice system in diverting children and young people away from custody and what more needs to be done?

15. Time in custody, even for a short time, can have a very negative effect on the wellbeing and outcomes of girls in both the short and long term. It should be of the highest priority to avoid sentencing girls to time in custody. Welcome measures to divert young people

away from the justice system must be sustained, with renewed effort to better understand the appropriate responses to girls offending and the wider challenges they face which can lead to offending. More needs to be done to divert girls away from the criminal justice system into appropriate gender-specific and trauma-informed alternatives at the earliest possible stage.

16. Analysis of sentencing data suggests that courts treat girls more punitively than boys, as girls tend to receive custody for less serious offences.^{xiii} Evidence also shows that risk can be over-predicted in girls, and their welfare needs can often be conflated with 'criminogenic risk factors'.^{xiv} When girls come in to contact with the police, particularly on welfare grounds, this presents an important opportunity to provide an appropriate gender-informed response and avoid further criminalisation.
17. Being in care can also lead to the criminalisation of young people, where incidents that would normally be dealt with outside the criminal justice system within family homes can escalate to police contact.^{xv} Not enough is known about whether this experience is different for girls, but more girls than boys have spent time in local authority care (55% compared to 27% boys)^{xvi} prior to entering custody so attention should be given to their specific needs.
- 18. A sustainably funded network of community gender-specific and trauma-informed provision should be established, towards which girls should be diverted at the earliest possible opportunity.**

Suitability of the Secure Estate

Is the secure estate a fit and proper place to hold children and young people?

a) What impact has the changing nature of the population had on the management of the secure estate?

19. Girls in custody are mostly held in mixed-sex establishments - Secure Children's Homes (SCHs) and Secure Training Centres (STCs) - where they are the significant minority among boys. STCs are unsuitable and unable to meet girls, where SCHs hold smaller numbers of children, have higher staff to child ratios and are more focused on children's welfare. The change to end the imprisonment of girls in youth offending institutions was welcome. **A clear next step in this process would be to end the detention of girls in all STCs and move all girls sentenced to custody to SCHs**, as recommended in recent research on the use of custody on girls.^{xvii}
20. A further issue to disproportionately affect girls is the distance they are held from home. Girls in England and Wales are held on average 72 miles from home, compared to 49 miles for all children. This is a particular issue for girls in Wales, who are often sent to England to serve sentences. This distance from home can lead to isolation and loneliness, and can make staying in contact with family and friends – which can play a significant role in effective resettlement - particularly difficult. This further supports the case for reducing the use of custody for girls wherever possible.

f) Is the use of force in the secure estate proportionate and properly monitored?

21. Data suggests use of force, physical restraint and isolation, often attempts to manage behaviour and even self-harm, is used disproportionately against girls in custody and that the use of these practices is increasing.^{xviii} This can cause trauma or further re-traumatisation, particularly given many girls in custody have previous experience of abuse and violence.^{xix} **Action plans must be developed to address the overuse of restraint in custody, and all youth justice staff should receive trauma-informed training to better understand the role of trauma in the lives of girls in custody.**

Resettlement and rehabilitation children and young people

Is sufficient support available in the secure estate and community to ensure that children and young people do not reoffend and if not, what more should be done?

a) Are children and young people able to access purposeful activity, education, healthcare and other support as needed whilst in custody?

22. The vast majority of girls in custody serve short sentences because they commit less serious offences, this can result in little opportunity for meaningful rehabilitative work or help to address underlying problems than can lead to offending. More must be done to ensure girls can access uninterrupted, long-term and high-quality support to address their range of support needs.
23. Girls in custody frequently have significant rates of mental ill health – 63% of girls in custody are assessed as having concerns around suicide or self-harm (compared to 30% boys), and 41% have concerns around their mental health compared to a third of boys.^{xx} Poor mental health can be exacerbated by contact with the justice system, for example by inappropriate responses from criminal justice agencies, being exposed to the severe trauma of others in custody, and a lack of mental health services or coordination between agencies inside and outside of custody.
24. Girls in custody have often had disrupted experiences of education and learning. Three quarters of girls in custody have been permanently excluded from school (74% compared to 63% boys)^{xxi} and they tend to have very poor educational outcomes compared to their peers. Accessing education in custody can be challenging, with variable provision across the youth estate, which can have a significant impact on their ability to study and progress.^{xxii}

b) Is there good collaboration between the secure state, Youth Offending Teams, Local Authorities, Social Services and other relevant organisations?

25. There is insufficient join-up across all the relevant organisations that are part of the solution to girls' offending and needs, both nationally and locally. Because of the range of challenges girls face, they may have a number of different agencies and practitioners in their lives at one time, across mental health, social services and youth offending. A lack of coordination and holistic support between these can make an already confusing system even more overwhelming.
26. At a national level HM Inspectorate of Probation (2014) noted a lack of strategic direction in the youth secure estate to meet girls' needs,²⁰ and youth justice strategies and initiatives often fail to consider girls at all. The YJB's strategic plan for 2018-21 makes no reference to girls,²¹ the Charlie Taylor Review (2016)²² makes only brief mention of girls in police custody and guidance for applicants bidding to run secure schools makes only brief mention of the needs of girls, but does not specify how these might be met. Progress since the Corston Review (2007) of vulnerable women in the justice system, most notably the Female Offender Strategy (2018), has not included consideration of under 18s.
27. At the local level, youth offending teams (YOTs) have been found to use little performance data about girls to support work around resettlement and reoffending, meaning they are unable to demonstrate whether their service was effective. Where girls needs are assessed, and support is tailored to meet these needs, however, girls experience better outcomes.^{xxiii}

One of the ways the system could become more effective and responsive is by listening and responding to children and young people as experts of their own experiences. Evaluation of participation in youth justice have found these approaches can lead to invaluable improvements in policy and practice, if properly supported and invested in, with even the most disenfranchised young people enabled to constructively engage with processes of change.^{xxiv} **Youth justice policy and practice development locally and nationally should fully and meaningfully involve girls with lived experience.**

d) What mechanisms exist to transition young people from the youth to the young adult/adult estate?

28. The Youth Justice Board, Ministry of Justice and HMPPS should develop a gender-specific approach to transitions between the youth and adult justice systems, amending the National Protocol for Transitions in England to reflect this.

Recommendations

1. The Youth Justice Board should develop and lead a cross-departmental national strategy to manage and respond to the needs of girls at risk of criminal justice contact, focused on reducing the use of custody and addressing the underlying reasons for girls offending. This must fully involve all relevant departments, including Department of Education, Department of Health and Social Care, Home Office and Ministry of Housing Communities and Local Government, to ensure girls can access the support they need across mental health, social services, housing and education, in custody and the community.
2. All work to address the disproportional representation of BAME children, including all follow up to the Lammy Review, as well as care experienced young people in the justice system must take a gender focus.
3. All strategies, initiatives and funding streams developed to tackle areas of youth offending, including gangs, county lines and serious youth violence, must recognise the specific experiences of girls.
4. A sustainably funded network of community gender-specific and trauma-informed provision should be established, towards which girls should be diverted at the earliest possible opportunity.
5. End the detention of girls in Secure Training Centres, and move all girls sentenced to custody to Secure Children's Homes.
6. Action plans must be developed to address the overuse of restraint in custody, and all youth justice staff should receive trauma-informed training to better understand the role of trauma in the lives of girls in custody.
7. Data disaggregated by gender, ethnicity and other equality information must be regularly published and analysed to understand the changing nature of the population of girls who pass through the youth justice system, in both custody and the community.
8. The Youth Justice Board, Ministry of Justice and HMPPS should develop a gender-specific approach to transitions between the youth and adult justice systems, amending the National Protocol for Transitions in England to reflect this.
9. Youth justice policy and practice development locally and nationally should fully and meaningfully involve girls with lived experience.

About Agenda

Agenda is an alliance of over 90 voluntary sector organisations. We exist to ensure that women and girls at risk of abuse, poverty, poor mental health, addiction and homelessness get the support and protection they need. We campaign for systems and services to be transformed; to raise awareness across sectors; and to promote public and political understanding of the lives of women and girls facing multiple disadvantage.

Endnotes

ⁱ Youth Justice Board. '[Accommodation needs and experiences.](#)' 2007

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- ii Tye D. 'Children and young people in custody 2008-09: an analysis of the experiences of 15 to 18 year olds in prison'. 2009
- iii This figure relates to recorded concerns by Youth Offending Teams about sexual exploitation prior to entry to custody. Cited in: Goodfellow, P. '[Outnumbered, locked up and over-looked?](#) The Use of Penal Custody for girls in England and Wales'. 2019.
- iv HMIP. '[Children in Custody 2017-18](#)'. 2019.
- v Youth Justice Board. '[Youth Justice Statistics 2016/1](#)' 2018
- vi Bateman, T. and Hazel, N., 2014. Resettlement of girls and young women.
- vii Table 2.7, Youth Custody Service (2019) Monthly youth custody report—April 2019, London: Ministry of Justice
- viii Goodfellow, P. '[Outnumbered, locked up and over-looked?](#) The Use of Penal Custody for girls in England and Wales'. 2019.
- ix In the period April 2014 to March 2016.
- x Crest Advisory. '[Serious violence in context: Understanding the scale and nature of serious violence](#)'. 2019
- xi Ministry of Justice. 'Offending history data tool: First time entrants, December 2016', 2017. Cited in: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Counted%20Out.pdf>
- xii Agenda & WIP. '[Double Disadvantage](#): The experiences of Black, Asian and Minority Ethnic women in the criminal justice system'. 2017
- xiii Prison Reform Trust '[Punishing Disadvantage](#): A Profile of Children in Custody.' 2010
- xiv Bateman, T. 'Punishing Poverty: The 'Scaled Approach' and Youth Justice Practice', 2011. The Howard Journal of Criminal Justice, 50(2), pp. 171-183.
- xv Howard League (2017) '[Ending the criminalisation of children in residential care](#): Briefing one
- xvi Summerfield, A. 'Children and young people in custody 2010-11: an analysis of the experiences of 15 to 18 year olds in prison.' 2011 <https://dera.ioe.ac.uk/14598/1/children-young-people-2010-11.pdf>
- xvii Goodfellow, P. '[Outnumbered, locked up and over-looked?](#) The Use of Penal Custody for girls in England and Wales'. 2019.
- xviii Ibid.
- xix Agenda. '[Agenda briefing on the use of restraint against women and girls](#)' 2017
- xx Ministry of Justice '[Key Characteristics of Admissions to Youth Custody](#): April 2014 to March 2016.' 2017.
- xxi Little, R, British Journal of Community Justice. '[Putting Education at the heart of custody?](#) The views of children on education in a young offender institution.' 13 (2), 27-46. 2015.
- xxii Houses of Parliament. 'Education in Youth Custody'. 2016.
- xxiii HM Inspectorate of Probation. '[Girls in the Criminal Justice System](#)' 2014.
- xxiv Fleming, J., Hine, J & Smith, R. '[Use your situation to change your destination](#): Evaluation of The Howard League for Penal Reform's U R Boss'. 2014

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