

The Separation of Children in Young Offender Institutions.

Louis Flood (Lyell Scholar 2020)

A recent report by HM Inspectorate of Prisons highlights significant failings in the current policy for the separation of children in Young Offender Institutions (YOIs). It found that separated children were frequently confined for at least 22 hours a day without meaningful interaction, which falls under the internationally accepted definition of solitary confinement.

Human rights standards prohibit the solitary confinement of children, as evidence shows that this practice can have long-term and irreversible effects on a child's psychological health. The British Medical Association (BMA) observes that children who are isolated even for short durations can experience 'paranoia, anxiety and depression'. The Joint Committee on Human Rights has also raised concerns that the policy of separation may contribute to re-offending. Separated children miss out on usual routines designed to reintegrate them into society, such as planned education and training schemes. Separating children in solitary confinement therefore limits their chances of successful rehabilitation at the end of their sentence.

It may be necessary to separate child inmates from their peers in YOIs for the maintenance of good order, or for their own best interests. Currently, one in 10 inmates in YOIs are separated from their peers and over half of inmates have been separated at least at some point during their incarceration. However, effective oversight arrangements should be in place to ensure that separation never amounts to solitary confinement. HM Inspectorate of Prisons are critical of the current arrangements, which provide an illusion of oversight and result in children being denied meaningful contact with others for prolonged periods of time. For example, inmates rarely received daily visits from managers, health care professionals and chaplains. Furthermore, it appears that senior management at a national level approved without challenge every one of the 346 requests to keep children segregated for longer than 21 days in 2018-19. According to Peter Clarke, HM Chief Inspectors of Prisons, this policy failure is of such a magnitude that an 'entirely new approach' is required for separating children in YOIs.

Inspectors also reported that separated young inmates were being held in poor conditions. Cells were described as small, unclean and lacking ventilation. In one case, a child was left to lie on a mattress on the floor of a dirty cell for over 22 hours a day. Many children were deprived of other basic entitlements, such as a daily shower, exercise and telephone call. Confining children to these conditions is likely to significantly hinder their ability to lead healthy lives. As Howard Cooke, Chief Executive of the Howard League of Penal Reform, notes 'if this were happening in any other setting, we would expect to see criminal investigations'. Clearly, the Government must act on this report to improve conditions for separated children, which will better prepare them for their eventual transition back into society.

Responding to the findings, the Government accepted that current practice is 'completely unacceptable'. However, concerns about the separation of children in

YOIs are not new. Both the Children's Commissioner and the Joint Committee on Human Rights have previously urged the Government to take immediate action to ensure that separation never becomes solitary confinement. The report by HM Inspectorate of Prisons is the most recent in a series of warnings that the UK is out of step with international human rights standards. What remains to be seen is whether this report ultimately results in a new approach that ensures separated children are not subjected to impoverished regimes.

Louis Flood
February 2020