Chief Inspector calls for major overhaul of harmful separation of children in young offender custody

Many children separated from their peers in young offender institutions (YOIs) are effectively held in solitary confinement, with little human contact and in conditions which risk damaging their health, according to a new report.

HM Inspectorate of Prisons found fundamental flaws in the use of separation in the five YOIs in England and Wales. Peter Clarke, HM Chief Inspector of Prisons, said: “As a consequence of these failings, separated children experienced a regime that amounted to the widely accepted definition of solitary confinement. For some of these children, their solitary confinement was prolonged in nature.” He called for an “entirely new approach” to separation.

Mr Clarke has published a thematic report on separation, covering the variety of ways in which aged 15-18 in YOIs are unable to mix with their peers or attend activities in the normal way.

“We understand that there are occasions when it is in a child’s best interests to be separated from either because they pose a risk to their peers or need protecting from them,” Mr Clarke said. “In extreme cases, we expect managers to place separated children in a unit where they can gain access to equivalent daily activity, including education, as the children they are separated from. We also expect managers to work with children to address the reasons for their separation and plan for their return to a normal regime.” Children said staff were often too busy to deliver anything more than the basic regime to children who were separated.

The findings from a total of 85 interviews with separated children and the staff responsible for their care and detailed analysis of the cases of 57 separated children, were “a cause for significant concern.”

There were dramatic variations in children’s experience of separation across the five YOIs, which were “inexplicable” in a small custodial estate holding just over 600 children. Around one in ten were be separated.

Mr Clarke said: “The regime offered to most separated children was inadequate. While it tended to be better on designated segregation units, nearly all separated children spent long periods of time cell without any meaningful human interaction. We found children who were unable to access the basics of everyday life, including a daily shower and telephone call. In the worst cases children were in cells for just 15 minutes a day.” Separation in cells on normal residential units was “particularly graphically experienced by children in South Wales.”

Inspectors identified “multiple and widespread failings”:

- At the time of the inspection fieldwork, in May and June 2019, eight separated children were waiting to transfer to a secure hospital to be treated for mental health conditions. These children had spent a combined total of 373 days subject to separation. They could not access a regime that met their health care needs.
- Inspectors found children isolated in unfurnished accommodation solely because they had harmed and were passively non-compliant with staff, so were subsequently restrained. This was contrary to HMPPS rules.
- At Feltham A, one child was on a constant watch, which meant he was always in the direct sight of an officer. This child, who was in crisis, was left to lie on a mattress on the floor of a filthy cell for more than 22 hours a day with no meaningful contact.
- Though prison service rules prohibit the use of separation as a punishment, 58% of children said they had been kept locked up as a punishment. One child was meant to be taking his GCSE exams but ended up locked up in his cell with just 15 minutes a day of human contact.

The report noted some areas of better practice, particularly at HMYOI Parc in South Wales, but identified “multiple and widespread failings”: [More text...]

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know why they use education as a punishment. It shouldn't be.”

- Several children described sleeping most of the day when separated and then staying awake at night. “None of this promoted good mental or physical well-being and was not being added to staff or managers,” the report noted. One 16-year-old commented: “We try to just ride it out by talking through our doors and playing I-spy. It makes the time pass, especially at the start. I have a behaviour target to stop shouting through my door to the other boys on the ward which I think is really unfair because it is literally my only chance to talk to anyone. We’re arguing or anything, we’re just chatting, having a joke and checking up on each other.”

- Some children who had not been involved in any poor behaviour or who did not pose a risk to others, but simply felt unsafe and were reluctant to leave their cells, experienced what are known as solitary confinement.

- The use of unfurnished “special” accommodation was very high at Feltham A, though used elsewhere.

- Between 1 May 2018 and 30 April 2019, local managers had asked the Prison Group Director (PGD) for 21-day authorisations on 346 occasions. This figure includes children who needed further authorisations at 42, 63 and 84 days. The only YOI not to have requested separate a child for longer than 21 days was Parc. None of the 346 requests had been approved.

Overall, Mr Clarke said:

“The weaknesses of current practice and oversight are of such a magnitude that I recommend an entirely new approach, and that current practice be replaced. A new model for separation should be implemented that enables managers to use separation to protect children from harm and prevents separated children being subjected to impoverished regimes.”

– End –

Notes to editors

1. The full report, published on 21 January 2020, can be found on the HM Inspectorate of Prisons website.

2. HM Inspectorate of Prisons is an independent inspectorate, inspecting places of detention to ensure conditions and treatment, and promote positive outcomes for those detained and the public.

3. This thematic inspection looked at the separation of children in five young offender institutions in England and Wales: Feltham A, in west London; Cookham Wood, in Kent; Werrington, in Staffordshire; Wetherby and Keppel, in North Yorkshire; and Parc, in South Wales.

4. Primary fieldwork in the five YOIs took place in May and June 2019. This was supplemented by a survey of available data and interviews with prison staff.

5. Please contact John Steele at HM Inspectorate of Prisons on 07880 787452, or at john.steele@justice.gov.uk, if you would like more information.