**CHAPTER SIX**

**Youth justice practice with girls**

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**Introduction**

This chapter engages with the recommendations from the Corston Report (Corston, 2007) to explore key issues in relation to youth justice practice with girls. It engages with the academic literature and research findings and also draws on the author’s professional knowledge and experience in this field. This review finds many parallels between policy and practice in relation to girls and women in terms of their experiences of being dealt with in the criminal justice system. However, there are some differences: from a positive viewpoint these can point to examples of good practice, which could be adopted more generally in relation to women as well as girls. Nonetheless, there are some areas of concern, particularly in relation to planned future developments that are highlighted here, not least to flag up the need for careful consideration from a gendered perspective before the implementation of major new approaches.

In the criminal justice system, girls are a minority within a minority in two senses. First, girls under 18 make up only a small proportion of the female offending population. Over the past few years, the number of girls in custody in England and Wales has remained constant at around 50, with exactly 50 girls in custody in June 2014. This contrasts with 3,932 adult women in custody in June 2014 (Howard League for Penal Reform, 2014a). Second, among juvenile offenders, themselves a small percentage of the overall offending population, there are far fewer girls than boys. Within the wider context of falling numbers of juveniles within the criminal justice system, the overall proportion of girls to boys has remained broadly consistent at approximately 20%/80%. In 2012/13, some 95% of young people in custody were male (Youth Justice Board, 2014). This indicates that the vast majority of offences seen by the courts as requiring custody continue to be committed by males.

Women and criminal justice It is clear, therefore, that within the wider offending population, girls are a very small proportion indeed. Their comparatively low number is relevant to their treatment within the criminal justice system, as this chapter will explore. Corston’s criticism of the treatment by the criminal justice system of women who offend is highly relevant to the juvenile estate, although her report addresses adults only (Corston, 2007). Parallels can be drawn between how young females are treated within the microcosm of youth justice and how women are treated within the adult criminal justice system.

**Context – falling youth crime figures**

The number of young people entering the criminal justice system each year has declined recently:

*The overall number of young people in the YJS [Youth Justice System] continued to reduce in 2012/13. Reductions have been seen in the number entering the system for the first time, as well as reductions in those receiving disposals in and out of court, including those receiving custodial sentences … Since 2009/10, there have been 55 per cent fewer young people coming into the Youth Justice System and 36 per cent fewer young people (under 18) in custody. (Youth Justice Board for England and Wales, 2014a: 8)*

More specifically, in terms of the decline in the numbers of first-time entrants (FTEs) into the youth justice system, the proportion of girls has declined the most:

*Females accounted for 24 per cent of all FTEs in 2012/13, compared to 32 per cent in 2009/10. Since 2009/10 the number of young females entering the Youth Justice System has fallen by 67 per cent, compared with 50 per cent for young males. (Youth Justice Board for England and Wales, 2014a: 24)*

Although this is a positive development, given the fluctuations over past years it seems unwise to speculate whether this trend will continue, stabilise or reverse, or indeed how government policy makers may respond.

**Bail for girls**

The Corston Report (2007) stated that bail support placements for women were inadequate. In this respect, juveniles are in a significantly better position: all youth offending teams (YOTs) are required to offer bail support packages to increase the prospect of bail being granted whenever feasible. Bail support packages can include a variety of requirements, including YOT supervision appointments, attendance at school if of statutory school age, residence, electronic monitoring (a tag) and appointments such as drug support (Thomas, 2005).

For those most at risk of being remanded into custody, an Intensive Supervision and Surveillance (ISS) requirement can be attached to bail, comprising 25 hours of monitored support per week (see Robinson, 2011). This always includes electronic monitoring. The timetable is based on a full educational week with additional activities including individual supervision, participation in groupwork programmes and constructive activities. Those not in education, training or employment would be required to attend for careers and education support sessions. However, bail support packages rarely provide gender-specific provision. From the author’s professional experience of working within a YOT, the groupwork sessions often comprised all the young people on ISS bail, with boys being the majority of participants. Individualised and gender-responsive sessions, such as counselling or mental health work, were rarely included in ISS timetables, as there were ethical and legal difficulties in making these enforceable due to the need for consent.

The bail situation is thus significantly better for girls than for women, and the YOTs’ statutory role in providing flexible and rigorous bail support packages is a considerable advantage. Nevertheless, it would be appropriate for YOTs to improve gender-specific bail support, including linking girls into appropriate community resources. However, as the number of girls on bail in many areas would be low, this would require individualised bail packages (for example, individual support to attend sexual health or domestic abuse support services, or gender-specific drug and alcohol treatment), which would have a cost implication in terms of staffing. However, even an intensive ISS bail placement is considerably cheaper than paying for a custody remand placement: custody costs £160,000 in a secure training centre (STC) and £215,000 in a secure children’s home (SCH) per annum (Nacro, 2011).

**Remand for girls**

Under the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012, the responsibility for funding juvenile custodial remand places was devolved to local authorities. Under LASPO, all children (aged between 10 and 17 years) remanded into custody become Looked After Children for the duration of the remand. A custody remand can be to a young offender institute (YOI), an STC or an SCH. The Act abolished the requirement for 17-year-olds to be remanded to a YOI. Following the abolition of female juvenile YOIs in 2013, girls can only be remanded to an STC or SCH, as with girls sentenced to custody. (For a full discussion of secure accommodation, see the ‘Girls in custody’ section of this chapter.)

Due to the cost of remand beds there followed an increased focus within local authorities on avoiding remands into custody. The alternatives for young people can thus also include a remand into the care of the local authority, which can mean placing in a non-secure children’s home, a semi-independent unit, a foster placement or even with an appropriate relative (Lipscombe and Russell, 2008; Thomas, 2008).

In common with adult women, however, it would seem that girls are also being remanded into custody unnecessarily. Figures obtained from the Youth Justice Board show that 145 girls were remanded into custody in 2012/13 (Youth Justice Board, 2014). Of those, only 46 went on to be given a custodial sentence. These numbers are very small in comparison to boys and to adult women, but they are nevertheless illuminating and concerning. Approximately three times as many girls were remanded into custody in 2012/13 than were either sentenced to custody or given bail with ISS. It appears, therefore, that at least some of these remands into custody could reasonably have been avoided. It seems that being subjected to overzealous use of custodial remands is another burden that girls share with their adult counterparts.

**Sentencing bias and welfare concerns**

It has long been argued that systematic bias is evident in sentencing decisions regarding women. Women and girls risk being subjected to ‘double jeopardy’, in which they are not only judged for their offence but also – particularly if the offence is violent – for their transgression of traditional gender roles (Heidensohn, 1985).

This is particularly so for black and minority ethnic (BME) women and girls, who suffer additional racial bias. The BME community – male and female – is disproportionately overrepresented in the criminal justice system at all levels: more likely to be arrested, more likely to be charged, less likely to get bail and more likely to receive a custodial sentence (see Kennedy, 1992; Bowling and Phillips, 2002; Phillips and Bowling, 2012).

In 2011-12, the All Party Parliamentary Group on Women in the Penal System’s inquiry on girls produced a briefing paper: *From courts to custody: Keeping girls out of the penal system* (Howard League for Penal Reform, 2012). This report highlighted the unresolved tension between legitimate concern about up-tariffing of girls due to sentencers’ welfare concerns (a key theme of the report), and recognition that problems in girls’ lives outside their offending behaviour must also be addressed. Similar concerns have been raised by Nacro, namely that the 25 hours per week ISS requirement, which can be added to a community disposal, is being applied when it is not necessary in order to avoid custody, but to enable YOT staff to address welfare concerns (Nacro, 2011).

Practitioners often take the seemingly pragmatic view that while a girl is compelled by a community sentence to engage intensively, it is the ideal opportunity to get as much done as possible, motivated by attending to welfare needs as much as interventions in relation to offending behaviour. In fact, with many of those girls who are particularly vulnerable, it is not unheard of to get through an entire order without having been able to undertake structured offending behaviour work, as the young person lurches from one crisis to another, often without sufficient other statutory support (see Sharpe, 2011).

This lack of other avenues of support is noted in the Howard League inquiry *From courts to custody*:

*YOT workers felt that magistrates often expected the YOT to solve a girl’s social problems and lacked a clear understanding of the obligations of the Local Authority to meet the needs of children under the Children Act 1989. YOT workers reported they faced difficulties in obtaining Local Authority support for girls with welfare needs … One YOT worker had resorted to visiting children’s services in person with a girl to demand that they reopen her social services file, which had been closed after she was placed under the supervision of the YOT.* (Howard League for Penal Reform, 2012: 3)

This well-meaning but disproportionate tendency on the part of sentencers to ‘beef up’ a sentence as a means of providing support to which children are entitled under civil law means girls risk being sentenced more punitively than their offences may merit. Moreover, the interface between YOTs and social care staff can be extremely poor, with YOT practitioners often feeling that once a young person is under YOT statutory supervision, then social care departments ‘pass the buck’ for undertaking welfare tasks.

**Example from practice**

*A YOT worker supported a mother of a girl under YOT supervision to attend the local authority social care service to request accommodation for the child: the girl had robbed the mother repeatedly and the relationship had broken down. The YOT worker relayed concerns for the safety of both parties if the girl was not taken into care. The mother, in desperation, stated she would slit the girl’s throat if she was not removed from home, in an attempt to get this request to be taken seriously. Even then, the request was initially refused.*

This experience highlights the problems arising from the fragmentation of services and lack of integration between the different agencies. It also illustrates concerns about the potential for escalation of problems in such situations rather than proactive interventions in a timely way.

 **Community sentences**

The Corston Report (Corston, 2007) recommended that community solutions for non-violent women offenders should be the norm, and that community sentences must be designed to take account of women’s particular vulnerabilities and commitments. This section now compares this standpoint in relation to girls.

The Criminal Justice and Immigration Act 2008 introduced the Youth Rehabilitation Order (YRO), a generic community sentence for young people under the age of 18. This replaced the variety of sentences previously available. The other main community sentence for juveniles is the Referral Order, a less onerous order imposed usually for first offences. This is not covered in further detail in this chapter, as the focus here is on girls who are subjected to more significant levels of intervention and, in particular, who are at risk of receiving custodial sentences.

YRO requirements are broadly similar to those available for an adult Community Order. Four additional requirements of the YRO comprise: local authority residence; education (for those of statutory school age); intensive supervision and surveillance (ISS); and intensive fostering. The latter two are both a direct alternative to custody for those at risk of a prison term (see Moore et al, 2006), although ISS is more commonly used than intensive fostering.

Gender-specific provision for girls varies considerably between YOTs across England and Wales and sustainability of interventions is problematic, as Corston identified in relation to women. In 2009, the Youth Justice Board commissioned an extensive study of girls’ offending in England and Wales – *Girls and offending: Patterns, perceptions and interventions*. This found that in 2004, a total of 45 YOTs out of 154 offered gender-specific interventions. It is of concern that by 2007 only 11 were still providing this (Youth Justice Board, 2009).

Due to the lack of a national approach to provision (see the ‘Legislation, oversight and strategy’ section of this chapter), genderspecific interventions for girls vary widely between YOTs, with some providing this by training existing staff, as in the Nottinghamshire projects (Matthews and Smith, 2009), or by buying in groupwork programmes from external third sector providers such as Barnardo’s.

The 2009 Youth Justice Board study found that for girls, developing a good relationship with staff was key to effective interventions. This finding is replicated across the research base (see, for example, Hubbard and Matthews, 2007) and is reinforced in practice by YOT workers: only when trust and mutual respect have been established do girls – particularly the many who have experienced abuse – feel able to engage fully with interventions. This has implications for sustainability. Many YOTs, particularly in London, rely on high numbers of locum staff, and the turnover of supervising officers can be high (see Barnett, 2014). This pattern risks reinforcing clients’ difficulties with trust; just as girls start to build a relationship, they may have an abrupt change of supervising officer. The author’s personal experience of this has been that this can lead to hostility and resentment, and cynicism about the YOT’s commitment to help them, which is highly counterproductive.

Staff training is also central to the delivery of gender-specific interventions. Again, this varies enormously between YOTs and between individual YOT workers, who come from a variety of professional backgrounds, with differing levels of qualification and experience. The challenging behaviour that girls can exhibit is a recurring theme in staff feedback (Pearce, 1995, in Worrall, 2001), leading to wider questions about practitioner bias and sociocultural expectations of female behaviour. Expecting girls to be difficult to engage can become a self-fulfilling prophecy, which is why gender awareness training for staff is so important. There is a requirement under the statutory Equality Duty for public bodies to provide a gender-responsive service4 and equipping staff to do this properly is necessary to fulfil this obligation.

It is evident that there is much good gender-responsive practice within YOTs, but provision is patchy, and still too often dependent on the dynamism and commitment of local staff. The relevant recommendation in the Corston Report states:

*There must also be an investment in more rigorous training and ongoing support and supervision for those charged with meeting the complex needs of women. This training, which should include gender awareness and how community sentences can meet the needs of female offenders, should be extended to include all staff within the criminal justice system in contact with women, particularly those who make sentencing and bail decisions.* (Corston, 2007: 13)

This is clearly directly relevant in terms of good practice in relation to girls, as well as women offenders, within the criminal justice system.

**Girls in custody**

The Corston Report’s key recommendations for custody can be broadly summarised thus:

• the prison estate to be replaced with geographically dispersed, small, multifunctional custodial centres; • strip-searching minimised;

• custody reserved for protection of the public only;

• lessened use of unnecessary remand;

• abolition of prison for welfare reasons;

• increased use of bail support schemes;

• proper consideration of the impact on children of mothers being imprisoned;

• embedded strategic planning to reduce the need for custody. (Corston, 2007)

Again, these aspects are directly applicable to girls, and this section will apply a comparative critique in this respect.

The situation for girls in custody remains unsatisfactory: the problem of being imprisoned far from home and family is very acute for girls, despite the well-documented fact that maintaining such ties has a positive impact on rehabilitation (Ministry of Justice (MoJ), 2013). Families visiting prisoners in secure children’s homes are not eligible for financial support from the Assisted Prison Visits Scheme, although while children are on remand, funding can be obtained through the relevant local authority.

 In a situation directly comparable to women prisoners, girls who offend are disproportionately likely to have experienced trauma or abuse (Batchelor, 2005; Chesney-Lind and Pasko, 2013). Non-white children are overrepresented in custody and a significant number of children are Looked After Children (Nacro, 2011).

Until 2004, girls were held alongside adult women in prison. Often women found the girls’ chaotic behaviour destabilising, and girls risked being inducted into the toxic culture of ‘cutting up’ (self-harming) endemic in women’s prisons (Worrall, 2004: 55). In 2003, HM Inspector of Prisons described conditions for girls at Holloway Prison as ‘grossly inadequate’ with little awareness of child protection procedures (Gould and Payne, 2004). The notion of mixing children with adult prisoners now seems an unthinkable anachronism, although the change is in fact so very recent. After 2004, girls sent to custody were placed in mixed-gender SCHs, STCs or juvenile YOIs. SCHs are used for younger prisoners, while STCs usually hold 14- and 15-year-olds. Juveniles aged 16 and over would usually be held in YOIs, although they could be sent to SCHs or STCs if they would be particularly vulnerable in a YOI.

The LASPO Act 2012 removed the legislative requirement to remand 17-year-olds into YOI custody. In light of this, and also the recent decline in juvenile custodial numbers, the Coalition government decided to close all three female under-18-year-old YOIs. Girls in custody are now held solely in one of ten SCHs and four STCs. This is in some respects a positive development, as these establishments aim to have a more child-centred, education-focused ethos, in which the duty to promote the welfare of the child is (or should be) paramount. SCHs in particular, which hold the youngest children sentenced to custody, have much less of a ‘prison’ environment and more effort is made by staff to make them as homely as possible. The privately run STCs are more problematic, and concerns are raised regularly regarding the treatment of young people, including the use of restraint, which directly caused the death of 15-year-old Gareth Myatt in G4S-run Rainsbrook STC in 2004 (see Howard League for Penal Reform, 2014b).

At the time of writing (November 2014), no girls have died in custody; 16 boys have died in custody since 2000, all of them in either STCs or YOIs (Youth Justice Board for England and Wales, 2014b). New restraint management techniques are being rolled out within the secure estate currently, although the then Justice Minister Chris Grayling’s Secure College plans were attracting attention for a restraint policy which appeared to breach European human rights legislation (Joint Committee on Human Rights, 2014).

All girls are now held up to age 18 with boys who are usually under 16. Given that maturation tends to happen earlier in girls, this means that their male peer group, with whom they share education, leisure time and offending behaviour work, may not always be suitable. Boys held in SCHs and STCs are young, yet have offended seriously enough to have been given a custodial sentence. This includes sex offenders and those convicted of serious violence including murder. In practice this can risk re-traumatising girls who have been the victims or survivors of abuse.

**Example from practice**

*One girl discovered that a friend of hers held in the same STC was serving a sentence for rape. She had herself been a victim of severe sexual abuse. She was sufficiently distressed by this to request transfer to another establishment, with the concomitant disruption to her education and therapeutic interventions.*

Unlike the adult estate, where programmes are available specifically for women, offending behaviour work in SCHs and STCs is almost always delivered in mixed-gender groups, even though male and female routes into offending are often very different (Gelsthorpe and Sharpe, 2006).

Information on gender-specific, offence-focused work available in SCHs and STCs was requested for this chapter. Responses were received from eight establishments: this showed that provision was varied, but that the majority provided girls with gender-specific intervention when it was identified as necessary. However, there was no evidence of a presumption of the necessity for gender-specific offending behaviour work, and the gender-specific work offered usually dealt with needs, although it was not directly related to offending. Apparently only one establishment provided gender-specific, offending-behaviour work (Clayfields House SCH in Nottingham).

Gender-specific interventions largely related to health awareness including sexual health, while recreational activities, such as segregated exercise and hair and beauty activities, demonstrated that traditional gendered expectations of girls’ interests are reflected in the secure estate. Nevertheless, on a positive note, the flexibility that establishments have to respond to identified needs is encouraging, as it provides a refreshing contrast to the ‘one-size-fits-all’ approach within the adult prison estate, where interventions are often much less responsive to individual need.

**Strip-searching girls**

The Corston Report (2007) was highly critical of automatic stripsearching in prisons, noting that the humiliation and violation of privacy of already highly vulnerable prisoners is inhumane and counterproductive to rehabilitation. This has been accepted by government: routine strip-searching of women in prison is being replaced with risk assessment and intelligence-led searches. Regrettably, the strip-searching position regarding juveniles is less clear-cut.

The issue of strip-searching of children in the secure estate was addressed by the Youth Justice Board in its *Review of full searches in the secure estate for children and young people* (Youth Justice Board, 2011). This stated that although some STCs and YOIs might need to undertake routine full searches on entry to the establishment, this was not desirable, and that strip-searching should be -risk assessment and intelligence-led whenever possible. The review stated that stripsearching in SCHs should not be required, due to the high levels of monitoring.

STC Rule 33 states that all inmates must be searched on reception into the establishment, and in practice this is routinely a strip-search. However, according to legal advice obtained from the MoJ, noted in the Youth Justice Board Review (2011), the requirement to search on reception is not a requirement for a strip-search. Therefore, if it is interpreted as such, strip-searching may be being overused in STCs.

SCHs are governed by the Care Standards Act 2000. Searching and strip-searching in SCHs is not covered in primary or secondary legislation, which means that practice and policy vary between establishments. The Youth Justice Board review (2011) found that the practice of strip-searching risked re-traumatising girls (and boys) who had previously experienced abuse. Practitioners noted discomfort in carrying out searches, as well as voicing concern about the impact of searches on vulnerable young people, particularly girls. Indeed, the review stated:

*There appeared to be distinct gendered reactions to how young people experienced full searches. While male young people expressed feelings of anger and frustration, young females often expressed feelings of anxiety and vulnerability:* *“It makes me feel upset, embarrassed and really violating because I have been raped and it’s awful being strip-searched.” Young female.* (Youth Justice Board, 2011: 31)

The Youth Justice Board review (2011) noted that since 2009 the women’s prison estate had adopted risk assessment and intelligence-led full searches, but this had not yet been adopted in SCHs and STCs, with some of both types of establishment using routine strip-searching on entry. In the absence of a national policy on full searching in STCs and SCHs, the situation seems to lack clear direction: this would appear to be one area in which more progress may have been made for women than for girls.

Overall, however, the situation for girls in custody appears to be somewhat better than that for women: facilities are better, provision of welfare services and non-offending behaviour interventions is better and more flexible, and the number of girls in custody remains quite low. However, mixing girls aged up to 18 with a younger cohort of boys, some of whom are serious offenders, is problematic. The long distance from home where girls are held is a serious disadvantage. The lack of gender-specific offending behaviour work highlights a deficit in provision. Moreover, the use of strip-searching has the potential to cause or reinforce trauma. In this respect there appears to be a postcode lottery in place, with variable quality of care and interventions dependant on which STC or SCH girls are placed in. Therefore, as with women, there needs to be a sharper focus on restricting the use of custody further and ensuring consistency in treatment for those in custodial settings.

**Legislation, oversight and strategy**

 Corston recommended interdepartmental ministerial scrutiny of the treatment of women who offend or are at risk of offending, embedded within both the criminal justice and local government agendas. She recommended the immediate establishment of a commission for women who offend or are at risk of offending, led at director level, with a remit of care and support for women who offend or are at risk of offending. She also recommended that systematic safeguards should be put in place so that good practice approaches are not lost. She did not recommend a separate sentencing framework for women, but stated that this should be reconsidered in the light of early experience of the statutory gender discrimination duty (Corston, 2007). Yet again there is direct relevance of these issues in relation to policy and practice for how girls are dealt with in the criminal justice system.

*Legislation*

The criminal justice systems for adults and juveniles in England and Wales are notionally separate, but in fact intertwine and overlap. Adult and youth co-defendants can be tried together in adult court if deemed necessary; breaches of Youth Rehabilitation Orders imposed in the Youth Court must be heard in the Magistrate’s’ Court if the young person has turned 18 since sentence was passed, and young people charged with the most serious offences are tried in the Crown Court. The Sentencing Council has produced a *Definitive Guideline, Overarching principles – Sentencing youths* (Sentencing Council, 2009), which is the main reference point for courts. Advice on sentencing juveniles is also to be found in offence-specific sentencing guidelines to assist the judiciary.

As with women, girls have no separate sentencing arrangements from their male peers and there are no moves afoot to change this. If gender issues render a girl more vulnerable than a male peer, this should be addressed in detail in the pre-sentence report (PSR) prepared by the YOT. A well-written PSR represents the best opportunity to highlight particular vulnerabilities in a girl’s circumstances to sentencers. This provides another example of how crucial gender-awareness training for YOT staff is. Youth PSRs are significantly longer and more detailed than those commonly prepared for adults: the author has found it of concern that magistrates have sometimes complained that the reports go into too much detail about the child’s life circumstances – as if this information is somehow irrelevant.

The Definitive Guideline states:

*When sentencing an offender aged under 18, a court must have regard to: a) the principal aim of the youth justice system (to prevent offending by children and young persons); and b) the welfare of the offender.* (Sentencing Council, 2009: 3)

The welfare principle is laid down in the Children and Young Persons Act 1933.6 This is noteworthy: this principle results in significantly different sentencing for youths and adults. For example, young Women and criminal justice offenders convicted of robbery may receive community sentences, including for repeat offences of robbery. This is almost unheard of for adult offenders, who can expect a significant custodial sentence for the same offence (see Sentencing Guidelines Council, 2006).

*Oversight*

Youth justice policy is set by the MoJ, and operational guidance on implementation and dissemination is provided by the Youth Justice Board. The Youth Justice Board is a non-departmental public body created by the Crime and Disorder Act 1998 to oversee the youth justice system for England and Wales and to support the strategic aims of the government. Welcome steps forward have been taken in relation to strategic focus on girls within youth justice, including the 2009 report mentioned earlier (Sentencing Council, 2009). In addition there has also been the development of an online Effective Practice library containing examples of good practice from around the country and groupwork guidance. Also in development is a checklist for YOTs to assess their progress against the statutory Gender Equality Duty. This will be made available on the Youth Justice Board website as a tool for YOTs to assess their own progress against the duty (YJB, 2009). However, strategic focus on girls could be more proactive, not least in terms of developing good practice in relation to work in this area.

 Unfortunately, there is no centralised mechanism for assessing the standard of gender-responsive service provision: although the juvenile custodial estate and YOTs have a duty to provide gender-specific services for girls, the responsibility for assessing this falls to YOT management boards, within the remit of local authorities. Although all YOTs provide regular statistical returns to the Youth Justice Board, this in itself is not sufficient to assess how well services are being provided. Unless a statistical anomaly occurred (and was noticed), the statistical data would not flag up inadequate progress against the Gender Equality Duty.

This devolution of oversight to local authorities was part of the Coalition government’s decentralisation agenda, one rationale being the wide variation in demographics: some areas will supervise almost no girls, and certainly none in custody. Others, notably inner-city areas, will have significantly more, with varying needs. Therefore the freedom to develop services specific to the local area makes sense. The flaw lies in the lack of centralised oversight of the provision. Without standardised scrutiny, some YOTs may be failing in their duty to provide gender-specific services, and if their YOT management board does not pick this up, there is no back-up mechanism.

*Strategy*

The National Offender Management Service (NOMS) recognises seven rehabilitation pathways: housing, work, health, addiction, money, family, and behaviour (Social Exclusion Unit, 2002). The Corston Report (Corston, 2007) stated that these should be much better coordinated strategically for women, and recommended the addition of gender-specific pathways 8 and 9: support for women who have experienced abuse, and support for those who have been involved in prostitution. This has been accepted by government and incorporated into policy and practice for women offenders (see Worrall and Gelsthorpe, 2009). Meanwhile youth justice works to the same original seven pathways; pathways 8 and 9 have not been implemented for girls. This is a missed opportunity, given the high levels of abuse suffered by this group and it is to be hoped that this decision will be reviewed in the future.

Although the rehabilitation pathways apply to girls and women alike, in two areas there are key differences due to age: housing, and work – which for juveniles more commonly means education. The problem of homelessness is less acute for girls than women, as they are most likely to live with parents or carers, or in the care of the local authority, and are protected to an extent from homelessness by the local authority duty to accommodate children in need.

However, girls accommodated by local authorities can be placed in inadequate ‘semi-independent’ accommodation (with access to staff, sometimes live-in, sometimes providing a set number of keywork sessions per week). This can be problematic, as semi-independent accommodation, provided by a multitude of private companies, is of highly variable quality. Although local authorities will have a list of preferred providers, when it is not possible to find a preferred placement, the author’s experiences have shown that children can end up being placed in substandard accommodation with poorly trained, low-paid staff. Alternately, some supported accommodation is of very good quality, with dedicated staff providing a lifeline to vulnerable young people. The problem (again) is lack of consistency.

**Example from practice**

*In one placement, although the local authority was paying for a 24-hour staffed placement, staff would go out and lock up. Meanwhile the girls would climb onto the roof to get in through a window as they were not allowed to have keys. This placement was subsequently closed after an arson threat was made to the property; it was suspected by YOT staff that this threat had been arranged by a resident, as she was so desperate to leave.*

Each YOT provides education, training and employment guidance, which is a main focus within YOTs and within the secure estate, and should always be a target within every young person’s intervention plan. Because many girls are still of school age, the focus on education, training and employment guidance is more consistent (and easier to access) than is currently the case for adult women. However, for those who are past statutory school age, the support for those who are functionally illiterate can be very poor. Often the available provision is limited to remedial basic skills classes in further education colleges. For those who have had a negative experience of statutory education, due to (for example) behavioural problems or a specific learning need such as dyslexia or ADHD, a classroom environment risks replicating previous humiliations. Yet individual teaching for those past statutory school age in the community is often poor or non-existent, and lack of functional basic skills is a severe barrier to engagement.

**Example from practice**

A girl under statutory YOT supervision was at risk of breach for persistently failing to attend reparation or education appointments as part of her ISS requirement. It transpired that she could not read street names or bus destinations but had been too embarrassed to disclose this.

**Concluding comments**

Although there is no separate sentencing provision for girls, youth courts, alongside other public services, have a statutory duty to promote gender equality. This cannot realistically be achieved unless the specific difficulties that girls face are taken into account. With regard to sentencing, the best opportunity to ensure that this happens is via the PSR prepared by YOT staff. However, as identified earlier, pre-sentence issues such as bail and remand, and the conflation of risk and welfare issues, also need to be addressed.

Strategically, rehabilitation pathways largely mirror the position for women. However, failure to adopt Corston’s recommended gender-specific rehabilitation pathways for girls with a history of abuse or sexual exploitation is a significant deficiency in view of the background and circumstances of this vulnerable group within the criminal justice system.

Although youth justice policy and practice is generally characterised as more progressive than its adult equivalent and the welfare principle is embedded in law, there is still insufficient focus on girls by the MoJ and a lack of centrally funded research on the needs of girls who offend. Despite the recently sharpened focus on girls at the Youth Justice Board, the lack of centralised oversight of how YOTs and the juvenile custodial estate fulfil their obligations under the Gender Equality Duty is a significant cause for concern. Without the incentive of centralised, high-level scrutiny – and without a greater commitment to the noncustodial, humanitarian, holistic direction of travel laid out by Corston – justice for girls risks remaining inconsistent, incomplete and unfair.

**Notes**

1 The various elements are: unpaid work; specified activity; programme; prohibited activity; curfew; exclusion; residence; mental health treatment; drug rehabilitation; alcohol treatment; supervision; attendance centre.

2 See the relevant webpage ‘Children in trouble with the law’ at [www.barnardos.org.uk/what\_we\_do/our\_work/youth\_justice.htm](http://www.barnardos.org.uk/what_we_do/our_work/youth_justice.htm)

3 YOTs are multidisciplinary teams and will contain staff from a variety of professional backgrounds. A typical YOT contains youth offending officers, a seconded probation officer, a social worker, a seconded education worker, a drugs worker, and may also contain an in-house mental health team and other specialist interventions teams, for example providing groupwork or intensive ISS one-to-one support. Levels and type of professional qualifications can vary. Some YOTs require youth offending officers to be qualified at degree level in a relevant discipline, others do not.

4 The 2011 public sector Equality Duty is a duty on public bodies and others carrying out public functions. It ensures that public bodies consider the needs of all individuals in their day-to-day work – in shaping policy, in delivering services, and in relation to their own employees. The new Equality Duty replaces the three previous public sector equality duties – for race, disability and gender. The new Equality Duty covers the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race (this includes ethnic or national origins, colour or justice nationality), religion or belief (this includes lack of belief), sex and sexual orientation.

5 The former Coalition government’s plans to develop a network of Secure Colleges to replace the existent custodial estate engendered considerable anxiety among practitioners and campaigners. Former Justice Minister Chris Grayling had stated that Secure Colleges would be mixed-gender. In the view of many, placing girls in the Secure College estate would have been a disastrous move: the very small numbers of girls in custody would be sharing educational and other facilities with large numbers of boys, and the potential for intimidation, harassment and abuse would have been considerable. The House of Lords rejected the Coalition plans on Secure Colleges in December 2014, in part citing similar concerns.

6 Section 44, Children and Young Persons Act 1933 states: ‘Every court in dealing with a child or young person who is brought before it, either as an offender or otherwise, shall have regard to the welfare of the child or young person, and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.’

7 Local authorities can be loath to accommodate older teenagers – perhaps because if a young person has Looked After Child status for 13 weeks or more they become entitled to full care leaver’s support, including eligibility for a council tenancy.

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