

# Outnumbered, locked up and overlooked? The use of penal custody for girls in England and Wales

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## Abstract

The primary aim of this project was to fill a gap in the existing research, policy and practice literature by critically examining the use of penal custody for girls in England and Wales. In meeting this aim the research sought to examine patterns in the use of custodial sentencing and remand, analyse patterns

in the placements of girls into custodial establishments, and measure the distances that girls were held from home. The data used was for all girls detained in the youth secure estate during the period April 2014 to March 2016, as provided by the Youth Justice Board.

## Findings

- BAME girls were disproportionately overrepresented in custody, making up 28% of the sentenced population and an even higher proportion (36%) of the remand population.
- The majority (56%) of girls held on remand did not subsequently receive a custodial sentence.
- Nearly one third (32%) of girls were remanded to custody for non-violent alleged offences.
- One third (34%) of girls were sentenced to custody for non-violent offences.
- Three-fifths (58%) were sentenced to custody for offences that were at the less serious end of the spectrum of offending (according to YJB guidelines).
- One fifth (22%) of girls were sentenced to custody for primary offences that were neither violent nor in the more serious gravity range.
- Overall, 90% of girls were sentenced to a custodial period of 12 months or less and 75% for 6 months or less.
- The majority (60%) of girls were placed in STCs and a higher proportion of BAME girls were placed in STCs compared to white girls.
- Girls being placed in both SCHs and STCs have high levels of assessed concerns over multiple vulnerabilities and problems.
- Girls in England and Wales are held on average 72 miles from home, significantly further than boys.
- Over half (56%) of girls were held more than 50 miles away from home and nearly a quarter (24%) over 100 miles from home.
- The vast majority of girls were released into the community from youth custody with a very small number being transferred to adult women's prisons.

## Recommendations

- A strategic review of the use of custody for girls should be undertaken without delay.
- The review should bring forward a policy to end the imprisonment of girls in all penal detention facilities including STCs.
- A review of custodial provision for girls should consider designation of alternative places as approved places of detention for girls that meet their individual needs.
- The Ministry of Justice should consider a presumption against sentencing girls to short periods in custody, alongside measures to guard against inadvertent sentence inflation.
- Her Majesty's Courts and Tribunals Service and the Ministry of Justice should record and review data regarding decisions to sentence and remand girls to custody.
- The Youth Custody Service and the Youth Justice Board should jointly undertake work with a specific focus on minimising the impact of distance from home and maintaining links with important connections in the community as a priority for girls, including the extended and assumed use of temporary release.
- The Youth Justice Board should put in place arrangements to facilitate training, good practice guidance and sharing of expertise between individuals and agencies around the country who are responsible for the resettlement of girls.
- The Ministry of Justice should publish official data on children in custody (the monthly custody report and annual youth justice statistics) in a format that allows for disaggregation by gender.
- The Joint Inspectorates should regularly carry out inspections with a discrete focus on girls in the youth justice system and those in custody, and the extent to which their gender-specific needs are being met.