

# Truth Project Thematic Report

## *Child sexual abuse in custodial institutions*

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**truth**  
project

 INDEPENDENT INQUIRY  
CHILD SEXUAL ABUSE

## Disclaimer

This research report has been prepared at the request of the Inquiry's Chair and Panel. The views expressed are those of the authors alone. The information presented in Truth Project research outputs does not constitute formal recommendations by the Inquiry's Chair and Panel and is separate from legal evidence obtained in investigations and hearings.

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We are also grateful for the contributions of the Inquiry's Victims and Survivors Consultative Panel (VSCP), the Inquiry's Research Ethics Committee, and the report's peer reviewers.

# Executive summary

## Introduction

The Truth Project is a core part of the Inquiry, alongside public hearings and research. It was set up to hear and learn from the experiences of victims and survivors of child sexual abuse in England and Wales. It offers victims and survivors an opportunity to share experiences of child sexual abuse. By describing their experiences, Truth Project participants make an important contribution to the work of the Inquiry. With the consent of participants, the Inquiry uses Truth Project information in a variety of ways, including for ongoing research and data analysis carried out by the Inquiry's Research Team.

This is the third research publication in a series of thematic reports examining the experiences of victims and survivors of child sexual abuse as shared with the Truth Project. It details the research findings in relation to experiences of abuse in custodial institutions.

A range of terminology is used throughout this report to describe the types of custodial institutions in which children have been held both in the past and currently. The names and terms used for such institutions have changed over the years. This report uses the term 'custodial institutions' to describe establishments in operation for children and young people in the youth justice system in England and Wales, both in the past and currently. Nowadays, such institutions tend to be collectively known as the 'youth secure estate'.

The youth secure estate, and the legislation, policy and practices relating to it, have been subject to considerable change over the years. These changes have shaped the focus of the youth justice system, in particular the evident shift between punishment and welfare responses to children and young people who offend (Bateman, 2011; Bottoms and Kemp, 2007; Williams, 2004; Hagell, Hazel and Shaw, 2000). Developments since the mid 1980s have been shaped by identified safeguarding failures and concerns about the welfare of children in custody.

Although there have been some successes, more recent reviews have continued to highlight the need for further progress in the youth secure estate (Brooks et al., 2019; Taylor, 2016). Work within the Inquiry to date has also identified a number of continuing issues. For example, the Inquiry's recent investigation report *Sexual Abuse of Children in Custodial Institutions: 2009-2017* highlighted the shocking decline of safety in the secure estate in recent years, and concluded that children in young offender institutions and secure children's homes are still not safe from harm, either sexual or physical. The Inquiry's research study exploring recent perceptions and experiences of safeguarding in the youth secure estate (published in the report *Safe inside? Child sexual abuse in the youth secure estate*) also found that children in the youth secure estate did not always feel safe or protected from harm, and that work is still required to develop the culture around safeguarding within custodial institutions.

This report describes the experiences of Truth Project participants who told us they were sexually abused in custodial institutions between the 1950s and 2010s, with the most recent case in our sample beginning in the early 2010s.

The information analysed in this thematic report was provided by victims and survivors who came to the Truth Project between June 2016 and January 2020. The analysis was undertaken by members of the Inquiry's Research Team between September 2019 and January 2020.

In particular, the analysis aims to address research questions concerning:

- the nature of child sexual abuse experienced by participants in custodial institutions;
- what, if anything, could have been done to prevent the abuse;
- how much the institutions knew about the abuse at the time;
- victims and survivors' experiences of disclosing the abuse and of the responses;
- barriers and facilitators for disclosure;
- the impacts of child sexual abuse in custodial institutions; and
- victims and survivors' suggestions to improve the protection of children in the youth secure estate in future.

This thematic report complements the Research Team's rapid evidence assessment into child abuse in custodial institutions (Mendez Sayer et al., 2018), their primary research into perspectives on child sexual abuse in the youth secure estate (Soares et al., 2019b), and the Inquiry's investigation into child sexual abuse in custodial institutions (Jay et al., 2019).

## Sample and methods

Of the 3,701 people who shared an experience between June 2016 and January 2020, 47 (1.3 percent) described child sexual abuse that related to a custodial institution. Cases were included where the sexual abuse took place in the following custodial institution types:

- young offender institutions
- borstals
- approved schools
- assessment centres
- remand centres
- detention centres
- secure children's homes/care units.

Given the small number of people sexually abused in the context of custodial institutions who had participated in the Truth Project to January 2020, we have adopted a qualitative approach in the analysis undertaken for this report.



The qualitative information is predominantly drawn from 8 of the 47 Truth Project accounts relating to child sexual abuse in custodial institutions. The majority of participants described abuse that had taken place in custodial institutions prior to 1990, and this is reflected in the spread of the cases selected for the qualitative sample. The eight accounts were selected within a sampling framework designed to ensure we included a range of characteristics and circumstances, such as the time period in which the abuse occurred, victim's age and victim's gender.

We have not broken down our analysis by the specific type of custodial institution discussed by victims and survivors, because it is not systematically recorded in the data-collection process and is also not always shared by participants.

A detailed explanation of the process used for carrying out analysis of Truth Project information can be found in a separate report, *Truth Project Research: Methods* (King and Brähler, 2019).

## Ethics

All social research conducted or commissioned by the Inquiry is subject to approval from the Inquiry's Research Ethics Committee, which is independent of the Research Team. Truth Project research is subject to rigorous ethical scrutiny, as the data collected are highly personal and sensitive. In order to safeguard these data, each component of the research process was reviewed in line with strict ethical standards by the Inquiry's Research Ethics Committee. Ethical approval was obtained prior to the collection and analysis of the data.

Information is only included where Truth Project participants have agreed to their accounts being used for research purposes. All information analysed for this report was anonymised prior to analysis, and all identifying information has been removed.

## Key findings from the research

The research findings from this study indicate key features and characteristics of sexual abuse in custodial institutions in the past. Although Truth Project analysis is still underway, ongoing analysis and review of wider Truth Project sessions' data suggests that abuse in custodial contexts features some particular characteristics:<sup>1,2</sup>

- The particular geographical and social isolation of such institutions left children almost completely isolated from outside contact, meaning they were completely under the power of the adults charged with their care; they literally had nowhere to run.
- Sexual abuse usually occurred from the very outset of entering a custodial institution. The positional power and control the perpetrators had meant they did not need to groom their victims.

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<sup>1</sup> Please note that these research findings are not necessarily representative of the wider population.

<sup>2</sup> Comparisons between experiences across different institution types and time periods will be made at a later point when we have the opportunity to carry out a fuller comparative analysis.

- A high degree of violence and sadism featured in the abuse in custodial institutions. This may have been linked to the culture of punishment within such establishments and also potentially with the motivations of the perpetrators in those particular environments.
- Participants described how perpetrators were able to act with impunity within the custodial regime. Non-abusing adults did little to actively protect the children.
- Participants found that their backgrounds of being in custody as children, as well as the serious impact of the poor education they received there, meant they often faced long-term employment and financial difficulties.

### Background of children abused in custodial institutions

This cohort of participants described having experienced unstable childhoods where their parents and carers were unable to provide suitable and safe homes or meet their children's basic needs. Home and family environments featured domestic abuse, substance misuse and extreme poverty.

“ It didn't take long before I became a punch bag for both of my parents to vent their anger on. By the time I was three years old it had become the norm.

Truth Project participant abused in custodial institution

Abuse and neglect were common in the participants' early lives, and some experienced child sexual abuse prior to being placed in a custodial institution. Perpetrators of this early childhood sexual abuse were siblings (male and female), other peers, mothers and their mothers' adult male partners. As a result of these family backgrounds and circumstances, participants had often been placed in institutional care at a young age.

Participants felt there was no genuine reason for them to have been placed in custodial institutions in the first place. Reasons for being in custody included punishment for minor misdemeanours or because participants were perceived as requiring protection from their own behaviour.

### Context and nature of the abuse

Sexual abuse in custodial institutions was perpetrated by a range of individuals, including correctional officers as well as educational, welfare and support staff. Some participants reported being abused by a peer or older child. Abuse by multiple perpetrators was common, with perpetrators sometimes described as operating in collusion.

Participants were subjected to a wide range of sexually abusive behaviour, including rape, forced oral sex and masturbation. Some of the abuse was extremely violent in nature, and participants also witnessed the sexual and physical abuse of their peers. All participants in the qualitative sample experienced physical abuse in custodial institutions and most spoke of other non-sexual abuse they experienced while in custody, including mental and emotional abuse, humiliation and forced labour.

In addition to the inherent vulnerability of being children in custodial institutions in the first place, some of the victims and survivors were particularly vulnerable at the time of the abuse, experiencing mental health issues or behavioural difficulties, and being particularly naive as a result of their previous institutionalisation in care.

The abuse began almost immediately after arrival into the institution. The power and control the perpetrators had over victims meant they did not need to groom them. Victims were coerced predominantly by fear (of physical violence and retribution) or by the use of drugs in the abuse. Sexual abuse took place in both communal and private spaces within the custodial institution. Abuse in dormitories at night was common (or being taken from dormitories to more isolated spaces), as was abuse during or after showering or bathing.

“ Every day – this went on from the second day of being there – you had to have, 5:00am, a cold shower. They put you in a cold shower, completely naked and the guy in charge, he’ll pull you out, different guy at times, do sexual things to you in a room at the side of this place. What could you do? Nothing you could do. Just scream and shout. No one takes any notice.

Truth Project participant abused in custodial institution

Often the sexual abuse only ceased after the victim and survivor was either released from custody or moved to another institution, rather than as a result of any form of positive intervention.

### Institutional context and knowledge of the abuse

Custodial institutions were described by participants as harsh, brutal and isolated environments. They were run as military-like regimes where most staff were male and many were ex-service members.

“ Because the place was a – it was a really rough place, it was unreal to think like – It’s hard to explain to you. Although it was, it was really rough ... it was brutal.

Truth Project participant abused in custodial institution

Children were shown little support or encouragement other than from a few isolated members of staff who tried to protect them from abuse. A culture of bullying, rivalry and extreme competitiveness also existed among the children in custodial institutions themselves.

Custodial institutions were often physically and socially isolated, with a lack of external supervision or monitoring taking place, enabling the abuse to occur undetected. Participants described how staff members would be aware of perpetrators taking them away alone somewhere or even abusing them in the presence of others. Staff would also ignore behaviours and signs in the children that were potential indicators of abuse.

“ I try now to understand how the staff didn’t know what was going on and I have wondered whether they in fact were turning a blind eye to it or participating in the abuse themselves because they all seemed to have favourites who they would pamper.

Truth Project participant abused in custodial institution

Children in custody were aware of the abuse of their peers, either because they had directly witnessed it or because they knew there were particular adults they needed to be wary of.

## Experiences of disclosure and responses by institutions

It was unusual for victims and survivors in this sample to have disclosed or reported any of the abuse to the institution at the time. Where they had done so (to teachers, staff and external adults), nothing was done about it and most participants who disclosed then experienced physically violent or threatening responses from the staff, governor or their peers when their reports became known. Participants spoke of the fact that there was no one for them to tell and there was no encouragement to open up and disclose in any indirect ways either. A key theme identified was that attempts to disclose the abuse at the time generally made the participants' situations much worse, resulting in further sexual or physical abuse or in them being moved elsewhere, where further abuse took place anyway.

“ Not a lot you could do about it. I'd already learnt that from my past experience, and when I had tried to say anything it was not wise. You were better off keeping quiet. And I accept that as well. Nobody wants to hear a noisy child rumbling about abuse. It's not really what people want to hear, particularly those that are helping you, particularly those that tell you how much of a burden you are to society while they're abusing you and reminding that you are nobody and you're nothing.

Truth Project participant abused in custodial institution

Most participants who disclosed as adults found the process traumatic and difficult but ultimately a positive experience when they disclosed to counsellors, support services, family and friends. They were relieved to finally have the opportunity to open up about what had happened and, for some, to seek counselling and support. However, those participants who reported to authorities generally felt let down by the authorities they reported to. They described a lack of compassion and insufficient action taken by authorities with regard to providing them with information, accepting responsibility, apologising and awarding compensation.

Connecting with other victims and survivors provided positive support in dealing with their experience of disclosing childhood sexual abuse. Barriers to disclosing as adults mentioned by participants were not wanting to tell their own families, fearing they would be viewed differently, and their cultural and social backgrounds making it difficult to describe the abuse in detail when making reports.

Participants' experiences of the criminal justice system and of reporting to the police as children were generally negative. This led to a lack of trust in the police throughout the participants' lives. Participants described mixed experiences when dealing with the police and criminal justice agencies as adults. Some individual officers were supportive and helpful; others lacked compassion and focused only on the allegations of sexual abuse, ignoring the physical and emotional abuse. Some participants reported very negative experiences of being approached by police unexpectedly to be involved in investigations into specific institutions or individuals when allegations had been made by other victims and survivors. Participants also conveyed the challenge they faced after reporting abuse to the police themselves, and how difficult it was in both of these circumstances to deal with the investigations and legal battles at the very point in their lives where they felt extremely vulnerable.

## Impacts of abuse

Participants described extensive and long-term harm to their mental health, social and sexual relationships, behavioural patterns and economic circumstances, as well as impacts on their physical health and the consequences for their families and others.

“ I think you'll find that the vast majority of people are doing life sentences. What should have been a three-month is a life sentence. I'm here. I'm doing a life sentence. And many, many others.

Truth Project participant abused in custodial institution

As children, participants experienced emotional and psychological distress, and some attempted suicide or witnessed the suicidal behaviour of other child victims. Participants described the intense feelings of anger, hate and powerlessness they felt as children in custodial institutions and as young adults after release. This impacted their behaviour, and they spoke of violence and aggression towards others, becoming involved in criminal activity, drug and alcohol misuse, self-harm and self-neglect, and running away. For some, this carried on through most of their adulthood.

Participants also felt guilt and self-blame about what had happened, which impacted their self-esteem and self-confidence. Socially, they found their early relationships difficult, and some described volatile relationships with partners and difficulties in their relationships with their own children. Some experienced confusion about their sexuality and said they had distorted views about what a healthy sexual relationship should be. Relationship difficulties and family breakdown were also typical in the longer term.

As a result of their experiences and the impact on their lives, participants often found it difficult to obtain or maintain employment, both in young adulthood and throughout their lives. Some also experienced instability in housing or homelessness. Others had had successful careers but described how they lost these following a breakdown in later life when dealing with their childhood trauma.

## Experiences of recovery and support

Participants employed different coping mechanisms to help them manage the impacts of the abuse, including deliberately isolating themselves, psychologically trying to block out their thoughts and feelings, and using alcohol and gambling. Negative coping mechanisms were not successful in the long term, and participants eventually confronted their thoughts and feelings, generally many years after the abuse had occurred. Thereafter they sought support or counselling and began to find ways of coping better.

Negative experiences with institutions and agencies after disclosing the abuse had extremely adverse consequences, which were considered by participants to be as bad as or worse than the actual abuse itself. Difficulties in accessing information and the lack of funding for legal assistance hampered the ability of participants to progress in their recovery and seek justice or compensation.

Insufficient counselling was a hindrance to recovery. Difficulties in accessing or funding counselling and the short-term nature of provided counselling inhibited participants' ability to fully work through their extensive trauma. For some, medication was the only alternative way to cope when counselling was not available.

“ *It's not a chemical cosh it's practically a chemical coma just so that I can function and make a little sense occasionally. This is no way to live. It's not living in any shape or form.*

Truth Project participant abused in custodial institution

Positive and effective coping mechanisms described were: connecting with other victims and survivors; appropriate longer-term counselling; support from specialist charities and organisations; and the assistance of knowledgeable specialist solicitors in seeking justice. Advancing their education in later life and creative activities were also an aid to recovery for some participants.

### Victims and survivors' suggestions for change

Many participants in this sample experienced abuse prior to the 1990s, during a period when the youth secure estate was set up in a different way to how it is currently. However, participants had experienced many difficulties throughout their lives and made a number of suggestions to improve child protection and assist victims and survivors of child sexual abuse in future.

Structurally, participants felt there should be an end to remaining barriers and limitations impacting on victims and survivors' ability to gain justice and recognition. They felt that local police forces should not be allowed to investigate allegations of non-recent child abuse in institutions in their own geographical area. Financially, participants said date limitations preventing the ability to make compensation claims should be removed. They also felt that emotional and practical support needed to be in place for those victims and survivors receiving financial compensation following the abuse. Participants also thought there needed to be provision for more specific support services, locally available, for young people. Culturally, participants felt that, as a society, we need to be open and speak out about sexual abuse, and that cultural views and the stigma about people living in poverty and children who have spent time in custodial institutions need to change. There was also a view that reporting concerns should become a more familiar and expected process in society. Participants also said that both professionals and members of the public need to listen carefully to children and observe their behaviour for signs of abuse. Politically, it was felt that the state needs to be held responsible and accountable for responses to child sexual abuse and institutional failure.

#### Note on language

Please see Appendix A for a glossary which contains definitions of various terms used throughout this report.

Where the term 'abuse' is used, throughout the report, we are generally referring to sexual abuse unless otherwise stated.

# *Chapter 1*

# Introduction

This chapter provides background information about the Inquiry, the Truth Project and the aims of this research.

## 1.1 Background to the Inquiry

The Independent Inquiry into Child Sexual Abuse ('the Inquiry') was set up as a statutory inquiry in March 2015. The Inquiry aims to consider the extent to which state and non-state institutions in England and Wales have failed in their duty of care to protect children from sexual abuse and exploitation, and to make meaningful recommendations for change. Child sexual abuse involves forcing or enticing a child or young person under the age of 18 to take part in sexual activities. It includes contact and non-contact sexual abuse, child sexual exploitation and grooming a child in preparation for sexual abuse. The Inquiry has 15 investigations into child sexual abuse, focusing on a range of different institutions. These investigations consider the nature and scale of, and institutional responses to, child sexual abuse in institutions. These investigations provide the Inquiry with a sound basis from which to consider contemporary national issues concerning the sexual abuse and exploitation of children. Further information about how the Inquiry works and its terms of reference can be found on the [Inquiry website](#).

This thematic report complements the additional work undertaken in the Inquiry examining child sexual abuse in custodial institutions: our [rapid evidence assessment on child sexual abuse in custodial institutions](#) (Mendez Sayer et al., 2018); our [investigation report on sexual abuse of children in custodial institutions 2009–2017](#) (Jay et al., 2019) and a research study into [child sexual abuse in the youth secure estate](#) (Soares et al., 2019b). We have considered the research findings in light of this previous work undertaken by the Inquiry. Where appropriate, we have also considered our research findings alongside those of the Royal Commission into Institutional Responses to Child Sexual Abuse in Australia (which concluded in 2017), as it is the most recent national inquiry addressing similar issues.

## 1.2 Background to the Truth Project

The Truth Project is a core part of the Inquiry alongside public hearings and research. It was set up to hear and learn from the experiences of victims and survivors of child sexual abuse in England and Wales. It offers victims and survivors an opportunity to share experiences of child sexual abuse. People can participate in the Truth Project through a private session – either in person or over the telephone – or by submitting a written account of their experience. By doing so, Truth Project participants make an important contribution to the work of the Inquiry. The Truth Project was piloted in November 2015 with the offer of private sessions commencing in June 2016. Up to the end of March 2020, over 4,632 people have come forward to share an experience. So far, most people have attended a private session in person.<sup>3</sup> These experiences will influence the Inquiry's findings and help inform its recommendations for improving child protection in institutions across England and Wales and ensuring the institutions are focused on the best interests of children. Further information about the Truth Project can be found on the [Truth Project website](#).

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<sup>3</sup> It should be noted that the option of private sessions via telephone was only fully introduced in October 2018, and it is anticipated that the number of victims and survivors sharing experiences in this way will grow over time.



## 1.3 Using Truth Project data for research

Information gathered through the Truth Project provides the Inquiry with rich insights into child sexual abuse. With the consent of participants, the Inquiry uses this information in a variety of ways, including for ongoing research and data analysis carried out by the Inquiry's Research Team. Using this information for research allows us to build the evidence base around child sexual abuse and institutional failures to protect children from it; it is an important building block in helping the Inquiry develop recommendations to prevent child sexual abuse happening in the future and improve institutional responses to child sexual abuse. Further details about how and why Truth Project information is used for research can be found in the separate *Truth Project Research: Methods* report (King and Brähler, 2019).

### 1.3.1 Research questions

The Truth Project analysis explores two overarching research questions:

- What have victims and survivors shared about their experiences of child sexual abuse and the institutional contexts in which it occurred and was responded to?
- What similarities and differences are there in victims and survivors' experiences of child sexual abuse across time periods, groups and institutions?

This report seeks to explore the first research question and its themes and research sub-questions as set out in Table 1.1, specifically in relation to child sexual abuse experienced in custody. With regard to the second research question, in this report we explore the similarities and differences in experiences of child sexual abuse between participants abused in custodial institutions.<sup>4</sup>

This report is the third Truth Project thematic report to be published, and it details Truth Project participants' experiences of sexual abuse relating to a range of custodial institutions. The report complements other work undertaken by the Inquiry examining child sexual abuse in this type of context. Our first thematic report focused on *child sexual abuse in the context of religious institutions* (Hurcombe et al., 2019) and our second on *child sexual abuse in context of children's homes and residential care* (Soares et al., 2019a).

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<sup>4</sup> Comparisons between experiences across different institutions and time periods will be undertaken at a later point when we have the opportunity to carry out a fuller comparative analysis.

**Table 1.1 Research themes and associated sub-questions**

Theme	Associated research sub-question
Backgrounds of victims and survivors	Who has come forward to the Truth Project to share an experience of child sexual abuse?
Nature of sexual abuse experienced	What do people share about the nature of the child sexual abuse they experienced?
Institutional contexts	How much did institutions know about what was happening? What have victims and survivors said about whether anything could have been done by the institutions at the time to prevent the sexual abuse?*
Disclosure	What were victims and survivors' experiences of disclosing child sexual abuse (as a child/adult) and what has helped or hindered disclosure? How were disclosures or allegations of child sexual abuse responded to by those within and outside institutions?†
Impacts of sexual abuse	What are the impacts of child sexual abuse?
Experiences of support	What has helped or hindered victims and survivors' recovery?
Victims and survivors' suggestions for change	What changes do victims and survivors suggest to improve child protection and prevent child sexual abuse in the future?

\* i.e. were there features of the institution that appeared to enable or facilitate the sexual abuse?

† 'Within institutions' includes, for example, police, local authorities, the criminal justice system and the health sector. 'Outside institutions' includes, for example, family and local communities.

## 1.4 Report structure

The report is structured in the following way:

- Chapter 2 provides information on the Truth Project dataset and the sampling framework used for this report.
- Chapter 3 sets out some key contextual information relating to custodial institutions, to help situate our research findings. It also contains details on the Inquiry's investigations and research where it is relevant to this report.
- Chapter 4 provides socio-demographic information about victims and survivors who shared their experiences of sexual abuse in custodial institutions with the Truth Project. It also provides a description of the family and early-life backgrounds of the participants and describes how they came to be placed in custodial institutions as children.
- Chapter 5 details the context and nature of the sexual abuse experienced by participants in custodial institutions.

- Chapter 6 describes the characteristics and features of the custodial institutions and how these facilitated the perpetration of child sexual abuse. It considers what participants shared about what knowledge institutions and the individuals within them had about abuse that was occurring at the time.
- Chapter 7 presents information about participants' experiences of disclosing the sexual abuse, both as children and as adults, and the impact of the responses upon them. The barriers to disclosure shared by participants are also reported. It also describes participants' experiences of the police and criminal justice system after disclosing or reporting the abuse.
- Chapter 8 describes the range of impacts of the sexual abuse shared by participants and what has helped or hindered participants' recovery. It details emotional and psychological, physical, social and sexual, behavioural, educational and financial impacts, as well as reporting on the wider impacts of the abuse on others, including participants' partners and families.
- Chapter 9 relays ways that participants have found of coping with their experiences of sexual abuse as children. It also describes their experiences of formal and informal support in helping them deal with the consequences and impacts of child sexual abuse in custodial settings.
- Chapter 10 concludes the report by providing a summary of the key research findings and themes identified in the report. It details the characteristics identified in these cases of child sexual abuse in custodial settings. The chapter concludes by detailing the changes participants think are necessary to prevent abuse in the youth secure estate for children in future and to improve responses to, and support for, victims and survivors of child sexual abuse.

## *Chapter 2*

# Sample and methods

This chapter provides information on the Truth Project dataset and the sampling framework used for this report. The information for this report has been gathered from experiences that victims and survivors shared with the Truth Project between June 2016 and January 2020. Research findings on child sexual abuse in custodial institutions will be updated for the final analysis of all Truth Project data, which will be published at the end of the Inquiry.

In this chapter we present key quantitative characteristics of the 47 participants who reported child sexual abuse that took place within a custodial institution and who had taken part in the Truth Project up until the end of January 2020. In the rest of the report we present research findings from our qualitative analysis of 8 of those 47 Truth Project accounts.

The experiences of sexual abuse in custodial institutions presented in this report do not necessarily relate to current-day experiences, as the most recent case of abuse occurring in this context began almost a decade ago and the majority of cases occurred prior to 1990. Nevertheless, we aimed to identify common themes among participants' experiences across all time periods. We recognise that the research findings included in this report do not reflect all experiences of sexual abuse in custodial settings and are only indicative of the specific experiences of those who chose to share their experiences with the Truth Project.

## 2.1 Sampling

Cases of child sexual abuse that occurred within a custodial institution were identified for analysis based on the general location of the abuse. This included the following custodial institution types:

- young offender institutions
- borstals
- approved schools
- assessment centres
- remand centres
- detention centres
- secure children's homes/care units.

Cases in the qualitative sample (see section 2.3) include those where abuse had occurred in most of the institution types above; however, there were no cases suitable for the qualitative sample where the abuse occurred in a borstal or a young offender institution.

Due to the fact that most of the experiences of sexual abuse detailed within this report commenced prior to the 1990s, some types of custodial institutions that are included in this report no longer exist, such as approved schools and borstals.

Secure training centres are also one of the three main types of custodial institution currently in England and Wales; however, there were no available cases among participants of the Truth Project to include in the sample.

Secure children’s homes provide accommodation for children and young people detained or sentenced by criminal courts and also for welfare reasons (Department for Education, 2019). We include secure children’s homes in the sample here where participants had been placed in such homes following detention or sentencing by criminal courts, rather than for welfare-only reasons. Where Truth Project participants were placed in such homes for welfare reasons, we have included those cases in our analysis and reporting on *child sexual abuse in the context of children’s homes and residential care* (Soares et al., 2019a).

In our reporting, we have not broken down our analysis by the specific type of custodial institution. This is because of the small numbers of participants reporting abuse in custody and in specific custodial institutional types. In addition, given that we have qualitatively analysed the data in this report, such a breakdown is not suitable as the analysis is focused on overall themes and trends. Truth Project participants are not asked direct questions, and therefore the type of custodial institution the sexual abuse took place in is often not specified in Truth Project sessions or written accounts.

## 2.2 Quantitative information

Of the 3,701 people who shared an experience between June 2016 and January 2020, 47 (1.3 percent) described child sexual abuse that took place within a custodial institution. Of these, 23 reported being abused by a member of corrective service personnel. Table 2.1 shows some key characteristics for this group of participants.

Table 2.1 Characteristics of Truth Project participants sexually abused in custodial institutions

Characteristic	Category	No. of participants
Time period of sexual abuse	Pre 1970s	12
	1970s–1980s	25
	1990s–present	4
	Unknown	6
Age when sexual abuse began	11 years and under	11
	12 years and older	27
	Unknown	9
Sex of victim and survivor	Female	8
	Male	39
Ethnicity of victim and survivor	Ethnic minority	1
	White	28
	Unknown	18

Characteristic	Category	No. of participants
Relationship of perpetrator to victim and survivor*	Corrective service personnel	23
	Peer or older child	10
	Residential care worker	7
	Other positions	4
	Educational staff	4
	Medical practitioner	3
	Unknown	3
	Ancillary staff	2
	Clergy	1
	Family member	1
Type of sexual abuse†	Abuse involving penetration	22
	Fondling	18
	Abuse not involving penetration	14
	Unknown	10
	Violations of privacy	6
	Exposing children to adult sexuality	2
	Grooming for the purposes of sexual contact	1
	Exploitation	1

\* Numbers in this category total over 47 as some participants reported more than one perpetrator.

† Numbers in this category total over 47 as some participants reported more than one type of sexual abuse. All abuse reported here relates to experiences in custodial institutions.

## 2.3 Qualitative sample and methods

The sample for qualitative analysis was selected by listing all Truth Project accounts that related to custodial institutions. From this list, we selected eight accounts<sup>5</sup> for in-depth analysis to ensure a range of characteristics and circumstances within each of the following categories:

- time period in which the sexual abuse occurred;
- age of victim and survivor when the sexual abuse began;
- sex of victim and survivor when the sexual abuse began; and
- type of custodial institution where the sexual abuse occurred.

The characteristics of the qualitative sample used for this report are detailed in Table 2.2. As described above, the majority of participants described abuse that had taken place in custodial institutions prior to 1990. This is reflected in the spread of the cases selected for the qualitative sample.

**Table 2.2 Qualitative sample characteristics (Truth Project participants sexually abused in custodial institutions)**

Characteristic	Category	No. of participants
Time period of sexual abuse	Pre 1970s	4
	1970s–1980s	3
	1990s–present	1
Age when sexual abuse began	11 years and under	3
	12 years and older	5
Sex of victim and survivor	Female	1
	Male	7
Type of custodial institution*	Approved school	6
	Detention centre	3
	Remand centre	2
	Secure children's home	1
	Assessment centre	1

\* Four participants in the sample experienced abuse in two or more different custodial institutions. Two participants were abused in the same individual institution. Therefore, unlike the other categories, the total number recorded for abuse location is not eight.

<sup>5</sup> This number provides a proportion of the planned overall sample of around 70 accounts we expect to include in the full qualitative analysis work. It also reflects an appropriate proportion of the anticipated number of participants who will take part in the Truth Project before the end of the Inquiry. A complete sample of around 70 accounts is anticipated to provide a large enough number to reach 'saturation'; in a research context, this refers to the point at which the addition of further accounts would not provide new categories in analysis (Katz et al., 2017; Bowen, 2008). More than 50 is considered to constitute a large sample in qualitative participant-based research (Braun and Clarke, 2013; Sandelowski, 1995).



The Framework approach was used as the method for the qualitative analysis. Further details of this approach can be found in the separate report *Truth Project Research: Methods* (King and Brähler, 2019).

## 2.4 Ethics

All social research conducted or commissioned by the Inquiry is subject to approval from the Inquiry's Research Ethics Committee.<sup>6</sup> The Truth Project research is subject to rigorous ethical scrutiny, as the data collected are highly personal and sensitive. In order to safeguard these data, each component of the research process was reviewed in line with strict ethical standards by the Inquiry's Research Ethics Committee. Ethical approval was obtained prior to the collection and analysis of the data.

Information is only included where Truth Project participants have agreed to their accounts being used for research purposes. All information analysed for this report was anonymised prior to analysis, and all identifying information has been removed.

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<sup>6</sup> The Inquiry's Research Ethics Committee is formed of external academics and experts as well as internal staff. The Committee is internal to the Inquiry but independent of those commissioning and delivering its research.

## *Chapter 3*

# Custodial institutions

To help situate our research findings, this chapter sets out some terminology and key contextual information relating to custodial institutions and the youth secure estate. It also contains details of the Inquiry's investigations and research where it is relevant to this report.

### 3.1 Defining custodial institutions and the youth secure estate

A range of terminology is used and referred to throughout this report to describe the types of custodial institutions in which children have been held, both in the past and currently. The names and terms used for such institutions have changed over the years. We use the term 'custodial institutions' in this report to describe establishments in operation for children and young people in the youth justice system in England and Wales, both in the past and currently. Nowadays, such institutions tend to be collectively known as the 'youth secure estate'.

As the majority of victims and survivors participating in the Truth Project have referred to abusive experiences taking place in custodial institutions prior to the 1990s, their accounts primarily relate to previous establishment types such as 'approved schools', 'assessment centres', 'detention centres', 'remand centres' and 'borstals'. To provide some context and understanding of these earlier institutions, we have described some of the main policy and legislative developments, types of custodial establishment and the population of the youth secure estate against the three main time periods used for the qualitative sample. We have also provided information about the institutions which comprise the current youth secure estate.

### 3.2 Custodial institutions and the youth secure estate through time

A number of studies characterise the shifting patterns of the youth justice system, which has been subject to extensive changes in legislation and policy since its early inception in the 19th century (see, for example, Bateman, 2011; Bottoms and Kemp, 2007; Williams, 2004; Hagell, Hazel and Shaw, 2000). Such changes have been instrumental in shaping the focus of the youth justice system and the response to children who offend. They have dictated when custodial institutions open, close, are expanded or reconfigured, and have driven notable fluctuations in the number of children in custody. A timeline of the key legislative and policy shifts can be found at Appendix B of this report. Appendix B also provides further details on shifts in the population of children in custody over the years.

#### 3.2.1 Pre-1970s

The opening decade of the 20th century is described in one study as marking 'a watershed in youth justice in England and Wales' (Williams, 2004, p.6), since a number of legislative and policy frameworks affecting the youth justice system have been introduced from this period onwards. Shifts between punishment and welfare responses to children who offend are notable. For example, the Children and Young Persons Act 1933 placed an emphasis on child welfare and required courts to consider a child's welfare (Bateman and Hazel, 2014; Raymond, 2010), but then the 1948 Criminal Justice Act saw a distinct shift back to an ethos of punishment, due to rising levels of youth crime. The focus on punishment continued with the Prison Act 1952 being introduced amid concerns around football hooliganism, youth gangs and student protests (Association of Independent LSCB Chairs, 2014; Pearson, 1983, cited in Williams, 2004). The number of places in borstals increased throughout

this period, and the first secure unit also opened – intended for children aged 10–18 who had absconded from open approved schools (Bateman and Hazel, 2014).

The Children and Young Persons Act 1969 sought to shift the focus back to welfarism (Williams, 2004); however, the new Conservative Government elected shortly after meant large sections of this Act were never implemented, such as raising the age of criminal responsibility to 14 (Bateman and Hazel, 2014; Raymond, 2010; Bottoms and Kemp, 2007; Williams, 2004). Emphasis was again placed on punishment, and government grants to local authorities facilitated the expansion of the youth secure estate (Prime, 2014; Raymond, 2010; Bottoms and Kemp, 2007; Williams, 2004; Goldson, 2003).

Historically, although inspection and scrutiny arrangements existed in the youth secure estate (such as boards of visitors, inspection procedures and investigation of complaints policies), key weaknesses in these arrangements limited their effectiveness as safeguards against abuse (Jarman et al., 2018). Children had limited opportunity to report any concerns to external visitors or officials. Inspections were conducted by external staff but tended to be concerned with checking compliance rather than considering whether specific policies were fit for purpose (Jarman et al., 2018). Welfare officers were introduced into custodial institutions from the mid 1950s, but their role was extremely limited, many lacked formal training or qualifications, and children had limited access to them.

A number of establishments were in use in this time period. Borstals first opened in 1902 and were rolled out nationally within six years. They were intended to reform young people aged 16–21, and residents were subjected to a strict regime including physical drills, training and education.

Approved schools were institutions established in 1933 to replace reformatories and industrial schools (Bateman and Hazel, 2014; Justice Studio, 2014). They provided education and training on a residential basis for children up to the age of 16, and the policy was for staff to keep punishment to a minimum. The vast majority of their residential population had been convicted of a criminal offence, but a few had been sent there due to welfare concerns (see The Scottish Government, 2007).

First opening in 1952, detention centres were designed to accommodate children and young people with short sentences and to replace court-imposed corporal punishment. Their regimes remained harsh and were intended to provide a short, sharp shock to residents. Along with youth custody centres, they formed the first iteration of young offender institutions in 1988 (Bateman and Hazel, 2014). Similarly, remand centres were established in 1961. They were later absorbed within youth offender institutions in 1994 (Criminal Justice and Public Order Act 1994).

### 3.2.2 1970s–1990s

Developments in this period were typically shaped by identified safeguarding failures, which drew attention to child protection improvements being needed and improved safeguarding coordination among services responsible for child welfare (see, for example, Stuart and Baines, 2004b).

Different types of establishment also emerged in this time period. Borstals merged with young prisoner centres in 1982 to form youth custody centres, which were considered the ‘last resort’ option for young people who offend. Youth custody centres and detention centres (described above) were later combined in 1988 to form the first iteration of young offender institutions (Bateman and Hazel, 2014).

Assessment centres were previously used to temporarily house children and assess their needs prior to them being placed permanently in the youth secure estate. In theory, this provided an opportunity to house children in the institution best placed to meet their needs (Lambeth Social Services, 1990).

By the early 1980s, the number of males aged 14–16 sentenced to custody per year was around 8,000 (Hagell and Newburn, 1994, cited in Williams, 2004). Although custody rates fell dramatically from 1983 onwards (Bateman and Hazel, 2014), following further reconfiguration of the youth secure estate (and a heavy focus on protection and rehabilitation), by the early 1990s there was a significant shift back to punitive ‘tough on crime’ responses, placing pressure on the youth secure estate due to the growing numbers of children entering it (Bateman, 2011; Pitts and Stevens, 2011; Hollingsworth, 2008; Goldson, 2006; Williams, 2004; Hagell, Hazel and Shaw, 2000). The murder of toddler James Bulger by two 10-year-old boys in 1993 was a factor in this shift back to punitive responses (Mendez Sayer et al., 2018), the crime having attracted significant media and public attention, influencing attitudes to young offenders.

From 1986, various efforts were made to address the specific issue of institutional abuse. The Children Act 1989 was the first major legislative response to abuse of this kind (Rose, 2014; Gallagher, 2000, cited in Erooga, 2009). Following its introduction, the applicability of this legislation to children in custody became the subject of much debate (see, for example, Association of Independent LSCB Chairs, 2014; Stuart and Baines, 2004b; Goldson, 2003; Monaghan, Hibbert and Moore, 2003). The Act also established a separate family proceeding court so that the juvenile court could deal purely with young offenders, and led to published guidance for looked-after children and former looked-after children.

From 1989, secure children’s homes were introduced into the youth secure estate after the 1989 Children Act charged local authorities with a duty to avoid placing children in secure penal accommodation where possible (Justice Studio, 2014; Department for Education, 2013). They provide children and young people with support tailored to their individual needs; to achieve this, they have a high ratio of staff to young people and are generally small facilities (Department for Education, 2019).

### 3.2.3 1990s–2010s

There was a significant change in policy and practice concerning child welfare in the 1990s and 2000s, with a broadening of concerns from ‘child protection’ to ‘safeguarding’. The state developed a much broader focus of concern about what caused harm to children and what the role of professionals and official agencies should be in relation to this. The object of concern was no longer simply children at risk of abuse and ‘significant harm’, but rather that effective safeguarding measures were those that promoted children’s welfare within a wider range of support and services provided to meet the needs of all children and families (Parton, 2011). Against this background, a number of key developments occurred impacting on youth custody.

The Crime and Disorder Act 1998 laid out the statutory requirements for youth offending teams which look into the background of young people and help and support them to stay away from crime. The Youth Justice Board was set up at the same time, as a statutory body with oversight of the whole youth justice system for England and Wales. The Youth Justice Board monitors operations and the provision of services in the youth justice system and works with partners to prevent offending and reoffending by children (Youth Justice Board for England and Wales, 2019).

After its establishment, the Youth Justice Board pushed the Home Secretary for improvements to be made to child protection policies and procedures for children in custody (Goldson, 2007), due to rising concerns about the welfare of children accommodated there. In 2002, the applicability of the 1989 Children Act to the secure estate was confirmed by the High Court (Burdett, 2004; Stuart and Baines, 2004b). This change marked a significant shift in the way safeguarding and protection of children in custody was considered, and had direct implications for the secure estate and those working within it (Willow, 2015; Association of Independent LSCB Chairs, 2014; Goldson, 2007).

A series of child protection initiatives were developed during this period (Association of Independent LSCB Chairs, 2014; Erooga, 2009; Goldson, 2007; Stuart and Baines, 2004b), including reviews of safeguarding of children in the youth secure estate and the publication of guidance documents (for full details of these developments, see the Inquiry's *Rapid evidence assessment on child sexual abuse in custodial institutions*).

Following the earlier initiatives, the Children Act 2004 was introduced. This coincided with the deaths of two boys in secure training centres (described below) following the use of restraint by staff (Association of Independent LSCB Chairs, 2014). In 2004, 15-year-old Gareth Myatt died in hospital following a restraint incident in a secure training centre. Gareth's death revealed a number of shortcomings in relation to physical control in care, the approved method of restraint in secure training centres, and wider safeguarding issues were highlighted at the inquest into his death (Ministry of Justice and Youth Justice Board, 2010). Soon after, 14-year-old Adam Rickwood became the youngest child ever to die in penal custody in England and Wales, having died by suicide in a secure training centre. He had been restrained earlier in the day he died with the use of a pain technique, for refusing to go to his room. The coroner who conducted the inquest into Adam's death made a number of recommendations, including that an urgent review of the rules on the use of restraint be undertaken (House of Lords and House of Commons Joint Committee on Human Rights, 2008).

These events and the inquiry into the deaths of the two boys (see Carlile, 2006) triggered the need for further action to improve the safeguarding of children in custody. The Carlile review investigated the use of physical restraint, solitary confinement and forcible strip-searching in the youth secure estate. The review prompted huge changes to the system and made 45 recommendations, among them the need for annual unannounced inspections in all establishments, all staff working with children in custody to be trained in child protection, and for children and young people to be helped to understand that they may make complaints in custody and that there will be no reprisals.

The Children Act 2004 was significant, as it extended safeguarding duties to criminal justice agencies and stipulated greater cooperation between youth offending services and child protection services. More importantly, it underlined the safeguarding duties of custodial institutions. The Act also replaced area child protection committees with statutory local safeguarding children's boards (LSCBs) (later replaced by new safeguarding partners in 2019<sup>7</sup>), the establishment of which was intended to significantly improve inter-agency safeguarding provision.

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<sup>7</sup> The Children and Social Work Act 2017 replaced LSCBs with new local safeguarding arrangements led by three safeguarding partners (local authorities, chief officers of police, and clinical commissioning groups) (HM Government, 2018a). The three safeguarding partners should agree on ways to coordinate their safeguarding services, act as a strategic leadership group in supporting and engaging others, and implement local and national learning, including from serious child safeguarding incidents (HM Government, 2018b).

This legislation triggered a number of other changes and initiatives relating to or impacting on safeguarding regimes within the secure estate. For example:

- statutory guidance requiring regular visits for children and young people who have been in care or are care leavers, and who end up in custody (Prison Reform Trust and Inquest, 2012; HM Government, 2006);
- the requirement for secure establishments to have anti-bullying strategies and provision for children and young people to safely voice their concerns (Rose, 2014; Tunnard, Ryan and Kurtz, 2005);
- the introduction of systems to minimise the use of restraint (Prison Reform Trust and Inquest, 2012);
- the introduction of a protocol around the placement and transfer of children and young people in the youth secure estate;
- the introduction of a code of practice on managing challenging and problematic behaviour of children in the secure estate (Youth Justice Board for England and Wales, 2006);
- the requirement for every remanded child to automatically acquire looked-after status and protection (Association of Independent LSCB Chairs, 2014); and
- the introduction of mechanisms to improve the sharing of information and learning relating to safeguarding in the youth secure estate, and a new child protection policy by the Youth Justice Board (Youth Justice Board for England and Wales, 2015).

Further information on these developments can be found in the Inquiry's *Rapid evidence assessment on child sexual abuse in custodial institutions*.

In the late 1990s privately run secure training centres were introduced. However, in the following decades a number of concerns were raised about abuse and the use of control and restraint in these institutions (Jarman et al., 2018). These concerns included the investigations into the deaths of Gareth Myatt and Adam Rickwood (discussed above) and allegations made against a number of staff at Medway Secure Training Centre in 2016 concerning abuse, the use of excessive force and neglect. Medway was subsequently returned to government control under the National Offender Management Service.

A new youth remand framework and amendments came into effect with the Legal Aid, Sentencing and Punishment of Offenders Act 2012, which made significant changes. One change in particular is that whenever a court refuses bail to a child or young person (aged 10–17), the court is required to remand the child to local authority accommodation unless certain conditions are met, in which case the court may instead remand the child to youth detention accommodation. Every such child, regardless of which type of accommodation they are remanded to, must be treated as a looked-after child by the designated local authority.

Further legislative, policy and procedural change and progress followed in the mid to latter part of the 2010s. For example, the Children and Families Act 2014 placed a duty on local authorities to carry out education, health and care assessments of young people in the secure estate.

The Youth Custody Improvement Board was set up in 2016 to report on the state of the youth custodial estate and to recommend how the system could be improved. Nineteen recommendations were made in the report, including: for all new staff to have appropriate skills and knowledge of working with young people, and for a training programme for all existing staff; immediate identification of what additional

measures can be taken in each young offender institution and secure training centre to improve the safety of young people; and for specific consideration to be given to the over-representation of young people from an ethnic minority in the youth secure estate (Wood, Bailey and Butler, 2017). By May 2019, the Government had provided details that nine of the recommendations had been fully achieved and six had been partially achieved (HM Government, 2019).

*Concordat on Children in Custody* was published in 2017 (Home Office, 2017) to help prevent the unnecessary detention of children in police stations following charges. In 2019 the Standards for Children in the Youth Justice System were introduced (Ministry of Justice and Youth Justice Board, 2019), which define the minimum expectation for all agencies that provide statutory services, to ensure good outcomes for children in the youth justice system.

There have been some successes following the implementation of improved safeguarding measures in the youth secure estate; however, improved practices have been inconsistent, and the need for further progress continues to be highlighted in reviews (Brooks et al., 2019; Wood et al., 2017; Taylor, 2016).

In December 2016, the Taylor review (Taylor, 2016) found that there needed to be a shift in the way society, including central and local government, thinks about youth justice, so that society sees the child first and the 'offender' second. The review made recommendations for the extensive reform of the youth justice system, including custody. These included the need for much greater clarity and accountability in the system, for a more proportionate response to youth offending, for violence to be addressed, and for outcomes for children and young people in custody to be improved. The review also argued that education needed to be placed at the heart of youth custody, and recommended the establishment of 'secure schools', to be set up, run and governed within schools legislation. The review envisaged that such schools should replace most existing youth custody provisions in the future.

In terms of the number of children in custody, by 2001 the population of children in the youth secure estate stood at around 3,000 (Williams, 2004). The numbers remained broadly consistent until they began to gradually decrease again from the end of the decade onwards (Ministry of Justice, 2016; Prime, 2014; Cripps, 2010; Jacobson et al., 2010). A youth crime action plan was published in 2008 with the aim of reducing the number of first-time entrants to the youth justice system by a fifth by 2020, and with the emphasis again on rehabilitation and alternatives to custody (Bateman and Hazel, 2014). Although the exact causes and reasons for the reduction are likely to be complex and not fully understood, by December 2019 the number of children in custody (under the age of 18) had reduced significantly, standing at 724 (HM Prison and Probation Service (HMPPS), 2019).

### 3.3 The current youth secure estate

There are two primary routes into the youth secure estate: following a criminal conviction, or due to welfare concerns (Children's Commissioner for England, 2017). Currently, the youth secure estate in England and Wales comprises three different types of establishment: young offender institutions, secure training centres and secure children's homes. These three types of establishment vary by size, the age and gender of children they accommodate, staff to child ratios, and their management and governance structures (see Soares et al. (2019b) for further details of each type of establishment).

- *Young offender institutions* (holding boys aged 15–17) are the largest of all three settings and have a much lower staff to child ratio. Young offender institutions generally hold older children considered to be more resilient and whose problematic behaviour may be directed towards others or their environment (Mendez Sayer et al., 2018);



- Secure training centres hold children (boys and girls) aged 12–17, although not all accommodate girls. Secure training centres receive children who are older than those in secure children’s homes and more independent, or those who have vulnerabilities that would make placement in a young offender institution unsuitable (Mendez Sayer et al., 2018);
- Secure children’s homes can hold children (boys and girls) from the age of 10 to 17. Children can be placed in secure children’s homes for criminal justice reasons (on remand or under sentence), as with young offender institutions and secure training centres, or due to welfare reasons, for the protection of themselves or others. Secure children’s homes tend to be smaller in size, have a higher staff to children ratio, and tend to be used for the youngest, the most at-risk children and those with more complex needs.

The continual decline in numbers of children and young people in the youth secure estate in England and Wales since the late 2000s has altered the characteristics of the population. This has resulted in secure settings holding children serving longer sentences who display more challenging behaviours, have multiple and more complex needs, and pose a greater risk to both themselves and others.

The literature on the adequacy and impact of inspections in more modern custodial institutions is limited; however, the uncoordinated approach of the various monitoring bodies has been highlighted as being unhelpful and increasing the risk of unidentified safeguarding issues (Holden et al., 2016; Taylor, 2016; Youth Justice Board and National Children’s Bureau, 2008). Concerns have also been raised about the proportion of children across the secure estate that have or see a social worker (Gyateng et al., 2013; HM Inspectorate of Prisons, 2011), and there is an ongoing need for greater involvement of local authorities in the safeguarding of children in custody (Willow, 2015; Association of Independent LSCB Chairs, 2014; Youth Justice Board and National Children’s Bureau, 2008; Bottoms and Kemp, 2007; Stuart and Baines, 2004a).

The 2018–19 Her Majesty’s Chief Inspector of Prisons annual report indicates there were some improvements with regard to safeguarding within the youth secure estate compared to the previous year; however, the inspectorate consistently finds that institutions holding children are not safe enough and that the everyday nature of violence and intimidation in the youth secure estate affects the likelihood that children will trust the institution to protect them if they report sexual abuse from other children or staff (HM Chief Inspector of Prisons for England and Wales, 2019).

The Youth Custody Service was established in September 2017 as a distinct arm of Her Majesty’s Prison and Probation Service (HMPPS). This service has operational responsibility for the children and young people’s secure estate, which accommodates all children and young people aged 18 years and under held across England and Wales. The Youth Custody Service commissioned a review of safeguarding in the secure estate in October 2019 (Brooks et al., 2019). The review encompassed safeguarding from sexual abuse and took into account the Inquiry’s analysis of the case studies and material that the Inquiry has produced (see section 3.5 below). The review made over 120 recommendations and included consideration of current operational policies for safeguarding and the processes for handling allegations and complaints, as well as the corporate governance of safeguarding and training in the youth secure estate. The report concluded that Youth Custody Service leaders must continue to drive change towards a child-centred, rehabilitative culture, with safeguarding seen as an overarching aspect of all roles and functions.

### 3.4 The Inquiry's research into custodial institutions

In March 2018, the Inquiry's Research Team published a rapid evidence assessment (REA) into child sexual abuse in custodial institutions, *Child sexual abuse in custodial institutions: A rapid evidence assessment* (Mendez Sayer et al., 2018), which summarised the existing research literature on child sexual abuse in custodial institutions and helped inform the Inquiry's investigation into child sexual abuse in custodial institutions (described in section 3.6 below).

The REA highlighted that children in the youth secure estate are a vulnerable population, with many children in these establishments coming from a background of prior maltreatment, including experiences of child sexual abuse, deprivation, local authority care and mental health problems. The report detailed how a number of factors emerged from the literature as associated with an increased risk of child sexual abuse in custody. These include gender, ethnicity, sexual orientation, history of experiencing sexual assault prior to custody or having been convicted of a sexual offence prior to custody. In addition, the REA found that a number of factors have been identified in the literature as contributing to keeping children safe or, conversely, exposing them to higher levels of risk in custodial institutions. These include the culture within establishments, relationships with staff, staff to children ratios and the size of establishments, the physical environment and the population mix.

The Inquiry's Research Team also completed primary research to explore perceptions and experiences of safeguarding in the youth secure estate, published in the report *Safe inside? Child sexual abuse in the youth secure estate* (Soares et al., 2019b). Specifically, this research aimed to examine the extent to which children in the current youth secure estate felt safe from sexual abuse.

The research found that children in the youth secure estate did not always feel safe or protected from harm. However, there were some differences for children in secure children's homes, such as children in those institutions having more positive attitudes towards staff. The research also found that both staff and children considered the risk of child sexual abuse to be low due to a range of preventive mechanisms and protective factors. These included positive relationships between staff and children and the consideration of safeguarding in recruitment processes. However, further exploration revealed that the responses of participating children may, in part, be explained by their limited understanding of child sexual abuse.

Other key findings from the research identified that practices in the youth secure estate do not appear to be serving the best interests of children and that preventive measures adopted do not always reduce risk. It was found that work is required to develop the culture around safeguarding within these institutions. A key research finding was that staff need more guidance and support to be able to identify sexual abuse and harmful sexual behaviours, and that more work is required to ensure they are equipped to deal with safeguarding issues.

### 3.5 Inquiry investigation into child sexual abuse in custodial institutions

One of the Inquiry's investigations focuses on child sexual abuse in custodial institutions. A report from this investigation, *Sexual Abuse of Children in Custodial Institutions: 2009–2017*, was published in February 2019, public hearings having taken place in July 2018.

This phase of the investigation considered the extent of any recent institutional failures to protect children from sexual abuse and exploitation while in custodial institutions, namely young offender institutions, secure training centres and secure children's homes.

The investigation obtained data providing an indication of the incidence of reported child sexual abuse within the youth secure estate between 1 January 2009 and 31 December 2017. The evidence gathered indicates that there were 1,070 alleged incidents of sexual abuse and potentially 1,109 victims between 2009 and 2017. In recent years an increase in the number of reported incidents of sexual abuse has been indicated, which may in part be due to higher levels of sexual abuse reported in secure training centres. The prevalence statistics indicate there were around 200 alleged incidents of child sexual abuse in the youth secure estate each year in both 2016 and 2017.

The investigation report highlights a number of issues, including:

- For decades, children detained in custodial or secure settings have continued to be among the most vulnerable in society, experiencing unhappy and disrupted childhoods.
- The number of reported incidents of sexual abuse in the youth secure estate is much higher than was previously understood.
- There has been a shocking decline in safety in the secure estate in recent years, caused by management instability and staffing losses.
- Regimes in young offender institutions and secure training centres in particular need to change from their current focus of control and discipline to adopting a child-centred approach to care and support.

The investigation concluded that children in young offender institutions and secure training centres are currently still not safe from harm, either physical or sexual. It found that complaints of sexual abuse in those institutions were rarely investigated properly, with very little evidence of involvement of the statutory authorities, which signifies a failure to adhere to normal child protection procedures.

As a result of the investigation findings, the report details a series of Inquiry recommendations covering areas such as children on remand, the practice of 'mixed' justice and welfare placements, staff training, workforce regulation, pain compliance and the response to allegations of sexual abuse.

This thematic report complements the previous investigation and research work within the Inquiry by presenting an analysis of the experiences of victims and survivors who were abused in custodial institutions in the past. The report shares their voices to enhance understanding of how this abuse took place and the impacts it has had upon their lives.

## *Chapter 4*

# Backgrounds of children sexually abused in custodial institutions

This chapter provides a description of the family and early life backgrounds of the participants. It addresses the research sub-question:

- Who has come forward to the Truth Project to share an experience of child sexual abuse in a custodial institution?

## 4.1 Participants' backgrounds, families and childhoods

In terms of their backgrounds and domestic circumstances prior to entering custodial institutions, all participants described having unstable family backgrounds. They were often in the sole care of their mothers, who often experienced their own difficulties and abuse, including substance misuse, poverty and domestic violence. Consequently, some mothers lacked the capability or means to look after their children appropriately. Some participants spoke of regularly moving home, different men moving in and out of the family, and violence being a typical characteristic in their childhood homes.

Participants' accounts detailed experiencing extreme poverty and their basic needs not being met. Some accounts described how they would be left to fend for themselves as children with limited or no familial or external support. This left them extremely vulnerable, as one participant described:

“ I was just a vulnerable kid. Because no one gave a shit, and I – you know, people look back and say, “Oh, we always played out.” No. I never went home. You know?

Truth Project participant abused in custodial institution

Another participant spoke of his experiences of discrimination throughout his life due to his family background, explaining how he was treated as “*working class trash*” and made to feel he was a “*burden on society*” [Truth Project participant abused in custodial institution].

Abuse and neglect were common to all participants in their early lives. They spoke of experiencing child sexual abuse perpetrated by siblings, peers, other family members and other adult males outside the family. Some were also physically and emotionally abused. The following quote explains how one participant was physically abused by his parents from a very young age:

“ It didn't take long before I became a punch bag for both of my parents to vent their anger on. By the time I was three years old it had become the norm.

Truth Project participant abused in custodial institution

These unstable backgrounds and experiences of neglect and abuse generally saw the victims or survivors being taken into institutional care (such as foster care or children's homes) from a very young age. Occasionally they would return home to their families briefly, but the situation would not have changed and they would soon be returned to care. Although their family lives were very difficult, participants described their lives in institutional care as being much worse.

“ We were ... taken into the ‘care and Protection’ of [X] local authorities. And that's really where my nightmares began.

Truth Project participant abused in custodial institution

“ So again, they'd taken me to the offices in [Town]; I remember this and I remember like in the big office here, my grandfather took me to the offices and he walked off and he said, “Oh, we'll see you later.” Now I'm thinking, “I'm in this office again, all toys and stuff” and I remember seeing my grandfather walking across the market, [Town] market, you see. And I was in that room all afternoon until somebody came, I think it'd be about 4:00, put me in a car and drove me off towards [Town 3].

Truth Project participant abused in custodial institution

Some participants described having a good education earlier in their lives, but that this changed when entering the custodial institution, where schooling was poor. Those who had a good educational background felt that this helped them to cope with their experiences of abuse in custody. For some their life experiences inspired creativity and saw them returning to education in later life.

The backgrounds the participants described are similar to those found in previous studies and investigations concerning children in custodial institutions (Jay et al., 2019; Mendez Sayer et al., 2018; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017b), where abuse, neglect and social and economic disadvantage were common. These studies and reports also showed similarities with the experiences considered here in describing substance abuse, family conflict, unstable accommodation and intergenerational trauma (Jay et al., 2019; Mendez Sayer et al., 2018; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017b, 2017c).

With regard to their placement in a custodial institution, participants described circumstances where there appeared to be no real reason for them to have been sent there. One participant explained he was “*just an innocent child, being sent away for nothing*” [Truth Project participant abused in custodial institution].

Participants were either sent as punishment for minor misdemeanours or because they were perceived as requiring protection from their own behaviour. Some participants described how their parents were involved in the decision to take them into custody. A key theme identified in participants' accounts was that they understood that the official reason for them being taken into custody was supposed to be for their protection or for punishment and for a temporary period only. Participants described finding themselves in custody quickly, without warning and with no one having explained to them what was happening, where they were going and specifically why (in the light of their own particular circumstances). Some participants were moved to institutions far from their homes, contributing to further feelings of bewilderment and fear.

One participant recounted how he was told in a magistrates' court (where he was appearing for minor criminal behaviour) that he was being sent into custody as a “*short, sharp shock*” [Truth Project participant abused in custodial institution], but the reality was it was not 'short' and the 'shock' he experienced there was completely beyond what was anticipated.

In most instances, the stay in a secure institution was supposed to be a temporary one, but participants generally ended up staying much longer than expected, with some being moved between institutions over a period of years.

## *Chapter 5*

# Context and nature of the abuse

This chapter details the context and nature of the abuse participants experienced in custodial institutions. Information is provided about the locations, timing and nature of the sexual abuse, as well as details of who the perpetrators were and their roles in the custodial institution. Other types of (non-sexual) abuse that participants experienced in custodial institutions are also reported. This chapter addresses the research sub-question:

- What do people share about the nature of the child sexual abuse they experienced in custodial institutions?

Some of the victims and survivors were particularly vulnerable at the time they were abused in custodial institutions. In addition to their inherent vulnerability by being children in custody in the first place and the lack of external support and supervision, some had mental health problems and behavioural difficulties. Others described their particular 'naivety' resulting from the institutionalisation which meant they did not understand what behaviour was abusive, seeing this as just the norm.

“ *The reason why I didn't know it was illegal is because the people that were doing it to me were the people that had been given the authority to do this.*

Truth Project participant abused in custodial institution

The Royal Commission into Institutional Responses to Child Sexual Abuse in Australia (2017a, 2017c) also reports on this same 'naivety' (as victims and survivors described it) and vulnerability among some victims and survivors of abuse in secure institutions who thought the abuse was a normal part of growing up, as they were cut off from the outside world and did not know differently.

## 5.1 Perpetrators<sup>8</sup>

Most participants also experienced sexual abuse prior to being in custody. They disclosed sexual abuse by their siblings, other peers, their mothers and their mothers' adult male partners (not their birth fathers). Some also experienced sexual abuse in care and healthcare settings before being placed in custody or while they were there. Perpetrators in these circumstances included doctors and nurses, nuns and adult men in the local community. Four participants reported being abused by female perpetrators prior to being in custody, two of them disclosing abuse by adult females working in other institutions.

Six participants were sexually abused by other children; of these, two were abused by fellow residents while being detained in custody. One participant described how the sexual abuse they experienced by other children in custody was part of the culture of rivalry, cruelty and bullying between the children in their harsh environment, which the staff did nothing about.

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<sup>8</sup> Participants provided information about their experiences of sexual abuse perpetrated by both adults and other children, and sometimes by multiple perpetrators. The nature of their accounts means in describing the abuse, participants did not always make distinctions between specific incidents and whether adult perpetrators or other children were responsible. Where this is clear in participants' accounts, we have reported this as such.



“ Moral ground was never an issue amongst us mainly because we didn't have any morals. We were living in a regime within a regime, accountable not just to the authority that held us within [name of custodial institution] walls, but more so to an even higher and much darker authority. That of our own peers. Beyond the eyes and ears of the grown-ups, another world existed far beyond the imagination of normal right-minded thinking people.

Truth Project participant abused in custodial institution

Participants who were sexually abused by other children prior to entering custody were victimised by either their siblings or half-siblings (male and female) or by the children of family friends. Most of these other children had also been victims of sexual abuse by adult family members themselves. One participant described the circumstances of her abuse by the children of family friends as *“every child that was being fiddled would fiddle [with me]”* [Truth Project participant abused in custodial institution].

In custodial institutions, the abuse was perpetrated by correctional staff (including custody officers, senior officers and a governor), welfare and support staff (including housemasters, a housekeeper, a groundsman and other support staff) and other children in custody. Most participants were abused by multiple perpetrators over their time in custody, some by more than one perpetrator at the same time. Most participants were abused by male perpetrators in custodial institutions; one participant reported being abused by a female adult, a housekeeper. Some perpetrators were long-serving ex-servicemen and well respected in the local community. These individuals were mostly correctional staff, but also included governors and other support staff in the custodial institution. One participant describes how these perpetrators wore a *“mask of respectability”* [Truth Project participant abused in custodial institution], all the while seriously abusing the children in their care.

These findings regarding abuse by adults in positions of trust in custodial institutions were also found in previous research and inquiry investigations (Jay et al., 2019; Mendez Sayer et al., 2018; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017a, 2017b, 2017c). Abuse by other children in such institutions was also found to be common, generally perpetrated by children who were older or bigger than the victim or survivor (Jay et al., 2019; Mendez Sayer et al., 2018; Royal Commission into Institutional Responses to Child Sexual Abuse 2017a).

## 5.2 Location and timing of abuse

Participants relayed how the sexual abuse took place in both communal and private spaces within the custodial institution, and one participant reported abuse which took place in a house off site. Abuse in dormitories at night was common, or being taken from dormitories to more isolated spaces or other communal spaces, including showers, institutional kitchens and a swimming pool.

Perpetrators would also physically isolate the victims and survivors in their offices or staff quarters, and in rooms away from the main building of the institution – in lockable storerooms and cupboards, and behind the stage in the hall, for example, as described by the following participants:

“ ... that night, he got me up, and took me to his office. I was naked, and he started rubbing my backside, and he had no clothes – you know, he had no trousers on. And he was pointing at his penis and all this lark.

Truth Project participant abused in custodial institution

“ Mr [headteacher]’s sidekick, but the boiler man, he’ll get you and do all kinds of sexual things they wanted to do to you. That was it. If you refused, there used to be a – it was a big, big house, a big old-fashioned house, and upstairs in the – right at the top, they had little rooms. No mattress on the floor. Nothing on the floor, just a potty on the floor and they’d lock you in there. Come up and do what they want to do to you there.

Truth Project participant abused in custodial institution

Some of the abuse took place in plain sight, in communal spaces and witnessed by others. Some occurred in more isolated areas, but participants thought other adults and staff were likely to be aware of what was happening but did not do anything about it as it was ‘out of sight, out of mind’.

Participants explained that violence and sexual abuse were experienced from the outset, almost immediately after their arrival into the institution. The particular vulnerability of children when they first arrive in custodial institutions is also evident in previous research, where children have been considered to be at particular risk at this time due to their entry into an unfamiliar environment (Mendez Sayer et al., 2018).

Some victims and survivors were deliberately selected by the perpetrators on arriving and placed under their direct supervision, giving the perpetrators easy access to abuse them. The abuse for others began after they were asked into isolated spaces by perpetrators on the pretext of taking part in other activities, or when other children deliberately shared beds with them.

### 5.3 Nature of abuse

Participants in the sample spoke of being subjected to a wide range of sexually abusive behaviour, including rape, forced oral sex and masturbation. Some of the abuse was extremely violent in nature.

“ He raped me for two years roughly once or twice a week until I reached puberty. By then he had several other victims lined up. While this was happening I was being subject to other abuses both physically and mentally. The [approved] school system was designed exclusively to do just that.

Truth Project participant abused in custodial institution

In the following extract, a participant describes the violent nature of the sexual abuse he experienced by a female housekeeper and male housemaster:

“ *She was the most evil woman on God’s earth, and the housemaster. They would sexually abuse you all the time. They used to have a big – a flat upstairs in their own place, drag you out of bed, do sexual things all the time. So violent it was unbelievable.*

Truth Project participant abused in custodial institution

Some participants also described sexualised elements within other general institutional activities such as medical assessments, bathing and changing, and sports activities. In the following quote, one participant describes regular sexual abuse of children, which took place after showering:

“ *Every day – this went on from the second day of being there – you had to have, 5:00am, a cold shower. They put you in a cold shower, completely naked and the guy in charge, he’ll pull you out, different guy at times, do sexual things to you in a room at the side of this place. What could you do? Nothing you could do. Just scream and shout. No one takes any notice.*

Truth Project participant abused in custodial institution

In addition to directly experiencing sexual abuse, some participants witnessed the sexual and physical abuse of other children, including their siblings in instances where they were detained in the same institutions.

Unsurprisingly, in these circumstances, victims and survivors were coerced predominantly by fear (of physical violence and retribution), while some also mentioned the use of drugs in facilitating the abuse.

“ *They used to get you and beat you up, if you didn’t do what they wanted you to do.*

Truth Project participant abused in custodial institution

In most cases, there was no grooming prior to the abuse taking place. Participants described how the power and control the perpetrators had over them, exacerbated by the custodial setting, meant the perpetrators did not need to groom them; they simply began abusing their victims at will, and there was nowhere for them to run.

Those few participants who had experienced some grooming described typical forms of coercion, such as providing them with affection and attention and making them feel special. One participant explained how one perpetrator acted as a father figure to him while he was in institutional care; another described fickle and inconsistent behaviour towards him by a perpetrator, making him wary, emotionally confused and therefore keen to try and please or appease them.

“ *At the time, I’d never heard the term ‘abuse’ nor would I have considered that I was being abused for the simple reason I was getting the attention that I had sought and accepted what was happening to me as part of the deal. I can’t say that I had enjoyed what was happening to me but I did feel, as he had reminded me so often, that I was special to him from all of the other boys, when I’d let him do these things to me. I was groomed. I know that now. What I had thought as a child was something special, because I had been told and believed that it was so, was nothing but sexual gratification for a paedophile.*

Truth Project participant abused in custodial institution

## 5.4 Duration of abuse

Participants generally experienced sexual abuse in custodial institutions which went on for lengthy periods of time, sometimes for several years, either by the same perpetrators or by different perpetrators in different institutions.

In most of the cases included in this report, the sexual abuse only stopped after the victim or survivor was either released from custody or moved to another institution. For some, they were further abused in the new location. Three participants described how the abuse stopped before they left a specific custodial institution; for one, it ceased after they disclosed the abuse to another member of staff, and for the other two the respective perpetrators left them alone after they physically fought back, having become more physically mature and strong.

## 5.5 Additional experiences of abuse

In addition to the physical abuse, violence and neglect that many experienced at home, all participants spoke of other non-sexual abuse they experienced in custody. All of them experienced physical abuse and aggression while in custodial institutions. Sometimes the other types of abuse were carried out by the perpetrators of the sexual abuse but also by other members of staff and other children in custody.

Participants described being kicked, beaten, caned, having their testicles squeezed<sup>9</sup> and being slapped around the head. One participant explained how the violence resulted in children's bones being broken and no medical treatment being provided. Another participant described how they were placed under really hot and really cold showers.

In addition to the physical abuse, participants also described experiencing psychological and emotional abuse, humiliation and forced labour. One participant shared how they were told to get ready for a visit, so with excitement and anticipation they got dressed up; they were made to wait for a long time outside the institution, but no visitor ever arrived. The staff then came and told them they were only kidding. Another explained how the children were made to go down on their hands and knees before being repeatedly kicked on the backside by staff. Forced labour generally took the form of repeated cleaning, including cleaning prison officers' houses. One participant also explained how they were made to clean machine parts for hours and hours and were then told they had to do it all over again.

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<sup>9</sup> This behaviour could constitute both physical and sexual abuse. In the particular instances where participants have described experiencing this, it has been in the context of their descriptions of other physical abuse they were subjected to and the physical pain caused, rather than specifically linked to episodes of sexual abuse they experienced. Therefore this abusive behaviour is reported here as physical abuse.

## *Chapter 6*

# Institutional context and knowledge of the abuse

This chapter describes the characteristics and features of custodial institutions and how these facilitated the perpetration of child sexual abuse. It considers what knowledge adults and managers in custodial institutions and others had about abuse that was occurring at the time. In doing so, this chapter explores the research sub-questions:

- How much did institutions know about what was happening?
- What have victims and survivors said about whether anything could have been done by the institutions at the time to prevent the sexual abuse?

## 6.1 Institutional characteristics

Participants' descriptions of the custodial institutions where they experienced child sexual abuse present a picture of harsh, brutal and often isolated environments. Physically, many of the institutions were described as old, large, dark Victorian properties, forbidding and often geographically isolated. The participants spoke about cultures where brutality was the norm.

“ Because the place was a – it was a really rough place, it was unreal to think like – it's hard to explain to you. Although it was, it was really rough ... it was brutal.

Truth Project participant abused in custodial institution

They also referred to 'military-like' regimes where they experienced violence and humiliation from the outset, as the following quotes illustrate:

“ We were drilled for weeks in how to march, stand to attention and at ease, and marching us to and fro like a battalion of soldiers.

Truth Project participant abused in custodial institution

“ I had been in care all of my life so let me tell you something, going into a boot camp, having your head shaved and marched around is something which I'd been brought up on. It was bread and butter to me. It's something which I did quite well. Not because I wanted to but because I'd become institutionalised. I wasn't – that's what I was. I was a perfect, absolutely perfect, institutionalised child.

Truth Project participant abused in custodial institution

## 6.2 Enabling characteristics of custodial institutions

Staff were mostly male and many were ex military. The children were shown little support or encouragement other than from a few isolated members of staff who tried to protect them from abuse. The more caring members of staff were described as being ‘ground down’ and influenced by the others, and unable to ultimately protect children from the abuse.

One participant relayed how some staff members at an institution he was in were previously known to the authorities as having a sexual interest in children and young people. Another explained how a member of the custodial staff arranged for perpetrators from other institutions to come and visit; during the visits, they would also sexually abuse the detained children.

Participants explained the dominance of authoritarian staff in the institutions who did not care about their health and wellbeing. At times the staff presented as friendly and caring, but primarily children experienced staff as aggressive. Participants lacked trust in staff, who instead caused them to feel humiliated and fearful. One participant explained how staff members expressed victim-blaming attitudes towards children who were being sexually exploited in the local community while in their care.

Participants also described the culture of bullying, rivalry and extreme competitiveness among the children themselves, which created a “*regime within a regime*” [Truth Project participant abused in custodial institution].

“ With 48 delinquents from all walks of life and every corner of Great Britain forced to live together under the same roof, it was inevitable that rivalry, antagonism, hatred, buggery and, on the odd occasion, outright war would play an integral part in our daily lives.

Truth Project participant abused in custodial institution

Most institutions were physically and socially isolated, with participants speaking of the lack of external supervision or monitoring, which significantly contributed to the ability for abuse to occur and continue undetected. External inspections were rare, few social workers or probation officers visited the children, and they received few, if any, visits by family members or other known adults. Participants described a clear lack of duty of care on the part of local authorities, social workers and probation officers while they were in custody.

“ They might as well put you on Mars, do you know what I mean? At the end of the day.

Truth Project participant abused in custodial institution

Institutional practices also facilitated sexually abusive behaviour by staff. For example, participants described how staff members had full access to the children’s files, which allowed them to identify those who were particularly vulnerable and exploit those vulnerabilities. It was also acceptable for children to visit staff offices and staff quarters on site, which provided isolated environments in which to abuse. Individual staff members had sole charge and responsibility for certain children most of the time, which meant they were able to isolate and control the children without interference from other staff. In addition to the lack of monitoring by external agencies, participants relayed how internally staff did nothing to monitor, control or address potentially harmful or abusive behaviour of other children. There was also no apparent management of external visitors, and two participants described being abused by family members and other adults during visits to the institutions. In another institution, staff ignored the known risk of children being sexually exploited while on visits out in the community and did nothing to monitor or control this contact.

### 6.3 Institutional and wider knowledge at the time

Participants' accounts referred to institutional knowledge of the abuse at the time. They described how staff members would be aware of perpetrators taking children away alone somewhere or even abusing them in the presence of others. There was a sense in the participants' accounts of the abuse being hidden in plain sight and of staff and other adults turning a blind eye to what was going on, sometimes because they were complicit in the abuse or directly involved in it themselves.

“ I try now to understand how the staff didn't know what was going on and I have wondered whether they in fact were turning a blind eye to it or participating in the abuse themselves because they all seemed to have favourites who they would pamper.

Truth Project participant abused in custodial institution

Participants referred to staff clearly ignoring behaviours and signs in the children that were potential indicators of abuse, such as displays of emotion, anger, physical injury, running away and truanting. The victims and survivors were never asked what was wrong, why they were behaving in certain ways or why they ran away, for example.

The accounts shared revealed little about the presence of any features of the custodial institutions that offered protection from child sexual abuse. Two participants described how individual staff members tried to protect them as much as they could but despite this the abuse continued anyway. The following account details how a member of staff in one custodial institution was aware of the abuse and how he tried to look after the participant when he was working there:

“ But he was a gentleman. He knew what was going on and tried to stop everything what were going on, this Mr [Name]. I've always been good with my hands so I ended up building, bricklaying and stuff like that. This Mr [Name] was in charge and I was happy with him because he'd look after you. He knew what were going on; he would look after you, this Mr [Name], yeah, he were good.

Truth Project participant abused in custodial institution

Participants' accounts also referred to how the children tried to find ways to protect themselves and others from the abuse, which for some included deliberately getting themselves into trouble with the intention of getting thrown out of the institution or moved on elsewhere as an attempt to escape the abuse.

Some participants were fully aware at the time that other children were also being sexually abused, either by directly witnessing it or discussing it. Others described how abuse was not talked about or that they did not realise that abuse towards others was happening at the time, but they had recognised that some staff appeared to have favourites. For some, the extent of victimisation amongst their peers did not become apparent until later in life when they engaged with victim and survivor organisations and found others who were abused in the same custodial institutions.



Participants recounted their awareness of the harm done to other children by the abuse. Several described being aware of the suicide or suicide attempts of children they were in custody with. The quote below reflects how, as a child, one participant witnessed the attempted suicide of another child in custody:

“ ... he tried to hang himself. And they dragged him down fucking stairs, took him down there, beat the fuck out of him ...

Truth Project participant abused in custodial institution

The institutional structures and characteristics that increased the risk of sexual victimisation in secure institutions for children were common to those found in other research and investigations. The Inquiry's rapid evidence assessment and investigation into abuse in custodial institutions and the Australian Royal Commission reports all discuss the role of punitive closed cultures and large isolated institutions (referred to as 'total institutions') and the distinct power differential between staff and children on fostering and maintaining sexual abuse (Jay et al., 2019; Mendez Sayer et al., 2018; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017a, 2017b, 2017c). The Inquiry investigation (Jay et al., 2019) also found that, more recently, investigations into child sexual abuse allegations made in young offender institutions and secure training centres were undertaken without the involvement of a social worker within the institution, and that allegations were rarely referred to the police or the local authority. The Inquiry's primary research regarding safeguarding in the youth secure estate also identified some problems in relationships and information sharing with internal and external stakeholders in the safeguarding process (Soares et al., 2019b). This highlights the relatively recent lack of involvement of independent institutions in responding to child sexual abuse in some contemporary custodial institutions.

The accounts of the participants described in this chapter emphasise how the focus in custodial institutions in the past appeared to be on punishment rather than on supporting and rehabilitating children. The recent Inquiry investigation report (Jay et al., 2019) also describes how the culture and ethos of young offender institutions and secure training centres in particular still remains focused on control and discipline, and that this needs to change through the introduction of a child-centred approach to care and support in these institutions.

## *Chapter 7*

# Experiences of disclosure and responses by institutions

The first part of this chapter presents information about participants' experiences of disclosing their abuse, both as children and as adults. It details how the disclosures were responded to by institutions and individuals, and describes the impact of those responses upon the participants. The barriers to disclosure shared by participants are also reported. The second part of the chapter describes participants' experiences of the police and criminal justice system after disclosing or reporting the abuse.

The research sub-questions addressed in this chapter are:

- What were victims and survivors' experiences of disclosing child sexual abuse (as a child/adult) that occurred in custodial institutions and what has helped or hindered disclosure?
- How were disclosures or allegations of child sexual abuse in custodial institutions responded to by those within and outside institutions?

## 7.1 Experiences of disclosure and impacts as a child

It was unusual for victims and survivors to have disclosed or reported any of the sexual abuse they experienced to the custodial institution at the time. Where they had done so, they had either experienced physically violent or threatening responses from the staff or governor or their disclosures were largely ignored. Participants feared the repercussions from staff and peers if they reported any abuse. One participant described wanting to make a report to the governor but being prevented from being able to see him by another member of staff.

Participants spoke of the fact there was no one for them to tell. The staff in the custodial institutions had complete control over them, and there were few external visitors to disclose to or to recognise what was going on. There was no encouragement to open up and disclose in any indirect ways either; no one ever asked any questions or checked why participants were behaving in a particular manner.

A key theme in the participants' accounts was that their attempts to disclose the abuse at the time ended up making their lives and situations much worse. They either resulted in further sexual or physical abuse or in being moved somewhere else where the abuse continued. None of the disclosures made by participants were referred to the police. After one participant disclosed his sexual abuse to his social worker after running away from custody, he was threatened with being sent further away to somewhere from where he would never be able to run home.

Another participant described how when she told staff about her sexual abuse by another young person in the custodial institution she was treated as to blame for what had happened. Staff began to monitor her room at night but the perpetrator was not removed. When the same participant later also reported rape and sexual exploitation by men in the local community, staff again placed much of the blame on her and did nothing:

“ They turned a blind eye to it. In fact, they almost looked at us, as white girls, as being – if we were caught up in it, that we were asking for it, or stupid. These are the adults.

Truth Project participant abused in custodial institution

The staff did tell the participant's mother about her disclosure but that had no effect either:

“ *I told them about the rape, and they called my mum. And we all know how wonderful she is. And she turned up and she – well, nothing happened, nothing came of it. And they had me marked down as a bad kid, an annoying kid.*

Truth Project participant abused in custodial institution

Some participants explained how they had tried to take opportunities to disclose the abuse once released, or during external visits from the institution, but how these were ultimately unsuccessful. One participant relayed how he had been able to disclose the abuse to another adult member of the public during a visit outside the institution. His disclosure appeared to be believed, but when the adult he told referred it back to the governor he was threatened and nothing more was done about it.

“ *I got frogmarched in front of the governor, and I was told that I would never come out.*

Truth Project participant abused in custodial institution

Another participant went straight to the police on the day he was released, full of hope that finally something would be done. Despite the police appearing initially interested in his disclosure, when they found out the participant had been in youth custody and was making an allegation about a custody officer, they threatened him with arrest and a return to custody. A further participant described how his disclosure 'backfired' on him in the most awful way when he told his mother's partner while on a visit home. As a result, this man also began sexually abusing him.

Participants also recounted the emotional and social impact of disclosing the sexual abuse at the time. For example, one participant explained how he was excluded from an institutional sports team after disclosing his experience, an impact he found particularly upsetting as sport had been an escape mechanism for him.

The culture among the children in the institutions themselves deterred some participants from reporting abuse (by adult staff or peers), as they did not want to be seen as a 'grass' and they feared the repercussions if they were. This concern has been highlighted in previous research and investigations into abuse in custody, where children have decided against disclosing their abuse because of their concern of being regarded as a 'grass' or 'snitch' (Jay et al., 2019; Soares et al., 2019b; Mendez Sayer et al., 2018).

As already described, there were many barriers preventing participants from disclosing their experience of sexual abuse when they were children. The environment and culture of the institutions themselves was a barrier, as was the lack of external supervision or visits from other supportive adults. Participants spoke of their feelings that no one would believe them, and that their previous experiences had taught them they were better off keeping quiet, as the following quote illustrates:

“ *Not a lot you could do about it. I'd already learnt that from my past experience and when I had tried to say anything it was not wise. You were better off keeping quiet. And I accept that as well. Nobody wants to hear a noisy child rumbling about abuse. It's not really what people want to hear, particularly those that are helping you, particularly those that tell you how much of a burden you are to society while they're abusing you and reminding that you are nobody and you're nothing.*

Truth Project participant abused in custodial institution

Some participants explained that they did not disclose the sexual abuse because they were trying to protect their mothers from the subsequent hurt and upset. One spoke of physically preventing his sibling, who was also abused, from disclosing while they were in court because he was determined that his mother would not suffer. Another participant described how he would not tell his mother when she came to visit him in custody and told her not to come and visit him again:

“ No, no I didn't tell her it was brutal. I just said, “No, mam,” I says, “All right, I'm all right; it's only a couple of months, just don't bother coming back again, no more, do you know what I mean?”

Truth Project participant abused in custodial institution

These experiences of disclosure described by participants are also reflected in the findings of the Australian Inquiry, which similarly reported how victims and survivors of abuse in secure institutions had no access to supportive adults, either within or external to the institution. It also found that when children did report, they were ignored or disbelieved and their situation did not change for the better (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017a). This barrier to disclosure was also emphasised in the Inquiry's investigation into child sexual abuse in custodial institutions (Jay et al., 2019) which also found that many of the additional barriers discussed by participants in this study still remained in contemporary custodial institutions, preventing children from disclosing sexual abuse. These included: a lack of social workers or access to other trusted adults in whom children could confide, the power imbalance between staff and children, a prevailing culture of disbelief when children complain, and children's distrust of authority figures.

## 7.2 Experiences of disclosure and impacts after the abuse had ended/as an adult

In describing their experiences of disclosing child sexual abuse in custodial institutions as adults, participants spoke about the process of disclosure being traumatic and difficult. For some it was ultimately positive after they were finally able to open up about what had happened. Some participants were able to seek counselling and support. However, participants also recounted feeling let down by authorities. Some participants felt they experienced a lack of compassion in the responses of police and authorities responsible for the institutions in which they were abused. They felt insufficient action was taken by authorities in dealing with and responding to their disclosures and to those of others also abused in custodial institutions, particularly with regard to providing information, accepting responsibility, apologising and considering compensation.

For example, one participant tried to hold the local authority that was responsible for her care and placement in custody to account but found the authority to be obstructive and unhelpful:

“ I’ve looked into taking them to task, taking them to court and stuff, and they’re like, “Oh, no, there’s a statute of limitations” – you can’t hold these people accountable now.”<sup>10</sup>

Truth Project participant abused in custodial institution

Another participant turned to the local diocese that was partly responsible for his placement in care as a child for help in tracing information, but it would not tell him anything:

“ I said I’ve been trying to run it down but they won’t give you any information. As I say I’ve been in touch with the diocese, at [Town], but they won’t tell you anything, you know.

Truth Project participant abused in custodial institution

Several participants talked about their positive experiences of connecting with other victims and survivors (some abused in the same institutions as themselves) and of the support they gained through their disclosure process and afterwards from victim and survivor support groups.

Describing barriers to disclosing as adults, participants explained they did not want to tell their own families, fearing they would be viewed by them differently as a result. Cultural and social backgrounds meant it could be difficult to actually describe the abuse in detail. One participant explained how he found it challenging to disclose to a female police officer:

“ I couldn’t tell ... I couldn’t say this, and then she was trying to ask me what the lad done to me, and I couldn’t actually put into words, and all I was thinking of every time she’s asked us, “Don’t say, [participant’s name], because your mam will go mad. You don’t talk to ladies like that.”

Truth Project participant abused in custodial institution

Some participants found media reporting (either about child sexual abuse in general or specifically about the institutions in which they were abused) to be a prompt to them disclosing their own abuse in custodial institutions, as one explains:

“ I must have opened the paper, and then I seen it there, and that’s when I thought, “Well yeah, I’m going to blow them up.”

Truth Project participant abused in custodial institution

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<sup>10</sup> There is no statute of limitations on sexual offences, including child sexual abuse, tried in the criminal courts. It is possible to bring a civil action against an individual for child sexual abuse under the classification of personal injury. The time limit for bringing a civil claim for personal injury is three years from the date on which the cause of action accrues, or (if later) three years from the date of knowledge (as defined) of the person injured. If the injury, including sexual abuse, was suffered by a child, the three-year period does not start to run until the person is 18. Since 2008, the courts have had the discretion to allow personal injury claims to proceed that are outside of the three-year limitation period (Fairbairn, 2017).

### 7.3 Experiences of the criminal justice system

Overall, participants' experiences of reporting to the police, and of the criminal justice system in general, as children, were negative. Unsurprisingly, this led to a lack of trust in the police throughout their lives. One participant recalled everyone 'speaking above his head' during police investigations into his abuse when he was a child. No one involved him or spoke to him about it. Another participant felt that the police responded differently to allegations by children in the past, viewing them as either 'worthy' or 'unworthy' victims. He described how as a child in care he was viewed as an unworthy victim and an unreliable witness.

Participants described mixed experiences when dealing with the police and criminal justice agencies as adults, their experiences often being dependent on the knowledge, skills and attitude of the individual officers involved. Some had positive experiences. For example, one participant described the support he received from a local officer when he reported the abuse; the officer spent time with him considering his options and signposted him to relevant support services.

Others who had reported their experiences of abuse more recently spoke of a lack of compassion shown by police, who focused on their sexual abuse allegations only, ignoring their experiences of physical and emotional abuse. One participant described how the police officers she reported to tried to downplay the sexual abuse perpetrated upon her by another young person in custody.

Participants described sometimes experiencing further inconsiderate responses by the police, for example them calling participants out of the blue and asking them to answer the same questions that they had already answered in full police interviews and witness statements. One participant felt his reports were disbelieved and brushed aside and that the police made excuses for not pursuing his complaint, telling him:

“Well, we can't do this, and we can't find names and such and such a time's gone on and we don't think nuns will do that to young children,” and that's all I got.

Truth Project participant abused in custodial institution

One participant described the insensitive questioning that participants were subjected to by officers, which felt victim-blaming and accusatory:

“... one of the questions was “Why have you taken so long to report? Why did you go back after the first time?” And I was, like – there is no right or wrong answer. I can only give you my interpretation about why. Because I was a stupid kid, I was groomed, totally groomed by him.

Truth Project participant abused in custodial institution

In some cases, participants had been approached by police to give witness statements while the police were investigating allegations of abuse in the custodial institutions participants had been detained in as children. These experiences were not positive and one participant described how damaging the approach by the police was. He was persistently approached to be part of a wider investigation at a time when he was extremely vulnerable, having recently experienced a mental breakdown as a result of the abuse. Reluctantly, the participant engaged with the police on the basis that he would be able to appear in court, speak about his experience and face the perpetrator. However, he was left distraught and distrustful after the police did not notify him of the court date and he could not be involved.

In expressing their views about the criminal justice system and the handling of reports of child sexual abuse, participants felt there was still a lack of trust, that there was a legal obligation to respond but no willingness to engage for the sake of the victims themselves. One participant explained how media reports of misconduct within the police exacerbated his concerns about how effective the police would be. Local police forces being responsible for investigating previous institutions in their own areas was a cause of concern, as it was felt there was insufficient independence and that old affiliations could influence the action taken. The real challenge facing victims and survivors, apparent in some accounts, was having to deal with police investigations and legal battles at the very point in their lives where they felt extremely vulnerable (having finally been able to disclose their experience of child sexual abuse and begin to deal with it). One participant described it as a “*cruel*” process.

Participants spoke of an uneven playing field between victims and survivors and the system when seeking justice. They felt the financial constraints and lack of legal funding meant victims and survivors were not able to access experienced and appropriately skilled legal representatives to help them. The participants also viewed the statutes of limitation as very damaging:

“ *I was abused by the statutes of limitation to the point where my very dignity and my very human rights were put into the ring.*

Truth Project participant abused in custodial institution

These experiences of engaging with the criminal justice system as adult survivors of child sexual abuse in custodial institutions mirror those reported in Australia by the Royal Commission into Institutional Responses to Child Sexual Abuse (2017a), where many victims of abuse in secure institutions found dealing with the police and criminal justice authorities difficult and re-traumatising. They also reported that some victims and survivors felt the police did not seem interested in allegations of non-recent child sexual abuse.



## *Chapter 8*

# Impacts of the child sexual abuse, recovery experiences and support

This chapter sets out the range of impacts that the experience of child sexual abuse has had on participants at different stages of their lives. It also describes participants' perceptions around the impacts on other children living in the same custodial institutions at the time. This chapter addresses the research sub-question:

- What are the impacts of child sexual abuse in custodial institutions reported by victims and survivors?

## 8.1 Impacts of child sexual abuse in custodial institutions

In sharing their experiences, participants described extensive and long-term impacts of the abuse they experienced as children in custody. The lifelong nature of the impact of this abuse was described by one participant as follows:

“ I think you'll find that the vast majority of people are doing life sentences. What should have been a three months is a life sentence. I'm here. I'm doing a life sentence. And many, many others.

Truth Project participant abused in custodial institution

### 8.1.1 Direct impacts, consequences and health

As children, participants experienced emotional and psychological distress, such as uncontrollable crying and anger, which for some led to them becoming particularly withdrawn. They also witnessed the suicidal behaviour of other child victims; two participants talked of trying to take their own lives while still children. Participants described the intense feelings of hate and powerlessness they felt as children in custodial institutions, which for some resulted in longer-term feelings of hatred of the 'system' and of people in authority. Behaviourally, participants described fighting with other children and running away.

“ I'd spent a lot of my youth escaping. I never told anybody what I was escaping. I was just an escapee. And what happened to escapees was what happened. You were grabbed, picked up, put in the van. The police would very seldom even asked you why you had escaped. If a police officer had have said to me, "Why are you on the run?" I would have probably told them, "I'm running away from that and this is what's happened to me." They didn't ask. They never asked. And I couldn't tell them.

Truth Project participant abused in custodial institution

Participants spoke of the impact on their long-term mental health and emotional and psychological wellbeing. Some described the invisibility of their suffering, as they had held what happened to them inside for many years.

“ My suffering is invisible to the eye as well as most of my scars. But the pain is there, the guilt is there, and the nightmare memories are there and always will be for all time.

Truth Project participant abused in custodial institution

Emotionally and psychologically, participants relayed the mental health challenges they faced, including depression, post-traumatic stress, claustrophobia and mental breakdown, as well as experiencing suicidal feelings at various times in their lives. Some experienced particular trauma, sleeplessness, nightmares and flashbacks, often around the time they disclosed the abuse as adults.

“ *And it was only, until like you say, the last couple of years; well maybe not the last couple of years, the last 10 years or whatever, I realised. This – I’m cracking up over it, do you know what I mean? I’m cracking up over it.*

Truth Project participant abused in custodial institution

Participants conveyed feeling guilt and self-blame about what had happened, which impacted their self-esteem and self-confidence and caused confusion and a lack of understanding of their sense of self. This is illustrated by the following comment from a participant who was groomed by a pastoral care worker:

“ *I feel guilty. Guilty because I had always believed it was my fault. Guilty because I could so easily have said no but didn’t and more so because I really did feel at the time I was special and I wanted to be part of something special.*

Truth Project participant abused in custodial institution

### 8.1.2 Relationships and sexual behaviour

Some participants explained how as young people they felt a sense of social isolation and feeling lost when released back into the community after often long periods in custody. One participant described how this isolation and lack of support led to his decline into a destructive lifestyle:

“ *And nowhere to go, nobody to turn to ... 16 years old, bloody and broken in a small village in [County]. And that would be the theme for many years to come. Failed relationships, failed work opportunities, drug and alcohol abuses and petty crimes.*

Truth Project participant abused in custodial institution

Participants tended to drift and move around a lot after leaving custody, not being able to settle in one place, feeling they were either continuously running away or were trying to find the security that was missing in their lives.

Socially, participants found their first experiences of intimate relationships difficult; they described not knowing how to be in a positive relationship. Some experienced confusion about their sexuality and had distorted views about what a healthy sexual relationship should be.

“ *Because of what happened to me whilst I was there, I was unsure of my sexuality and all that; I didn’t know what was wrong with me ... you know, and I went through that period where I didn’t know about my sexuality, I thought there was something wrong with me and it was her [an adult partner] that made me realise there’s nothing wrong with me that way.*

Truth Project participant abused in custodial institution

Participants explained how their negative emotional states and destructive behaviours impacted on their relationships with others in the longer term. The impact on their own families as a result of their behaviour when trying to cope with the abuse, and on their own children who were part of their chaotic and unstable lives, was described by some participants. They described volatile relationships with partners and difficulties in their relationships with their own children, some of whom were born when the participants themselves were still young and social services became involved with their families. They referred to family breakdown and highlighted the widespread and indirect consequences of child sexual abuse. Participants also described how protective they became of their own children, having had such difficult childhoods themselves:

“ *We're on them like hawks now, we don't leave them with anyone or anything like that so, you know, that sort of vulnerability is covered, you know?*

Truth Project participant abused in custodial institution

The confusion about the sexual abuse he experienced, and how it might impact his behaviour, led to one participant being fearful he would abuse his own children:

“ *And I was frightened I was going to do the same thing to my own children, what had been done to me. That's what I was really afraid of.*

Truth Project participant abused in custodial institution

In addition to those who experienced marital and relationship breakdown, other participants had remained single for most of their lives. One participant spoke of his fear of being in a relationship:

“ *I'm frightened of relationships, I'm scared of being close to someone in case they hurt me or I hurt them.*

Truth Project participant abused in custodial institution

Difficulties with trust and closeness also impacted sexual functioning for some, as one participant explains:

“ *Sexually, I had no idea how to function. Even in recovery I've not been great with relationships, I've found them very, very hard work. Sexually, I find it very, very difficult.*

Truth Project participant abused in custodial institution

Although most participants had children, several were estranged from them following family breakdown, and some participants continued to feel socially isolated, are introverted and have few friends:

“ *I've been married, I've got a son, but I've never had a family.*

Truth Project participant abused in custodial institution

“ *I'm more of a hermit than anything else. The closest I've been to anybody in 50 years is when I met [friend] again. I don't bother with anybody, I don't socialise.*

Truth Project participant abused in custodial institution

### 8.1.3 Education, employment and housing

As highlighted in Chapter 6, a number of participants reported receiving little or no education while living in custodial institutions. When they left, they continued to face education and employment difficulties, and also faced financial and housing problems.

Some participants described the impact on their education, resulting from poor provision in custodial institutions, as well as their truancy as a form of escape. For some this impacted on their ability to achieve their potential, as the following quotes reveal:

“ So why not deprive this boy an education so when he leaves us he will be totally screwed, have no life skills and will probably become a criminal, a law breaker and recidivist. An alcoholic and drug-dependent waste of time ... I could have been something had I been a mainstream boy. I loved dance, music, a passionate rugby union player and excellent long-distance runner and swimmer. A reasonable poet and songwriter.

Truth Project participant abused in custodial institution

“ If I'd got the education I should have had, then I might have progressed better in life, I might have done things in life that I didn't. That's a sadness.

Truth Project participant abused in custodial institution

Although participants had a poor education as children, some felt creative and inspired as adults to return to education in the longer term, gaining qualifications and considering their experiences as children had given them a drive to better themselves and succeed.

However, most participants conveyed their difficulty in finding and maintaining work as a consequence of their limited education, moving around and having unsettled lives, and due to difficulties in coping with people in positions of authority. This led to significant financial impacts, and some participants experienced housing instability or homelessness. Some participants had had successful careers, but described how they had lost these following breakdown in later life when they began dealing with the trauma of their childhood experiences.

### 8.1.4 Criminal behaviour

As a result of their experiences as children and the emotional and mental health problems they suffered, some participants continued to engage in 'risky' behaviour throughout their lives, including drug and alcohol misuse, criminality, involvement with gangs or with other acquaintances involved in criminal activity, and violent and aggressive behaviour towards others. For example, one participant described the anger he felt in his early adulthood and how this resulted in aggression and getting involved in lots of fights:

“ Oh, proper violent. I mean, nobody could say anything to me. I'd at least maybe have two fights every night, and I was not a soft lad. And it just - it just changed me, absolutely just changed me completely.

Truth Project participant abused in custodial institution

## 8.2 Perceived impact on other children

Participants spoke of what they observed to be the impacts of abuse (sexual or other abuse) on other children who were living in the same custodial institution as them. They described witnessing the suicidal behaviour of other child victims at the time, as the participant in the following quote describes:

“ I woke up in the cell in the morning, and I looked up, and I'm having this – this is a big memory at the moment, because it happened around this time of year – I woke up, and he was hanging from the window, and he'd killed himself. And they said it was drugs. That's what they said. And I knew what it was. I knew it was [X staff member] and [Y staff member].

Truth Project participant abused in custodial institution

Some participants conveyed the hurt they felt as adults after finding out about the death by suicide in later life of other victims of child sexual abuse from the same institutions they had been sent to, as well as from other institutions.

## 8.3 Re-victimisation

In addition to some participants having experienced sexual abuse prior to entering custody, a number described being subject to further victimisation following their experiences of child sexual abuse in custodial institutions. Some participants described being re-victimised throughout their lives, sexually and non-sexually, by different perpetrators in different circumstances, for example experiencing further sexual abuse in domestic circumstances and physical abuse by police and in other institutional settings.

Some participants also explained how they found the increased media attention towards child sexual abuse to be quite difficult to deal with, being confronted with it on an almost daily basis.

## 8.4 Life journey narratives

This chapter has detailed the range of impacts that child sexual abuse perpetrated in custodial institutions has had on participants' lives. However, as described in *The impacts of child sexual abuse: A rapid evidence assessment*, some individuals may also demonstrate resilience and recovery after exposure to a potentially traumatic event (Fisher et al., 2017). In their accounts, Truth Project participants demonstrated varying levels of resilience and recovery (recovery experiences are described in more detail in Chapter 9). Some articulated that while the sexual abuse had adverse consequences for their lives, they had also been able to achieve some degree of success and happiness in adulthood, while others said the experience had ruined their lives.

The impacts and ongoing consequences of child sexual abuse were relayed in the life journey narratives shared by participants. 'Life journeys' are a description of the person's institutional experience as a child and the subsequent impacts and consequences they attribute to their childhood experience of sexual abuse throughout their lives.

The Australian Royal Commission used a range of categories to identify commonalities and differences across the experiences and life journeys of victims and survivors sharing their accounts with the Commission (see Katz et al., 2017). The categories, set out below, were based on the five different life journey narratives identified in participants' accounts:

- a life dominated by the sexual abuse experience, where victims and survivors' life journeys were characterised by persistent and pervasive difficulties throughout their childhood and adult life;
- a life where victims and survivors experienced substantial adverse impacts but tended to be optimistic that their situations would improve;
- a mixed life journey where victims and survivors functioned well in some aspects of their lives while simultaneously experiencing significant difficulty in other areas;
- a life journey that vacillated between periods of wellbeing and periods of difficulty and/or distress; and
- a life journey with predominantly more positive life outcomes, where victims and survivors acknowledged the sexual abuse and its effects but had found ways to live with the trauma of child sexual abuse.

As these categories were developed for a similar project conducted by the Australian Royal Commission (see Katz et al., 2017), we were able to incorporate the five categories into our qualitative analysis.<sup>11</sup>

Four participants in this study described their lives as being dominated by their abuse experiences, as the following quotes illustrate:

“ *It's just causing havoc, all the way through life.*  
Truth Project participant abused in custodial institution

“ *At the moment, I've got nothing. No home, I've got nothing. I walked out of everything, I lost the lot because of what happened to me in life.*  
Truth Project participant abused in custodial institution

Two participants described the adverse effect the experiences of abuse had had upon their lives, but also spoke with some optimism, as the following quote illustrates:

“ *As a survivor of abuse I've managed to survive; but not only survive I thrive on it. I'm frightened of no man. I fear no man. I fear neither what they say to me nor what they do to me.*  
Truth Project participant abused in custodial institution

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<sup>11</sup> We did so by including them in our thematic framework. See the report *Truth Project Research: Methods* (King and Brähler, 2019) for the full framework. As the life journey of each victim and survivor is unique, some cases did not clearly mirror any of the five categories or there was not enough information in the individual account to assign the narrative to a category. We have been clear where this is the case.

One participant spoke of mixed experiences in his life journey where he moved between periods of wellbeing and periods of difficulty and/or distress. The account of the other one of the four participants contained insufficient detail for us to identify which, if any, of the life journey categories would be appropriate to describe his overall experience.

This chapter has detailed the extensive, often long-term, impacts of child sexual abuse in custodial institutions. These were similar to the impacts of child sexual abuse identified in the Inquiry's rapid evidence assessment (Fisher et al., 2017) and among others who have experienced abuse in secure institutions as children (Jay et al., 2019; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017b, 2017c) with regard to emotional wellbeing, internalising and externalising behaviours, interpersonal relationships and socio-economic outcomes.



## *Chapter 9*

# Experiences of recovery and support

This chapter highlights the coping strategies participants adopted to manage their experiences of child sexual abuse and its impacts, and the factors that have helped or hindered their recovery. It also describes their experiences of informal and formal support. This chapter addresses the research sub-question:

- What has helped or hindered victims and survivors' recovery from child sexual abuse that occurred in custodial institutions?

## 9.1 Experiences of recovery

### 9.1.1 Coping strategies and aids to recovery

Participants described a number of methods they used to help them cope with the impacts of the sexual abuse. These ranged from physical and behavioural actions, such as lying under heavy blankets to feel safe and secure at times of particular distress and deliberately isolating themselves from others, to psychologically trying to block out the thoughts and feelings. One participant described how he tried to always act the fool with others as a protection mechanism:

“ I act like an idiot and I act the fool and I do it because I do it on purpose, it's my protection. I don't want relationships with anyone. I want to avoid being close to people.

Truth Project participant abused in custodial institution

Substance misuse and gambling were also used by participants to help 'numb the pain' and distract them. Psychologically, participants tried to ignore their thoughts, often for many years, and one described 'putting it in a box' in his mind; another described always absconding, continuously running away from things in life. Helping others was a positive coping mechanism for one participant:

“ As part of my own abuse I try and help others. I find that that's, that has helped me. So don't get me wrong. I'm not a do - "Oh, I'll get up and help everybody else." That isn't what I did. I somehow realised that by trying to help other people it actually took weight off me. I could take on their problem and it was all right. I actually felt a lot better. I still do today. It's not about me. I'm not bothered if they crush me. I've been crushed.

Truth Project participant abused in custodial institution

The more-negative coping mechanisms were not successful in the long term and participants eventually confronted their thoughts and feelings, generally many years after the abuse had occurred. Thereafter they sought support or counselling and some began to find ways of coping better.

Participants explained some of the things that had helped them on their paths to recovery. Connecting with other victims and survivors either informally or formally via support groups was beneficial. This connection with others with similar experiences in the same and similar institutions was felt to be particularly positive.

Appropriate, sometimes long-term, counselling was helpful in dealing with the trauma and impact of the abuse. Participants who had engaged in substance misuse found support through formal charities and organisations. Being assisted by knowledgeable specialist solicitors who gave practical help was important for some participants in seeking justice. Feeling respected and valued by others was a powerful aid for one participant in building his own self-esteem and confidence:

“ ... to find that people have a lot more respect for you than you thought makes a difference.  
Truth Project participant abused in custodial institution

Advancing their education in later life was an aid to recovery for some participants, and others explained how creative outlets such as writing, journalling, music and crafts had also been of help in their recovery.

### 9.1.2 Hindrances to recovery

Participants relayed numerous experiences that hindered their recovery. For some participants, the negative experiences with institutions and agencies following the abuse had extremely adverse consequences which they considered to be as bad as or worse than the abuse itself. As children, participants had found that the instability of their placements, with them constantly being moved around, impacted on their ability to feel settled and secure and to begin to deal with the impacts of what they had experienced.

Some participants spoke of a lack of compassion shown towards them as adults by the police, legal representatives, local authorities and individual institutions. There were feelings that because of their trauma and their sometimes complex needs, agencies and services did not know what to do with them. A lack of acceptance of accountability as well as a lack of an apology from national or local authority bodies for the abuse participants suffered was also considered particularly hurtful.

Some participants found it very difficult to access their own files or those related to the institutions in which they were abused, which made it difficult to determine exactly what had happened and what had been known about their circumstances at the time. This hampered participants' ability to progress as well as potentially impacting their ability to seek justice or compensation. The lack of funding for legal assistance and the process of claiming criminal injuries compensation was also difficult for some participants.

“ Why am I not allowed legal representation and get it funded?  
Truth Project participant abused in custodial institution

Participants spoke of insufficient counselling being a hindrance to their recovery. There were difficulties accessing or funding counselling, and where it was provided it was for an insufficient length of time for participants to fully work through their extensive trauma. One participant, who found there was no funding in his area for the specialist counselling he needed, described having to rely on medication just to survive the mental trauma following his experiences as a child:

“ It's not a chemical cosh it's practically a chemical coma just so that I can function and make a little sense occasionally. This is no way to live. It's not living in any shape or form.  
Truth Project participant abused in custodial institution

## 9.2 Experiences of support

### 9.2.1 Support from custodial institutions and wider professional networks

A range of experiences of support, both formal and informal, were shared by participants. Participants relayed feeling a lack of support from the relevant institutions and authorities associated with where they were abused, and some found that those agencies involved in their court or compensation action showed no compassion about their experiences.

In addition to specific support services designed to assist victims and survivors as a result of their experiences of sexual abuse as children, victims and survivors also referred to their experiences of a wider range of health and social care services, such as adult mental health services and children's services (as parents).

### 9.2.2 Informal support

Some participants described having good support from family and friends as well as other organisations, while others had very little support throughout their lives and remained fairly isolated. The importance of victim and survivor groups and local community networks came through strongly in participants' accounts of the support they valued:

“ ... with [X and Y; two victims and survivors of abuse at the same institution] I look back with fond memories because we went through the system together and, to me, it's a bond that's – it's a special bond I feel.

Truth Project participant abused in custodial institution

“ So, we'd go off camping together, just playing games, and just talk stupid talk, and, you know, allow the child to be the child it was never was.

Truth Project participant abused in custodial institution

### 9.2.3 Formal support

As discussed earlier, participants had different experiences of receiving formal support through counselling and psychotherapy. Participants tended to access counselling years after the sexual abuse had taken place. For some, the counselling provided by the NHS was too short to fully help them and they went on to seek support from other sources, including that provided by local charities, finding this to be beneficial and finally making them feel listened to. For others, the professional counselling they needed was not available in their local area.

## *Chapter 10*

# Summary of key findings from the research and victims and survivors' suggestions for change

This chapter provides a summary of the key research findings and themes identified in the report and relevant to the research sub-questions set out in Chapter 1. It reports the potentially unique characteristics identified in child sexual abuse cases in custodial institutions and suggests how these may differ from abuse in other contexts and circumstances. The chapter concludes by detailing the changes participants think are necessary to prevent sexual abuse in custodial institutions for children in the future and to improve responses to, and support for, victims and survivors of child sexual abuse. In doing so, it addresses the research sub-question:

- What changes do victims and survivors suggest to improve child protection and prevent child sexual abuse in the future?

## 10.1 Summary of key findings from the research

This report has detailed experiences of child sexual abuse in custodial institutions, the institutional failures in relation to this abuse, and the impacts upon victims and survivors. The research findings indicate a number of key features and characteristics of abuse in these institutions in the past. The analysis of Truth Project data is ongoing but we have identified the key features of sexual abuse in custodial institutions (which will be compared with those of other institution types as our research programme progresses):<sup>12</sup>

- The location and set-up of these institutions meant they were geographically and socially isolated, with very little external observation or intervention. This left children almost completely isolated from outside contact with professionals and their families. They were completely under the power and control of the adults charged with their care and entirely vulnerable to those who abused them. Participants described literally having nowhere to run to escape the abuse.
- Sexual abuse occurred from the very outset of the victims and survivors being placed in custodial institutions. Participants described how the power and control the perpetrators had over them, exacerbated by the custodial setting, meant the perpetrators did not need to groom them; they simply began abusing their victims at will.
- A high degree of violence and sadism featured in the abuse in custodial institutions. This may have been linked to the culture of punishment and control of such institutions at the time and also potentially with the nature and motivations of the perpetrators in those particular environments.
- Participants described how the perpetrators were able to act with impunity within the custodial regime. Non-abusing adults appeared to be aware of the sexual abuse but turned a blind eye to it and did nothing to protect the children. Where participants had made attempts to disclose the abuse to others in authority in the institutions at the time, they faced threats and physical violence and nothing was done to help them.
- Participants found that their backgrounds of being in custody as children as well as the serious impact of the poor education they received there meant they often faced long-term employment and financial difficulties.

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<sup>12</sup> Comparisons between experiences across different institution types and time periods will be made at a later point when we have the opportunity to carry out a fuller comparative analysis.

## 10.2 Victims and survivors' suggestions for change

Participants in the qualitative sample experienced abuse in custodial institutions between the 1960s and the 2000s, most of it during a period where the youth secure estate bore little resemblance to its current structure. However, participants have experienced many difficulties throughout their lives since the time of the abuse and made a number of explicit suggestions about what needs to change to improve child protection and prevent child sexual abuse in custodial institutions in future. They also shared their views on how victims and survivors of abuse can be better supported.

One participant expressed the importance of ensuring the actual implementation of changes rather than simply relying on designing systems and processes, as well as expressing a view on where accountability lies:

“ *These are all the robust systems that you can keep bringing them out as fast as you can, bring a robust system out I'll show you where it was never implemented. It can only be robust if it's actually implemented otherwise it isn't robust; it's just somebody telling you about a robust procedure.*

Truth Project participant abused in custodial institution

“ *My beef is not even with the paedophile who assaulted me. He's just a bloke who couldn't keep his hands off kids. That's as far as it goes with me. I hold the state responsible because without the state's active involvement and active covering up, that man could never have abused me. He wouldn't have been there.*

Truth Project participant abused in custodial institution

Participants' more specific suggestions have been categorised according to the four thematic areas outlined by the Chair in the *Inquiry's interim report* (Jay et al., 2018): structural, financial, cultural, and professional and political.

The following table represents the specific suggestions for change made by the eight participants in the qualitative sample.

**Table 10.1 Suggestions for change made by Truth Project participants sexually abused in custodial institutions**

Structural: The legislative, governance and organisational frameworks within and between institutions
<p><b>Participants said:</b></p> <p><i>There needs to be an end to remaining barriers and limitations impacting on victims and survivors' ability to gain justice and recognition.</i></p> <p><i>Local police forces should not be allowed to investigate allegations of non-recent child abuse in institutions in their area, because their own force may be implicated in any lack of action or potential cover-up in the past.</i></p> <p><i>There should be more vetting of people in positions of authority who work with children.</i></p> <p><i>Parents also need to be held accountable to much higher standards if they fail to protect their children from harm by others. They should face police charges if they have knowingly destroyed evidence or influenced their child to protect a perpetrator.</i></p>

## Financial: The financial, funding and resource arrangements for relevant institutions and services

### Participants said:

*Date limitations should be removed from the ability to make compensation claims. Some victims and survivors may take many years to be able to cope with formally disclosing their abuse. The process can be difficult and they should not be penalised for not seeking compensation prior to the point in their lives at which they feel strong enough to cope with the experience.*

*Specific emotional and practical support needs to be in place for those receiving financial compensation. Compensation can involve large financial sums and some victims and survivors may require help to manage this.*

## Cultural: The attitudes, behaviours and values that prevent institutions from responding effectively to child sexual abuse

### Participants said:

*As a society we need to be open and speak out about sexual abuse.*

*Reporting concerns should become a normal process in society.*

*Cultural views about the poor and about children in custodial institutions and care need to change from viewing them as 'unworthy' victims.*

## Professional and political: The leadership, professional and practice issues for those working or volunteering in relevant institutions

### Participants said:

*We need to listen carefully to children and observe their behaviour; there are usually signs of abuse that are not being recognised soon enough.*

*People who support children to make allegations to the police also need to be provided with support in managing and coping with this.*

*People who work with children need to have a greater duty of care and be held accountable for reporting and taking action around child sexual abuse.*

*The state needs to be held responsible and accountable for responses to child sexual abuse and institutional failure as well as any continuing cover-up.*

*Anyone working with young children should be subject to random forensic examination of their technological devices (at home and where they work).*



# *Appendices*

# Appendix A

## Glossary

Abuse involving penetration	Vaginal, anal or digital penetration and oral sex.
Abuse not involving penetration	Prolonged kissing, cuddling, French kissing and excessive touching.
Approved schools	Institutions established in 1933 to replace reformatories and industrial schools (Bateman and Hazel, 2014; Justice Studio, 2014) and which provided education and training on a residential basis for children up to the age of 16.
Assessment centres	Institutions previously used to temporarily house children and assess their needs prior to them being placed permanently in the youth secure estate.
Borstals	Institutions which first opened in 1902 and were intended to reform young people aged 16–21. Residents were subjected to a strict regime including physical drills, training and education.
Children's home	An establishment that provides care and accommodation solely or mainly for children (under the age of 18).
Child sexual abuse	Forcing or enticing a child or young person to take part in sexual activities. The activities may involve physical contact and non-contact activities such as involving children in looking at, or in the production of, sexual images, or in watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse, including via the internet. Child sexual abuse includes child sexual exploitation.
Criminal justice system	The system which investigates, prosecutes, sentences and monitors individuals who are suspected or convicted of committing a criminal offence. This also encompasses institutions responsible for imprisonment, probation and sentences served in the community.
Custodial institution	Umbrella term to describe the establishments in operation for children and young people in the youth justice system in England and Wales. See also 'youth secure estate'.
Detention centres	Institutions first opening in 1952, designed to accommodate children and young people with short sentences and to replace court-imposed corporal punishment.

<p><b>Episodes of child sexual abuse/ exploitation</b></p>	<p>Sexual abuse involving a particular perpetrator(s) or institution(s). It may involve a single instance of sexual abuse or relate to multiple instances that take place over a period of time. We have defined an episode of abuse as the following:</p> <ul style="list-style-type: none"> <li>● an instance or multiple instances of sexual abuse committed by a single perpetrator;</li> <li>● a single instance of sexual abuse committed by multiple perpetrators; and</li> <li>● multiple instances of sexual abuse committed by multiple perpetrators, but only where there is collusion between the perpetrators.</li> </ul> <p>An episode involving multiple perpetrators could include cases where there is collusion between perpetrators, such as gang rape, child sexual exploitation or abuse by networks organised for the purposes of child sexual abuse. An episode could also involve more than one institution, such as abuse perpetrated by one person but in several settings.</p>
<p><b>Fondling</b></p>	<p>Touching, masturbating or kissing a child's genitals and/or making a child fondle an adult's genitals.</p>
<p><b>Grassing</b></p>	<p>Informing the police or someone in authority about an incident.</p>
<p><b>Grooming for child sexual abuse</b></p>	<p>Building a relationship with a child in order to gain their trust for the purposes of sexual abuse or exploitation.</p>
<p><b>Impact</b></p>	<p>A marked effect or influence on someone or something.</p> <p>Information on impacts presented in this report aligns with categorisations used in the Truth Project.</p> <p>This term is used in this report to describe what victims and survivors themselves reported about the effects of the abuse they experienced.</p>
<p><b>Qualitative research</b></p>	<p>Research that uses words and themes, rather than numbers, to answer research questions. Qualitative social research seeks to observe and understand social situations without measuring them using numbers, for example through interviews with people involved.</p>
<p><b>Rapid evidence assessment (REA)</b></p>	<p>A research methodology used in the identification, quality assessment and synthesis of existing literature on a particular topic. More structured and rigorous than a standard literature review, it is not as exhaustive as a systematic review.</p>
<p><b>Recovery</b></p>	<p>The act or process of returning to a positive, former or improved level of functioning following a traumatic experience that caused a decline in levels of functioning and wellbeing.</p>
<p><b>Rehabilitation</b></p>	<p>The reintegration into society of a convicted person, with the aim of preventing further offending.</p>
<p><b>Remand</b></p>	<p>When individuals are placed in the youth secure estate awaiting trial, conviction or sentencing.</p>

<b>Remand centres</b>	Institutions established in 1952 to accommodate children and young people on remand (those individuals placed in custody awaiting trial, conviction or sentencing).
<b>Residential care</b>	Institutions such as orphanages, children's homes/residential care, secure children's homes and specialised residential care units.
<b>Re-victimisation</b>	Becoming a victim of violence, crime and abuse, having already been victimised previously.
<b>Safeguarding</b>	Protecting children from maltreatment, preventing impairment of children's health or development, ensuring that children are growing up in circumstances consistent with the provision of safe and effective care, and taking actions to enable all children to have the best life chances.
<b>Secure children's home</b>	Secure custodial institution run by the local authority for children convicted of or on remand for a criminal charge, and for those admitted via a welfare order. Such institutions currently accommodate males and females aged 10–17.
<b>Secure training centre</b>	Secure custodial institution for children convicted or on remand. Currently they accommodate males and females aged 12–17.
<b>Statutory agencies</b>	Institutions set up by law to carry out public activities.
<b>Victims and survivors</b>	Defined in this report as individuals who have been sexually abused as children.
<b>Welfare placement (that is, a child placed in an institution for welfare reasons)</b>	Children entering secure children's homes who have been admitted via a welfare order (currently as per Section 25 of the Children Act 1989) rather than because they have committed, or potentially committed, an offence.
<b>Young offender institution</b>	In the context of this report, a secure custodial institution for male children convicted or on remand.
<b>Youth secure estate</b>	Umbrella term to describe the establishments in operation for children and young people in the England and Wales youth justice system. See also 'custodial institution'.

Sources: Soares et al. (2019b); Ofsted (2018); Ofsted (2017); Department for Education (2014); Independent Inquiry into Child Sexual Abuse (n.d.).

# Appendix B

## Key legislative and policy shifts influencing the population of the secure estate

This appendix offers some examples of changes in policy and legislation since the 20th century and how these have influenced the population of the youth secure estate. This is not intended as an exhaustive timeline of the youth justice system, however, it gives further context to the report.

### 20th century events/shifts

Date	Event/shift
1908	The Prevention of Crime Act 1908 created borstals as establishments for children and young people (male and female establishments). The Children Act 1908 also established a separate juvenile court and abolished custody for those under the age of 14 (Bateman and Hazel, 2014; Hagell, Hazel and Shaw, 2000).
1933	The Children and Young Persons Act 1933 placed an emphasis on child welfare and required courts to consider a child's welfare (Bateman and Hazel, 2014; Raymond, 2010).
1948	The 1948 Criminal Justice Act saw a distinct shift back to an ethos of punishment, due to rising levels of youth crime at that time. 'Short, sharp shock' regimes were introduced into new custodial establishments (Williams, 2004).
1952	The Prison Act 1952 was introduced amid concerns around football hooliganism, youth gangs and student protests (Association of Independent LSCB Chairs, 2014; Pearson, 1983, cited in Williams, 2004). The number of places in borstals rose to circa 2,000 at this time (Williams, 2004).
1964	The number of places in borstals reached circa 4,000 by 1964 (Williams, 2004). The first secure unit also opened, intended for children aged 10-18 who had absconded from open approved schools (Bateman and Hazel, 2014).
1969	The Children and Young Persons Act 1969 shifted the focus back to welfarism (Williams, 2004). However, the new Conservative Government elected shortly after meant large sections of this act were never implemented – such as raising the age of criminal responsibility to 14 (Bateman and Hazel, 2014; Raymond, 2010; Bottoms and Kemp, 2007; Williams, 2004). Emphasis was again placed on punishment and government grants to local authorities facilitated the expansion of the youth secure estate (Prime, 2014; Raymond, 2010; Bottoms and Kemp, 2007; Williams, 2004; Goldson, 2003).

Date	Event/shift
1982	The number of males aged 14–16 sentenced to custody per year stood at almost 8,000 at this time (Hagell and Newburn, 1994, cited in Williams, 2004) and there was a growing recognition of the need to distinguish between welfare and justice boundaries and interventions. A series of legislation followed, triggering further reconfiguration of the youth secure estate with a heavy focus on protection and rehabilitation (Lennox et al., 2015; British Medical Association Ethics Department, 2014; Prime, 2014; Raymond, 2010; Davidson-Arad, Benbenishty and Golan, 2009; Bottoms and Kemp, 2007; Williams, 2004). Custody rates fell dramatically from 1983 (Bateman and Hazel, 2014).
1993	There was a significant shift back to punitive ‘tough on crime’ responses at this time, placing pressure on the youth secure estate due to the growing numbers of children entering it (Bateman, 2011; Pitts and Stevens, 2011; Hollingsworth, 2008; Goldson, 2006; Williams, 2004; Hagell, Hazel and Shaw, 2000). The murder of the toddler James Bulger by two 10-year-old boys was one factor contributing to this shift. The Criminal Justice Act allowed more scope for courts to impose harsher sentences (Bateman and Hazel, 2014). Secure Training Centres were then introduced in 1994 (Hagell and Hazel, 2001).
1998	Changes in law and policy following the election of ‘New Labour’ in 1997 have been described as the most radical overhaul of the youth justice system since the inception of the youth juvenile court in 1908 (Goldson, 2008).  The Crime and Disorder Act 1998 initiated a number of changes and introduced the principal aim for youth justice as being the prevention of offending (Bateman and Hazel, 2014). For example, it introduced the Detention and Training Order — a specific type of sentence for children aged 12–17 who persistently commit offences/commit offences deemed ‘serious’ (Bateman, 2016; Simmonds, 2016; Hagell, Hazel and Shaw, 2000). It also abolished the legal presumption of <i>doli incapax</i> ; this principle deemed children aged 10–13 incapable of committing a crime, unless criminal intent could be proven. This presumption had offered some protection for children under 14 against the age of criminal responsibility (which is age 10). Its abolition meant children under 14 were no longer protected from criminal prosecution, and could be charged and detained in a variety of settings (UK Parliament, 2009).

### 21st century events/shifts

Date	Event/shift
2001	The population of children in the youth secure estate stood at circa 3,000 (Williams, 2004), and reports emerged at this time that the UK locked up more young people than any other country in Europe (Council of Europe SPACE 2000 data cited in Howard League for Penal Reform, 2002). It is also noted that as the use of imprisonment of children was rising during the 1990s and into the 2000s, the use of custody for girls rose more rapidly than that for boys (Bateman, 2008).
2004	Further establishments opened (Simmonds, 2016; Prime, 2014), and the Chair of the Youth Justice Board stated that numbers of children and young people in custody remained high due to an increase in remands (Stuart and Baines, 2004b). The Children Act 2004 was introduced, which introduced some provisions for the safeguarding and welfare of children in custody. For example, it introduced statutory local safeguarding children’s boards (LSCBs), with each LSCB required to have representation from its local youth offending team and personnel from secure establishments in their area (Department for Education, 2015; Association of Independent LSCB Chairs, 2014).

Date	Event/shift
2007	The average population of young people in custody remained at over 3,000 (Simmonds, 2016), but the numbers began to decline from mid 2008 (Jacobson et al., 2010) and there was an emphasis on the number of vulnerable children and young people entering custodial institutions rather than custody being viewed as a last resort (Glover and Hibbert, 2009).
2008	The Youth Crime Action Plan was published, with a target of reducing first-time entrants to the youth justice system by a fifth by 2020. An emphasis was placed on rehabilitation and alternatives to custody (Bateman and Hazel, 2014).
2009	The number of children in custody began to gradually decrease from mid 2008/2009 (Ministry of Justice, 2016; Prime, 2014; Cripps, 2010). As a result, a number of places were subsequently decommissioned from this point and several establishments closed. For example, between 2009 and 2016, more than 2,000 places in young offender institutions and 81 places in secure children's homes were decommissioned and more than 12 establishments closed during this period (Ministry of Justice, 2016).
2012	The Youth Justice Board developed a new set of principles for the commissioning and delivery of services in custody, as part of its plan for developing the secure estate. These emphasised the rights and protection of children and young people in custody, and understanding their distinct needs (Youth Justice Board and Ministry of Justice, 2012).
2015	The Criminal Justice and Courts Acts 2015 was introduced, intending to establish 'secure colleges' – a new form of large custodial institutions with a greater emphasis on education and integrated multi-agency working, and with specialist provision for the most vulnerable (Prime, 2014; Stone, 2014). However, plans to build these were later abandoned.
2017*	The Youth Custody Service (YCS) was established as a distinct arm of Her Majesty's Prison and Probation Service (HMPPS). The YCS has operational responsibility for the youth secure estate.  The <i>Concordat on Children in Custody</i> was published (Home Office, 2017) to help prevent the unnecessary detention of children in police stations following charge.  In September 2017, the number of children in custody stood at 880 for those under 18 years old (846 males and 34 females). The total including those aged 18 was 989 (Ministry of Justice and Youth Justice Board for England and Wales, 2017).
2019	Standards for children in the youth justice system were introduced (Ministry of Justice and Youth Justice Board, 2019), defining the minimum expectation for all agencies that provide statutory services, to ensure good outcomes for children in the youth justice system.  By December 2019, the number of children in custody (under the age of 18) had reduced significantly, standing at 724 (HM Prison and Probation Service (HMPPS), 2019).

\* This table has been further updated since the publication of the Inquiry's rapid evidence assessment into child sexual abuse in custodial institutions in 2018, to take account of more recent developments in the youth secure estate.

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