



Contested Vulnerability: A Case Study of Girls in secure care

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ARTICLE INFO

Keywords:

Childhood
Youth justice
Girls
Responsibilisation
Vulnerability

ABSTRACT

Figures from 2015 show that two hundred and five children entered secure accommodation from England and Wales. 47% were placed because they were on remand or sentenced for committing a serious offence. 43% were placed by social services under a child welfare order. The remaining 10% were secured by their local authority on criminal justice grounds. This paper uses the example of girls in secure care to explore understandings that are applied to young people considered ‘vulnerable’ and ‘troublesome’ simultaneously. While policy around secure accommodation claims that it offers a therapeutic intervention, to help young people work through their problems and learn appropriate coping mechanisms, it also keeps them ‘safe’ by physically locking them away from the world in which they have been entrenched. Using detailed ethnographic fieldwork, this paper explores the experiences of girls living in a setting usually exempt from scrutiny and showcases their views of being ‘worked with’ in an institution designed to enable reform. Significantly, findings show that girls rejected the ‘vulnerable’ label that was ascribed to them and instead felt that vulnerability was better defined by life experience instead of age. By examining girls’ own perspectives of their complex pathways into secure care, this paper will contest the binding of childhood and vulnerability and argue that such an act disenfranchises girls from the services that are designed to help them.

1. Introduction and background

This paper uses ethnographic data collected with girls in a Secure Unit in England to consider the cultural and political twinning of age with vulnerability. Findings demonstrate that assumptions based solely on age classifications undermine the complexity of issues facing girls in trouble and hence significantly increases the risk of disenfranchising them from the services that are most able to offer help and support. Interventions for ‘children in trouble’ have traditionally been informed by two conflicting views of childhood, firstly that children are innocent and vulnerable and are therefore in need of protection (Daniel, 2010) and secondly, that children need to be socialised into useful and active members of society (Stainton Rogers, 2001). Despite these oppositional views of childhood, research and practice has frequently shown that ‘children in trouble’ share similar characteristics of social exclusion and poverty, often do poorly at school and have experienced abuse or neglect at home (Gray, 2009; Muncie, 2006). Although children who break the law often simultaneously fit into the category of the ‘troubled’ child, in the UK, needs and justice services are apportioned to divide children between welfare or justice organisations. So while a child suffering abuse at home might be dealt with in a welfare capacity by the social services, if the same child is caught stealing, he or she will instead become the responsibility of the youth justice system (O’Neill,

2001:27). The circumstances in which children first become known to professional agencies play an important role in defining their future involvement in state interventions and define whether they are perceived as being troubled or troublesome (Worrall, 1999).

While it is agreed that children in the youth justice system generally have the same needs as those in welfare services, politically these children are characterised in very different ways. Much of Europe adopts a welfare approach to young offending, with an average minimum age of criminal responsibility of fourteen (Hazel, 2008). England and Wales, however, hold the lowest age of criminal responsibility at ten years old (Goldson, 2013). Other responsibilities are not served in the same manner, as Goldson aptly highlights, these same children are not deemed to be ‘sufficiently responsible’ to own a pet until they are twelve years old, yet they ‘face the full rigor of the criminal law’ a full two years earlier (Goldson, 2013:120).

The responsabilisation agenda for children in the youth justice system does not coincide with the treatment of children in other areas of public life. The United Nations Convention on the Rights of the Child (UNCRC, 1989) stipulates that children under the age of eighteen are entitled to a special protection because of their status as ‘children’. UNCRC makes particular assumptions about the vulnerabilities of children and asserts that children have the right to protection from harm. While the recommendation stands that all citizens under the age

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<https://doi.org/10.1016/j.childyouth.2018.02.047>

Received 25 July 2017; Received in revised form 27 February 2018; Accepted 27 February 2018

Available online 06 March 2018

0190-7409/© 2018 Published by Elsevier Ltd.

of eighteen are treated as children, its translation into UK policy means that children in the welfare state are treated very differently from those in the criminal justice system (Daniel, 2010). While young offenders are encouraged to accept responsibility for their actions (Bradt & Bouverne-De Bie, 2009), looked after children are encapsulated in a set of professional constraints where professionals override their views to make decisions on their behalf (Thomas, 2000). So whereas on one hand, troublesome children are perceived to be 'competent' and capable of taking responsibility for their own futures (Muncie, 2006), children in the welfare state are not (Thomas, 2000). Despite its commitment to UNCRC, the UK still receives criticism suggesting that children's views are not given due consideration when important welfare decisions are being made (Lewesley, Marshall, Towler, & Aynsley-Green, 2008). While British children are not permitted to make important decisions like where they live and with whom, the policies and strategies aimed at tackling 'problem youth' render young people exempt from conditions which usually protect their rights as children (Smith, 2005). The reluctance of social work to engage with young people in the criminal justice system has meant that once children offend, vulnerable children are incarcerated for behaviours that would have been seen as an outcome of disadvantage in much of the rest of Europe (Smith, 2005). It is certainly worth noting that the majority of children entering secure accommodation under a welfare order are girls, which raises important questions about the gendered aspect of provisioning for vulnerable young people.

2. Local authority secure children's homes

Secure units are one of the few institutions in the UK that are commissioned to provide accommodation for both 'troubled' and 'troublesome' children simultaneously. While units are sometimes owned by local authorities, they can also be owned privately and commissioned to grant places to children in the youth justice system as well as those in local authority care. From a criminal justice perspective, young people can be placed in secure accommodation if they are on remand awaiting trial, if they have been sentenced to a Training and Detention Order (DTO), or if they are found guilty of committing a crime chargeable under Section 53 under the Children and Young People Act 1933, that is, they are found guilty of committing a 'grave crime' which would receive a sentence of over fourteen years or 'life' if tried in an adult court (Goldson, 2002; O'Neill, 2001). The age of the child sentenced often determines whether they will be placed in a Youth Offenders Institute, Secure Training Centre or a Local Authority Secure Children's Home (LASCH), with the preference being to select the youngest and 'most vulnerable' to go to the small number of LASCH places. The passage below illustrates how a child could end up in a LASCH under criminal justice sentencing. While informed by empirical data, this example is a fictitious one to protect young people's anonymity:

Joanne is fourteen and has been found guilty of murdering a child her own age. Joanne is known to self-harm and has attempted suicide a number of times. Joanne's crime is a high profile one and her case is frequently discussed in the media. There are concerns that inmates might disclose Joanne's identity to the public. Joanne's situation makes her vulnerable and it is judged that she should be held in secure accommodation for her own safety.

Children in secure accommodation in a welfare capacity are usually detained under Section 25 of the Children and Young People Act (1989). The act stipulates that:

- (1) *Subject to the following provisions of this section, a child who is being looked after by a local authority may not be placed, and, if placed, may not be kept, in accommodation provided for the purpose of restricting liberty ('secure accommodation') unless it appears that —*

- (a) *(i) he has a history of absconding and is likely to abscond from any other description of accommodation; and*
(ii) if he absconds, he is likely to suffer significant harm; or
 (b) *if he is kept in any other description of accommodation he is likely to injure himself or other persons.*

The passage below illustrates the circumstances that often surround young people coming into a LASCH under a welfare order. While informed by empirical data, this example is a fictitious one to protect young people's anonymity:

India is fourteen and has been living in local authority care since she was three years old. India has been staying with her birth mother, although her social worker has forbidden it. Care workers have reported India missing 104 times and sometimes do not see her for days at a time. India often returns with bruises and burns on her face and body, she also self-harms and has attempted suicide twice. India discloses that she earns money by sleeping with older men. India's social worker fears that she cannot keep India safe and calls for her to be placed into secure accommodation.

In much of Europe, these children would be protected by their legal status of 'child'. In the UK, the shift towards more conservative and punitive measures means that children and families are held increasingly accountable for their own failings (Muncie, 2011), regardless of the poverty and social disadvantage in which they are embedded (Sharpe, 2012:106). While 'giving voice' was the aim of UNCRC, the UK have repeatedly been criticised for breaking numerous conditions for UNCRC, including the age of criminal responsibility and the high number of young people in custody (Muncie, 2011). Within an economic environment of budget cuts and reduced spending, agencies working with young people are increasingly encouraged to hold young people accountable for the circumstances in which they are entrenched by promoting 'individualised responsibility' and 'self-governance' (Cradock, 2007:162). Liebenberg aptly points out that 'responsibilising citizens also succeeds in irresponsibilising governments' (Liebenberg, Ungar, & Ikeda, 2015:1007). It is through this notion of responsibilisation that criminally active young people, often living in poor conditions, are regarded culturally as making a deliberate choice to offend and therefore 'have no-one to blame but themselves' when they receive punitive sentences (Harris, 2004:30).

LASCH's are commissioned to balance punishment and care within an intervention which seeks to simultaneously encourage reform. The mixing of young people with extreme welfare orders and those with criminal justice sentences is partly defended by claims that despite their legal classifications, both groups enter the unit with similar needs.

3. Caring for the girls

Professional concern about the morality of young women is not a new phenomenon (Barter, 2006; Barton, 2000; Chesney-Lind, 1989; Hutter & Williams, 1981; Kitzinger, 1988; Leonard, 1982; Miner, 1912; Zedner, 2006) and it is therefore fitting that the majority of children placed in secure accommodation for welfare reasons are girls (Held, 2006). While offending by boys is often reduced to immaturity or low level rebellion, offending by girls is still perceived as being symptomatic of individual pathology (Sharpe, 2012). Professionals frequently report that girls are 'more difficult' to work with than boys (Barter, 2006:354) and that girls are seen as 'nasty' and 'manipulative' (Sharpe, 2012:110). Gaarder's research inside the US juvenile courts found that girls were being described as 'dirty' by probation officers who felt that incarceration would help protect them 'from the dangers associated with their sexuality' (Gaarder, Rodriguez, & Zatz, 2004:p559). Despite these findings, official statistics have repeatedly confirmed that boys are much more likely than girls to offend and girls are much less violent than boys; in fact, violent offenders make up only 16% of incarcerated women (Prison Reform Trust, 2017).

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