

Why are children dying in custody?

Call for a public inquiry into the death of Joseph Scholes

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Plus over 100 MPs

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On 24 March 2002 Joseph Scholes hanged himself from the bars of his cell in Stoke Heath Young Offender Institution (YOI); he was just 16 years old. The jury at the inquest into his death heard evidence that he had undergone nine days of dehumanising treatment. The coroner who presided over the inquest was so disturbed by the evidence that he wrote to the Home Office calling for a public inquiry to be held.

On 11 November 2003 Joseph's mother, Yvonne Scholes, INQUEST and Nacro launched a call in the House of Commons for a public inquiry into his death*. The campaign continues, with over 160 supporters including MPs, children's charities, penal reform groups, Peers and leading members of the legal establishment.

On 30 June 2004 Yvonne Scholes's MP Chris Ruane tabled an Early Day Motion calling for a public inquiry: more than 100 MPs have signed it to date. Nacro President, Lord Navnit Dholakia, supported by Baroness Stern and Baroness Howe, has raised the matter in the House of Lords and the Bishop of Leicester, the Right Rev Tim Stevens, has raised Joseph's case at The Church of England's General Synod.

The United Nations Convention on the Rights of the Child states that children should only be imprisoned as a last resort, every child has the inherent right to life and no child should be subjected to inhuman and degrading treatment.

* For the original campaign briefing please contact INQUEST

Events leading to Joseph's death

Joseph had an unsettled childhood and became a disturbed young boy. He had allegedly been sexually abused from an early age and was seeing a psychiatrist and taking medication at the time of his arrest. Joseph was depressed, had begun to self-harm and have periodic suicidal thoughts.

On 30 November 2001 he was voluntarily taken into the care of social services and placed in a children's home. Six days later, he went out with a group of children from the home and was involved in a series of mobile phone robberies. He was subsequently arrested and charged with robbery. Both victims and other witnesses accepted that Joseph's involvement in these incidents was peripheral; there was no suggestion that he had used or threatened violence.

As the robbery trial date drew nearer, Joseph became more depressed and agitated. Two weeks before his court appearance he slashed his face with a knife over 30 times. The deepest wound, across his nose, cut right down to the bone. The walls in his room had to be completely repainted as they were covered in blood.

Prior to Joseph's sentencing the judge at Manchester Crown Court was alerted to Joseph's vulnerability, his experience of sexual abuse and history of suicidal and self-harming behaviour.

Joseph's was unfortunate to be tried at a time of heightened public anxiety over street crime. The Lord Chief Justice had issued sentencing guidelines which were widely interpreted as requiring an automatic custodial sentence for such crimes.

On 15 March 2002 Joseph was sentenced to a two-year detention and training order. The judge stated in open court that he wanted the warnings about Joseph's self-harming and history of sexual abuse 'most expressly drawn to the attention of the authorities'.

After sentencing the responsibility for Joseph's care transferred to the Youth Justice Board (YJB), which was informed of Joseph's history – most notably, his suicide attempt and self-harming behaviour. People involved in Joseph's care urged the YJB to place him in local authority secure accommodation where he would have access to the necessary intensive care and support. Despite his vulnerability, the YJB placed him in Prison Service accommodation at Stoke Heath Young Offender Institution (YOI), claiming that no suitable alternative placement was available. Joseph's mother Yvonne subsequently telephoned Stoke Heath YOI to inform them that he had been a victim of sexual abuse, was depressed and unstable with a history of self-harm and suicidal behaviour.

On arrival at Stoke Heath YOI, Joseph was stripped of his clothing, including his underwear, and placed

in a garment like a horse blanket with stiff Velcro fastenings. At the inquest, members of the jury and the coroner were visibly shocked when the garment was shown in court and the strip clothing was described by a childcare expert as 'dehumanising'.

During his short time in Stoke Heath YOI he was kept in virtual seclusion and was not offered any meaningful activity. He was told that he would later be put on the main wing with other prisoners, a prospect that horrified him because of his history of sexual abuse. Joseph took his own life on March 2002. A lack of close observation and unsafe conditions in Joseph's cell meant that he was able to hang himself from a sheet tied to the bars of his window. He was just nine days into his prison sentence.

Powerful inquest verdict

A two week inquest into Joseph's death was held in April 2004. It heard very disturbing evidence of the way vulnerable children are treated in prisons. Investigations into Joseph's death conducted by the Prison Service, a child care consultant who undertook the review on behalf of the area child protection committee, and a consultant adolescent psychiatrist instructed by the coroner, were unanimous in their opinion that prison service accommodation was completely unsuitable for Joseph as it did not have the resources and facilities to cope with someone so vulnerable. The child care consultant who inspected the cell Joseph died in said it would have been closed down if it had been a room in a local authority secure children's home.

The inquest jury returned a verdict of '**accidental death in part contributed to because the risk was not properly recognised and appropriate precautions were not taken to prevent it**'. In an exceptional move, the coroner, Mr John Ellery, as part of his public duty to prevent the recurrence of deaths, announced that he would be writing to the Home Secretary to recommend an urgent and comprehensive review of the pre-sentencing exercise, sentencing, the allocation process and the availability and provision of local authority secure units for children. He recommended that this should take the form of a public inquiry.

Government response – rejection of public inquiry call

The government did not respond to the public inquiry call made by Yvonne Scholes, INQUEST and Nacro in November 2003 or the coroner's recommendation in April 2004, until the Scholes' family lawyers threatened legal action. On 16 September 2004, the last day before the Parliamentary recess, Joseph's family and their lawyers were informed by a member of the press that a decision regarding a public inquiry into Joseph's death had been announced in parliament. Although a statement had been issued to the press,

Joseph's family had not yet been officially informed of this new development.

The statement issued by the Prison Minister's office outlined the steps he was taking to deal with the outstanding issues relating to Joseph's death. The Minister said he had referred the issue of Joseph's custodial sentence to the Sentencing Guidelines Council and the adequacy of custodial provision for vulnerable young offenders to the YJB. He also announced the appointment of David Lambert, a former Chief Inspector of the Social Services Inspectorate, to examine the operational issues raised by Joseph's case and provide a summary account of all investigations that had been conducted into Joseph's death. There was no mention of family participation in this process, whether any of the proceedings will be in public and if any evidence will be sought from NGO's or other experts on the issue of child custody.

Why the need for a public inquiry?

The decision not to hold a public inquiry is baffling. The need to examine the tragic course of events that led to Joseph's death remains as pressing as ever. Since Joseph's death, two more children have died in state custody. Gareth Myatt, aged 15, died while being restrained by staff at Rainsbrook Secure Training Centre in April 2004 and Adam Rickwood, aged 14, was found hanging in his cell at Hassockfield Secure Training Centre in August 2004. This brings the total number of children dying in state custody since 1990 to 27 (see back page).

Key aspects of the youth justice system have been the subject of sustained criticism from the UN Committee on the Rights of the Child, the parliamentary Joint Committee on Human Rights and successive reports from HM Inspectorate of Prisons. Recent statistics show that the numbers of children assessed as vulnerable and remanded or sentenced to prison custody in 2003/04 was 3,337 (*Hansard*, 7 June 04). It is widely expected that numbers of children in custody will increase – at least in part because of the number sentenced to custody for breach of anti-social behaviour orders – but the number of places available in local authority secure children's homes will continue to decrease, thus increasing reliance on privately run secure training centres.

There has never been a public inquiry into the death of a child in state custody. When children die in state care there needs to be a properly resourced and full examination of the wide-ranging issues that these deaths raise. This must allow the family and other experts to participate and contribute so that lessons are learnt and safeguards put in place to ensure that the same does not happen again. The Government's failure to follow the coroner's recommendation to establish a public inquiry increases the risk of further tragedies.

What those involved think

Yvonne Scholes, Joseph Scholes's mother:

'We must not falter in our battle to challenge Home Office Ministers' attempts to wilfully suppress damning evidence of the continuing abuse and deaths of children in custody. The Home Secretary should accept his responsibility and demonstrate moral integrity by reversing the flawed decision to deny us our right to a full public inquiry.'

Deborah Coles, Co-Director, INQUEST:

'The public inquiry call is motivated by the urgent need to address what is a serious human rights issue – the deaths and suffering of children at the hands of the state. The fact that 27 children have died in penal custody should shame the government into decisive public action.'

Paul Cavadino, Chief Executive, Nacro:

'A vulnerable child like Joseph should not have been sentenced to custody or held in Prison Service accommodation. His tragic case demonstrates the profound flaws in this country's system for dealing with children in trouble. A public inquiry into Joseph's case could carry out a fundamental examination of how future tragedies can be avoided.'

Mark Scott, Bhatt Murphy solicitors:

'Joseph's death starkly highlights failings in the system of care of children in the criminal justice system. However, there has been no acknowledgment by the state that they hold any responsibility for his death and there is an urgent need for a full public judicial inquiry in order that failings can be acknowledged and addressed so that lessons are learnt to avoid the unnecessary suffering and death of other children in the future.'

You can help

INQUEST, Nacro and many other organisations are backing this call for a public inquiry. To add your support please email communications@inquest.org.uk

Juvenile deaths in prison: 1990-date

Name	Sex	Ethnicity	Age	Status	Date	Cause	Classification	Establishment	Verdict
Adam Rickwood	M	UK white	14	Remanded	09/08/04	Hanging	Self-inflicted	Hassockfield STC	Awaited
Gareth Myatt	M	UK black	15	Convicted	19/04/04	Died following restraint	Control and restraint	Rainsbrook STC	Awaited
Ian Powell	M	UK white	17	Convicted	06/10/02	Hanging	Self-inflicted	HMP Parc	Awaited
Joseph Scholes	M	UK white	16	Convicted	24/03/02	Hanging	Self-inflicted	HMYOI Stoke Heath	Accidental death
Kevin Jacobs	M	UK white	16	Convicted	29/09/01	Hanging	Self-inflicted	HMYOI Feltham	Suicide & neglect
Mark Dade	M	UK white	16	Convicted	27/07/01	Hanging	Self-inflicted	HMYOI Wetherby	Misadventure
Anthony Redding	M	UK white	16	Convicted	15/02/01	Hanging	Self-inflicted	HMYOI Brinsford	Accidental death
Kevin Henson	M	UK white	17	Remanded	06/09/00	Hanging	Self-inflicted	HMYOI Feltham	Suicide
Philip Griffin	M	UK white	17	Convicted	01/08/00	Hanging	Self-inflicted	HMYOI Wetherby	Misadventure
David Dennis	M	UK white	17	Remanded	30/05/00	Hanging	Self-inflicted	HMYOI Brinsford	Suicide
Anthony Howarth	M	UK white	17	Convicted	29/08/99	Hanging	Self-inflicted	HMYOI Hindley	Suicide
Kirk Edwards	M	UK white	17	Convicted	30/05/99	Hanging	Self-inflicted	HMYOI Wetherby	Suicide
John Keyworth	M	UK white	17	Remanded	10/11/98	Hanging	Self-inflicted	HMYOI Hindley	Accidental death
Nicholas Whelan	M	UK white	16	Convicted	09/07/98	Hanging	Self-inflicted	HMYOI Glen Parva	Suicide
Colin Scarborough	M	UK white	17	Remanded	17/04/98	Hanging	Self-inflicted	HMP Doncaster	Suicide
Lee Wagstaff	M	UK white	17	Remanded	17/01/97	Hanging	Self-inflicted	HMYOI Hindley	Suicide while balance of mind disturbed
Ryan Winter	M	UK white	17	Convicted	13/08/96	Hanging	Self-inflicted	HMYOI Lewes	Open
Mark Weldrand	M	UK white	16	Convicted	03/12/95	Hanging	Self-inflicted	HMP Doncaster	Accidental
Chris Greenaway	M	UK white	16	Convicted	02/10/95	Hanging	Homicide	HMP Stoke Heath	Unlawful killing
Andrew Batey	M	UK white	17	Remanded	08/08/94	Hanging	Self-inflicted	HMP Low Newton	Suicide
Joseph Stanley	M	Irish white	17	Convicted	10/05/94	Hanging	Self-inflicted	HMP Cardiff	Suicide
David Stewart	M	UK white	17	Convicted	13/09/93	Hanging	Self-inflicted	HMP Exeter	Open
Patrick Murphy	M	UK white	16	Convicted	02/05/92	Hanging	Self-inflicted	HMYOI Deerbolt	Suicide
Jeffrey Horlver	M	UK white	15	Convicted	22/09/91	Hanging	Self-inflicted	HMYOI Feltham	Accidental death
Craig Walsh	M	UK white	15	Convicted	26/10/90	Hanging	Self-inflicted	HMYOI Glen Parva	Open
Simon Willerton	M	UK white	17	Remanded	12/08/90	Hanging	Self-inflicted	HMP Leeds	Open
Philip Knight	M	UK white	15	Convicted	12/07/90	Hanging	Self-inflicted	HMP Swansea	Open



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