

Rethinking Girls in Custody

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May 2025

• Girls in Youth Justice: a more (in)visible minority?

Girls have long been neglected in youth justice policy and practice, and literature on their experiences remains limited, though notable exceptions exist (Sharpe & Gelsthorpe 2009; Sharpe 2012; Hodgson 2022; Khan 2021; Goodfellow 2024). Burman and Batchelor (2009) argue that youth justice policy predominantly focuses on boys, while criminal justice policies for women often fail to consider age, effectively excluding younger females. As a result, girls continue to be overlooked in criminal justice policy, what Ward (2004) describes as a form of 'policy harm'. For example, the Youth Justice Board's 'Child First' framework lacks any explicit commitment to gender responsiveness (YJB 2024), while the newly established Women's Justice Board (MoJ 2025) fails to mention girls under 18. These omissions reflect continuous missed opportunities to acknowledge and address the unique needs of girls. This oversight is particularly stark in custodial settings, where girls often remain an invisible minority.

Growing evidence highlights the diverse and often overlooked experiences of women and girls in the criminal justice system (Goodfellow 2024; Khan 2021). Included in this evidence is a recent independent review which has called for a gender-responsive, trauma-informed approach to girls in custody (Hancock 2025), underscoring the urgent need for reform in the youth secure estate. While acknowledging the valuable contributions of Susannah Hancock's independent review on the placement of girls in custody and timely recommendations for more gender-responsive provision, the youth justice system in England and Wales continues to fall short in recognising and addressing the specific needs, wellbeing, and lived experiences of girls. Despite Hancock's reaffirmation that girls should no longer be held in Young Offender Institutions (YOIs), and placement in Secure Children's Homes (SCHs) or the newly established Secure School (SS) are most appropriate (Hancock 2025), this call is not new. The Youth Justice Board first proposed the removal of girls from YOIs in 2012, following cross-party recognition of the lack of gender-specific services for sentenced girls (CJJI 2014; YJB 2012). Although girls were

subsequently placed in SCHs or Rainsbrook Secure Training Centre (STC), repeated safeguarding concerns led to the closure of Rainsbrook in 2021 (HMIP 2021). The subsequent transfer of girls to YOIs—institutions designed for boys—exposes the persistent institutional failures in providing suitable custody for girls.

Perpetual failures to ensure the safety and protection of girls in custody amount to institutionalised violence and reflect a systemic pattern of state-inflicted harm against justice-involved girls which serves to reinforce the broader structural issues affecting them within the youth justice system (Scott 2015). Institutionalised violence within custodial environments is then compounded by the micro-social harms that girls endure while imprisoned. This reality forms part of a broader continuum of injustices which girls experience across justice and welfare systems—systems that often mirror and reinforce the oppression, marginalisation, and inequality embedded in their everyday lives (Sharpe 2024; Kelly 2016). In this context, imprisonment replicates, intensifies, and legitimises the violence and abuse already experienced by girls facing multiple adversities and complex trauma (Khan 2021).

Such arguments concerning the institutionalised violence and neglect justice-involved girls are subject to provides the framework in which this paper explores the harmful nature of current custodial placements for girls. Building upon an expansive feminist lens, it is argued that meaningful reform for girls in custody must begin with recognising and responding to the gendered realities of their treatment and experiences outside of custody, and the criminal justice system. Therefore, this paper advocates for penal abolitionist alternatives, drawing upon Hodgson's (2022) 'girl-wise' penology that centres responsibility on structural and social policy change alongside foregrounding the distinct needs, identities, and experiences of girls to deliver the most supportive responses. This framework provides the basis for critically examining the current state of custodial placements for girls in England and Wales, the most recent insights from the independent review (Hancock 2025) and the recent disturbing incidents involving three girls at Wetherby Young Offender Institution (YOI), following an unannounced inspection in 2023 (HMIP 2023).

- **Wetherby: a tip of the iceberg of institutionalised and gendered violence**

Media reports revealed how three girls at Wetherby YOI were restrained and strip-searched by adult male staff (BBC 2024; Guardian 2024; HMIP 2024). These violent incidents emerged from the latest inspection report, which revealed in one year, 155 instances of force were recorded for the three girls held at Wetherby, with a third of these incidents occurring in response to the girls' self-harm (HMIP 2024). While approximately 50 of these incidents were justified in the context of protecting against self-harm, the remaining 100 incidents remain unexplained in the inspection report. The recent government announcement to again halt the placement of girls in YOIs (Ministry of Justice 2025) is a welcome step following one of the report recommendations, but further issues persist with finding suitable placements for girls. For instance, the recent review (Hancock 2025) suggests SCHs and the new SS are the most appropriate placements for girls. However, the lack of alternative, gender-specific placements is unacceptable and represents a failure of the state to safeguard girls sentenced to custody. The Children's Homes Regulations (2015) mandate that a child may only be placed in an SCH if the institution can meet their individual needs, alongside the needs of the children already residing there. If this balance cannot be achieved, the registered manager is obligated to refuse the placement. This regulation is crucial for rethinking custody for girls, as the Youth Custody Service (YCS) does not have the authority to direct a placement, as outlined in the 'Youth Custody Service Placement Team: Overview of Operational Procedures' published in 2023. This leaves girls with no options other than the last remaining STC. This, however, is unacceptable since STCs have historically been a site of violence and abuse (Article 39 2024)

and girls residing at Oakhill have shared how violent it is (Hancock 2025, p32). It also was recommended in the review to end the use of STCs for girls by the end of the contract with Oakhill STC in 2029 (Hancock 2025). Furthermore, the lack of gender-specific policy considerations for the new SS has been extensively reviewed by Goodfellow (2023) and the first Ofsted inspection reports in March (2025) assert the SS requires improvement. It could therefore be argued that there are no truly appropriate custodial placements for girls and current recommendations are insufficient.

● **A Fertile Space for Violence and Abuse**

There are some documented examples of caring and nurturing provision within SCHs (Hancock 2025; Hart 2011; Roe 2022), although custody has been conceptualised as a ‘fertile space’ for violence and abuse (Kelly 2016), and SCHs are not exempt from this reality. Existing evidence provides only limited reassurance that girls placed in these settings will receive appropriate care and protection. Instead, professionals gendered and punitive responses to girls’ behaviour continue to undermine their safety and well-being (Ellis 2018) of which girls have reported in the most recent review (Hancock 2025 p30). These responses replicate broader, intersecting systems of control and punishment that characterise hybrid justice/welfare institutions (Sharpe 2024; Brown 2015). Consequently, many girls continue to experience punitive and harmful regimes, as SCHs struggle to meet their complex needs and ensure their protection (Ellis 2018; Roe 2022). Even where girls are placed in SCHs under the guise of care or protection, there is no guarantee of safety or gender-responsive practice. Rather, girls often face institutionalised violence that intersects with, and reinforces, the wider gender-based oppression and structural discrimination they already experience.

● **The Overlap Between Custodial and Welfare Deprivation of Liberty**

While this paper focuses primarily on penal custody, it is important to acknowledge the significant overlap with girls deprived of liberty on welfare grounds—a group that has grown considerably over the past five years (Roe 2023). This trend raises questions about the success of youth justice reforms aimed at reducing custodial numbers and highlights persistent concerns about the adequacy and safety of secure placements across systems. Girls themselves have reported SCHs to be unsafe and punitive environments (Coomber 2022; Ellis 2018, Hancock 2025), underscoring the need for continued critical scrutiny. Moreover, around 50% of girls in custody are held on remand (HMIP 2022), often not because of the seriousness of their offence, but due to the lack of suitable community-based alternatives. It remains to be seen whether the forthcoming Children’s Wellbeing and Schools Bill, being led by the Department of Education which aims to expand the range of appropriate placements for children, will extend its provisions to those detained under criminal justice legislation. As it currently stands, the Bill only outlines implications for children placed under welfare grounds (Department for Education 2025), leaving questions about the nature and gender-responsiveness of any proposed alternatives unaddressed.

● **Delivering the Best for Girls: A ‘Girl-Wise’ Penology**

The independent review, *Delivering the Best for Girls in Custody*, offers a valuable attempt to reconsider custodial provision that is more gender-responsive, trauma-informed, and attuned to the distinct experiences of girls. This is a notable development given the systemic failures and repeated safeguarding issues noted across secure settings for girls. However, by asserting that the SCH or SS are considered the most appropriate forms of custody, the report maintains that the penal system is a legitimate response to girls’ needs, rather than challenging the

premise of custodial punishment for girls who are often more in need of support, safety, and care than incarceration. As Sharpe (2015) has argued, efforts to render custody more 'caring' or 'gender-sensitive' risk legitimising and normalising the imprisonment of girls, reinforcing the idea that with the right adjustments, penal institutions can be made safe and rehabilitative spaces. The model also neglects the inherently punitive and violent nature of custody, particularly for girls whose behaviours are often read through gendered lenses of risk, sexuality, and respectability (Sharpe 2012; Ellis 2018). The Girls Consortia pilot proposed by the review (Hancock 2025 p37) may provide short-term improvements to SCH placement provision by creating a more coordinated system. However, without dismantling the broader structural inequalities that funnel girls into the justice system, it is unlikely to significantly reduce the harms girls face in custody and instead constitutes institutionalised violence.

There was recognition in the report that new models of custody may be piloted in the future, including the desire for strengthening community provision so that girls can remain out of custody altogether. This appears to be dependent on the outcome of the Children's wellbeing and schools Bill (Department for Education 2025). While the Bill proposes more flexibility for supporting children to be placed in more varied types of secure accommodation, it is focused on children being deprived of liberty under welfare grounds, and as mentioned, it remains to be known how this will impact justice involved children. While there is an overly optimistic focus on this Bill within the report, there is no guarantee that gender-responsive provision will occur through new statutory frameworks, and certainly no guarantee that it will have any meaningful impact on justice involved girls. The Government have also made no comment or commitment on the recommendation to end placement into STCs by 2029. The limited fiscal landscape provides additional concerns for alternative accommodation and provision. Therefore, the future of penal custody for girls that is gender responsive and addresses institutionalised violence, remains unclear in both legislative and economic terms.

The recommendations of the review on girls in custody will fall short if they do not fully address the deeper cultural, structural and ideological foundations that underpin the harms girls face in custody. Hence a more expansive feminist anti-carceral approach would benefit rethinking provision for girls to address gendered oppression, violence and marginalisation and to reconceptualise justice for girls outside of the criminal justice system (Hodgson 2022, Sharpe 2015). This asserts that gender-specific policy and practice alone as recommendations are not sustainable in constituting transformative experiences for girls embroiled in the criminal justice system. To genuinely deliver the best for girls, youth justice policy and practice must move beyond custody reform and towards a clearer and more certain transformative, abolitionist framework. It may be useful to consider Hodgson's (2022 p175) development of a 'girl-wise' penology that incorporates principles of 'remedial action', 'resistance' and 'democratic exploration' in the treatment of girls involved in the penal system. Hodgson's (2022) call for a 'girl-wise' penology offers a compelling alternative that centres girls' agency and lived realities. A girl-wise approach rejects the notion that custody can ever be an appropriate or a just response to girls' needs. Instead, it advocates for community-based, rights-respecting alternatives that prioritise care, connection, and long-term support.

Rather than the placement of girls in custodial institutions, principles of a girl-wise approach would invest in community infrastructures that enable girls to heal, flourish, and be heard. This includes safe housing, access to specialist mental health services, education and employment support, and culturally responsive services for racially minoritised and LGBTQ+ girls, who are disproportionately represented in the system, alongside addressing gendered stigma and shame that accompanies the treatment, responses and representations of girls within society (Hodgson 2022). The proposed model by Hancock (2025) could have included remedial action, such as a reversal of aggressive and regressive welfare reforms which have disproportionately impacted upon women and children. Likewise, there was a highly diminished recognition of

the need for the government to be held accountable for the harm and injustice inflicted upon those girls because of failure to provide suitable placements and appropriate care and safeguarding. There is still a need to repair the present harm that the criminal justice system has imposed upon girls. Likewise, through resistance and democratic exploration, girls would be provided with space to challenge discourse and become more active agents who possess the power to shape and define their own lives (Hodgson 2022). This would be alongside opportunities to co-create innovative and improved experiences for girls and be used as a vision beyond rethinking suitable custody placements towards the abolition of youth justice involvement for girls completely. Delivering the best for girls, therefore, means more than just reconfiguring custody placements; it requires a dismantling of the structures and assumptions that sustain the ongoing gendered violence and oppression which is exacerbated through institutionalised violence within custodial settings.

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