

Submission to the PPO's call for evidence on Medomsley Detention Centre

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Background to this submission

Context

The authors of this submission worked on an HMPPS-funded project entitled *Safeguarding Children in the Secure Estate, 1960 to 2016* in 2016 and 2017. The work was commissioned by the Historic Child Abuse Team (HCAT) at HMPPS. The project resulted in the following publications, which are listed here because we refer to them elsewhere in this submission:

- 1) A project report to HMPPS (Jarman *et al.* 2018)
- 2) A blog post on the *History & Policy* blog, offering a concise overview of the findings of the project and setting out some methodological reflections on the difficulties of examining institutional child abuse through archival materials (Jarman 2018)
- 3) A peer-reviewed journal article based on and developing the findings of the report (Jarman and Lanskey 2019)
- 4) Two conference presentations, partly expanding on some of the methodological reflections described in item 2 (Jarman 2019; Jarman and Jackson 2019)

We learned about the PPO's investigation after the call was forwarded to us by a professional contact working at the Prison Reform Trust. We made contact with the PPO's team, who, it turned out, were already aware of our project report. Our contact with that team has influenced the way we have prepared this submission, since the time we have been able to dedicate to this has been limited.

Ben Jarman (who did most of the archival research for the project) met [PPO staff member 1] and [PPO staff member 2] on 26th July, having first requested some pointers on where our input might be most useful. The conversation covered the background to the investigation, the sources of evidence that Operation Deerness was already consulting. We also discussed some specific questions about the substantive questions addressed by investigation, which they had shared ahead of the meeting.

Differences of scope between our work and Operation Deerness

Our remit in the project was to report on the safeguards against child abuse which applied in all models of youth custody used to hold convicted children in the past. Though we used known historical allegations (including at Medomsley) to help us identify sites of interest for a documentary review, we were not tasked with investigating specific allegations or any one site, something which gave us different terms of reference to the PPO's with Operation Deerness. Our work also covered a longer time period - 1960 to 2016 (not 1961 to 1987), and investigated a broader range of custodial settings for children. Our work was also done on a very tight timescale—three months, between the start of the research and the production of the report to HMPPS. Subsequent publications from the work, including that of the report itself, have been unfunded and made in our spare time. Nevertheless, we believe that aspects of the work are highly relevant to the work of Operation Deerness and this submission aims mostly to act as a guide.

Aims of this submission

Our existing publications cover most of what we have to say about the cultures and purposes of past custodial institutions. It was limited to what we could discover in libraries and archives. As we reflect in them (Jarman *et al.* 2018, 16–20; Jarman and Lanskey 2019, 3), institutional abuse is likely to a hidden and covert phenomenon and not something that tends to ‘show up’ in documents. Accordingly, our publications after the main project report all reflect, to some extent, on the methodological challenges and difficulties raised by the use of documentary evidence to approach this topic.

It is clear from our conversation with [PPO staff member 1] and [PPO staff member 2] that the PPO is able to rely more directly on the testimony of individuals who were either held at or worked at Medomsley during the period under investigation, and that they may be able to consult some records at The National Archives (TNA) that we could not.

Therefore, having discussed the main issues of substance with [PPO staff member 1] and Ania Milligan, we believe that the most useful thing we can do with this submission is to summarise what we said in that meeting, in response to their questions, and offer some reflections on how best to make use of documentary materials.

Overview of Content

The remainder of this submission is comprised of four sections.

First, we offer very brief notes on some specific substantive questions raised by [PPO staff member 1] and [PPO staff member 2] before our meeting with them. Ben Jarman talked through his answers to these questions with them in the meeting, and so these notes merely offer a brief outline answer in each case, along with suggestions for source material (both within our previous publications, and from materials listed in the report's reference list, see Jarman *et al.* 2018, section 9.4) that might offer further depth and detail.

Second, we give an overview of archival records we consulted for the project at TNA. Here we have two main aims: first, to set out some of the problems associated with using these records as evidence to examine abuse allegations; and second, to give a broad overview of the kinds of records available and what they are most useful for. This second point is required because by no means all of the records relate to Medomsley specifically, meaning that some degree of interpretation and read-across from records relating to other institutions may be the only feasible approach to some questions about Medomsley. The overarching aim here is to make it easier for PPO staff to make good use of TNA records, given that the scale of what is available can otherwise make this a daunting task.

Third, we briefly describe other materials that we believe it might be useful for the PPO to consult, where they can be found, and what they might be useful for. These are items that we were not able to examine for one reason or another, but which might offer some help with the work of Operation Deerness.

Finally, we include three Annexes. These are materials from our records, not included in the project publications, which might be useful in your work. These are described more fully at the end of this document.

1. Substantive questions raised by [PPO staff member 1] and Ania Milligan

This section lists questions and areas of interest, from a document sent to Ben Jarman by [PPO staff member 1] and Ania Milligan. This section takes the ‘areas of interest’ provided by SK and AM, and for each one adds a few notes on what BJ covered in the online meeting on 26th July along with fuller references to sources that he mentioned in that meeting.

Areas of interest

Independent oversight of Youth Detention Centres—Board of Visitors (BoV) etc

- Most specific sources are the BoV reports that survive for establishments in TNA (though none are available for Medomsley)
- Those available mostly cover the mid-to-late 1960s to the mid 1970s. It’s not clear why this is the case but the pattern is consistent
- Some other contemporary publications evaluated these systems of oversight more generally, system-wide, and we draw on them in the report
- The most specific ones are a Home Office evaluation from the early 1980s and a Howard League commission from the mid-1970s (Jellicoe 1975; Maguire and Vagg 1984). Both are available from the Radzinowicz Library in Cambridge, and can be accessed by appointment with the Librarian.
- It is possible that other relevant material might be found in past numbers of the Prison Service Journal, for which all back issues are also available in the Radzinowicz Library. We did not review these but it would take an hour or two to review the tables of contents.

Leadership structures — the role of the Warden and how intrusive that role was

- Generally, before the 1980s industrial relations in the Prison Service were often poor and there were quite strong cultural divisions between the governor and officer grades.
- A history of imprisonment in England & Wales (Harding *et al.* 1985) offers a good narrative overview of the post-war period, and gives an outline of major trends
- A book chapter by Alison Liebling and Ben Crewe (Liebling and Crewe 2012) offers a historical narrative giving a good overview, but does not contain much by the way of direct evidence
- The report of the May Committee (*Report of the Committee of Inquiry into the United Kingdom Prison Services (the May Committee 1979)*) was specifically commissioned to look into the poor working relationships between prison governors and prison officers, and is a good snapshot of this issue in the late 1970s. It covered the whole Prison Service but might contain materials of relevance for Detention Centres.
- Our impression from reading the TNA annual reports (see further below) is that considerable local variation was evident in how Wardens of DCs saw their roles.
- There are often references in the reports to how different staff saw the purpose and functions of DCs, with these references often defined in terms to the individual’s opinion about the ‘brisk’ traditions of DC custody.

- Some wardens (and many BoVs) appear to have seen themselves as the guardians of these more deterrent/punitive models.
- Others tried to implement more ‘training’-focused and rehabilitative regimes.
- We would suggest that these issues will have been subject to considerable local variation, and quite sensitive to changes of personnel. They would be best approached by speaking with staff from Medomsley, where possible.

Day to day supervision of prison officers

Here, SK and AM clarified: “we have identified a lack of daily supervision as the role of Senior officer was not to supervise a shift. Not sure if that is universal or unique to MDC?”

- We did not have much to offer on this point, because nothing that covered it directly came to mind when we remembered the sources we consulted.
- Our view is that it will again have been subject to local variation, and sensitive to changes of personnel.
- As such a contemporary description of ‘normal’ practice might be accessible from the May Committee report
- Back issues of the PSJ might possibly shed some light on developing policy
- However, speaking with those who had experience of working at Medomsley is probably the best approach

Short, sharp shock policy—evolution of this and was what existed previously actually a harsher regime?

- From what we could tell, the ‘short, sharp shock’ phrase only came to be used as an explicit policy commitment by the Conservative government elected in 1979
- However, the phrase was used informally to describe the original punitive/deterrent aims of Detention Centre custody set when the detention sentence was originally created by the 1948 Criminal Justice Act. For example, the phrase was used by the Home Secretary in his review of Detention Centres in 1968 (Letter 26 from Home Secretary Roy Jenkins, in ‘BN 29/1076: Review of Detention Centres’ 1968).
- The Prison Commissioners’ Annual Report for 1952 (Home Office, 1953) when some early DCs were opened sets out the aims and the philosophy of the new centres. (See our report Jarman *et al.* 2018, 12 for a short quote.)
- The language used was not notably punitive (in the sense of aiming for custodial life to be expressly unpleasant)
- But the aims were explicitly deterrent, and many references were made to words like ‘brisk’ which suggest that the DCs were meant to imitate the basic training stages of military life—remember that this was still a time of National Service.
- There are lots of references to marching and drill as a form of instilling discipline.
- It is not difficult to imagine, based on this, that the regimes would have been interpreted *by staff* as giving them licence to ‘scare detainees straight’, but some interpretation is required to reach this conclusion
- However, the 1960s and 1970s archival records abound with references to this model not being effective, and to managers trying to introduce something more like the borstal training regime, with education and vocational activities.

- Some of the TNA records relating to DCs and reviews of DCs go into some of the conflict of philosophies underlying this issue.
- By the 1980s reorganisation of DCs, the “short, sharp, shock” had become a term used by ministers to sell their policies to the public, and in a short film made at one of the DCs in 1983 (*Watch Short Sharp Shock Online / Vimeo On Demand* 2015) to promote this shift of emphasis, marching and ‘briskness’ are much in evidence.
- However, the Home Office’s own research (Thornton *et al.* 1984) undermined the reformative claims being made for the policy.
- Overall it’s difficult to say what DC regimes were like, because they will have varied over time and (again) depending on individual changes of personnel. But it’s safe to say that they were always *potentially* seen as places in which detainees were meant to be deterred from coming back, and safe also to say that the TNA records often refer to conflicts within the DCs between believers in these aims for DCs and other versions of their aims.

Training of prison officers and ongoing training and development/appraisals

- We didn’t encounter much evidence on this in the archives
- DC Wardens’ annual reports often refer to staffing shortages but the best way to approach this would be through institution-specific evidence
- There is (or was) an archive at the Prison Service College, and this (or the back issues of PSJ) might offer more insight than we can on this issue.

Complaints procedures and barriers to reporting

- Most of what we can say on this issue is found already in our report (Jarman *et al.* 2018, section 4.3)
- What we wrote there relied quite a bit on ‘read-across’ from archival materials relating to adult institutions and prior investigations, because there was not a great deal of material, and not much of it related to DCs
- However, the Home Office research on Boards of Visitors (Maguire and Vagg 1984, 80) makes clear that they received almost no complaints in establishments holding children, compared to those which held adults. This is discussed in the report (Jarman *et al.* 2018, 38–9)
- Some caution is required in interpreting this, because DCs and borstals were typically smaller establishments than adult prisons
 - Barriers to reporting were literally a policy, in CI61/88
 - Most of what we said came from one HO file, but that contained a great deal of context and more than we were able to use, so it’d be interesting to follow this up.

Nonetheless the low numbers of complaints are striking and probably reflect the steep barriers to making a complaint, discussed in the report (Jarman *et al.* 2018, section 4.3.4). There was indeed a policy in place during most of the period covered by Operation Deerness which stipulated that any prisoner wanting to make a complaint should be read a warning which stated that it was an offence to make any ‘false or malicious’ accusations.³

³ See TNA catalogue reference HO 413/6. See also Jarman *et al.* 2018, 34.

Role/influence Of Prison Officer's Association and Freemasons

- From memory, there was nothing in any of the records we consulted about the influence of Freemasonry.
- Academic literature (e.g. Liebling and Crewe 2012) tends to represent the POA as a regressive influence, and as a 'closed shop' which sometimes defended its members following egregious and acknowledged cases of abuse (e.g. Thomas and Pooley 1980).
- Some contemporary sources we consulted offer hints about this but we do not recall much—which is not evidence that these organisations had no role or influence at Medomsley.
- The May Committee report (*Report of the Committee of Inquiry into the United Kingdom Prison Services, The May Committee, 1979*) would be a good overview of industrial relations in the late 1970s, though is not necessarily going to say much about Medomsley.
- Back issues of Gatelodge (the POA magazine) at the Radzinowicz Library might offer more insight on union culture—from memory, they often contain updates from establishment branches at the back of each issue.

Impact of prevailing social/political cultures at the time

SK and AM's email clarified this point by asking: "to what extent did this affect the response of professionals when inmates did disclose abuse? (We know some family members refused to believe that sexual abuse had taken place.)"

- Our report (Jarman *et al.* 2018, section 3.1, 3.2, 3.4), and (more generally) some of the sources it cites, particularly those covering other non-CJS instances of institutional abuse (Erooga 2009 offers a good overview) document the dynamics of disbelief and doubt by which children who made disclosures were often silenced.
- Of particular importance in this context is the way in which young people subject to punishment are often seen as more 'adult,' and hence also as more responsible, potentially less honest, and less in need of protection, than 'real' children not subject to punishment. (See Goldson, 2013, for a discussion of the 'adulthood' and 'responsibilisation' of children in conflict with the law.)
- Also important is the relevant work by historians, including Carol Smart (1999, 2000), which has documented how the phenomenon we now call "child abuse" has changed its meaning, and been recognised (or not recognised) using different language, both in the law and in culture more generally. Such work contains numerous insights which are of great importance in the context of Medomsley, for example that many forms of sexual assault against children were not criminalised until very shortly before the period in question.
- For example, Smart records that "obliging a child to touch a man's genitals was not seen (by law) as a form of sexual assault until 1959" (Smart 1999, 393). She suggests "the (changing) range of meanings and consequences associated with this apparently diverse range of behaviours meant that it was hard to start the process of directing preventive and punitive measures towards 'it'. Because it was many things with different meanings and consequences, it was almost impossible to frame a coherent policy towards it." (ibid.)

- There is plenty of circumstantial evidence in documents (e.g. in research from Whatton, see Ericson 1975) that staff and monitors in these establishments used terms such as 'inadequate' and 'unsuitable' to describe detainees affected by various vulnerabilities (e.g. disability, illness), and implied that they would not normally be able to benefit from the 'brisk' DC regime (for examples including some from Medomsley, see our report (Jarman *et al.* 2018, 61–3).
- Cultural representations of masculinity at this time are also relevant to consider. Ericson's (1975) ethnography of life at Whatton Detention Centre described how boys who did not live up to strong cultural expectations about 'proper' masculine behaviour, for example, using violence to protect themselves, were treated with disdain and often subjected to humiliating and demeaning treatment by both staff and other trainees.
- Such attitudes are potentially consistent with victim-blaming attitudes which imply that children who do not 'cope' fail to do so because of some shortcoming or fault in themselves.
- However, it is difficult to gauge the extent to which such attitudes would have affected the response of professionals, and the answer is likely to have varied individually. We would suggest that a close reading of the annual report files relating to Medomsley would offer the best contemporaneous evidence, and that more recent interview data from former staff will often be less valuable because of the passage of time.

Specific questions relating to our report

From your research to what extent would you say abuse was widespread within the detention centre estate?

- We find this question difficult to answer without a clearer understanding of what is meant by 'widespread', and also because our project was an investigation of safeguards, not of specific allegations.
- Even so, it is very striking how many of the historical abuse allegations relate specifically to DCs, indicating that there was something particularly unhealthy in their cultures.
- Generally, our finding was that those safeguards were weak, and that DCs in particular were institutions where abuse risk was high.
- This was for several reasons:
- First, that the official aims of the DCs, though they were contested, offered some degree of normative cover for deterrent disciplinary regimes. In the prison context these are always potentially risky for abuse, especially where staff have leeway to interpret such aims for themselves, and to implement them as they see fit.
- Second, that the oversight measures and safeguards were reactive not proactive, and that this was particularly unfortunate in the context of institutions for children and young people.
- Third, that DCs were a form of short-term custody, in which (we infer) detainees stayed long enough for abusive staff to identify them as vulnerable, but not long enough to form substantial solidarity with other detainees of a kind which might have led to organised resistance such as occurred in adult male institutions around the same time (e.g. Thomas and Pooley 1980).

- Fourth, that DCs often appear to have been short-staffed, particularly during the 1970s, and that in this context some officers in them appear to have delegated considerable power to ‘strong’ prisoners (‘daddies’), implicitly endorsing prisoner hierarchies and as a consequence not protecting the vulnerable as fully as they might. The sections of Ericson’s book (Ericson 1975) discussed in our report (Jarman *et al.* 2018, 25–7) provide strong evidence for this.
- Whether this means abuse was ‘widespread’ depends on definitions, but we believe that this combination of circumstances make it very unlikely that those vulnerable to abuse would have been reliably protected, and very likely that staff motivated to carry out more egregious abuses would have been able to identify targets, present themselves, perhaps, as offering some form of refuge from the harsh regime, and then victimise them with relative impunity.

How would you say the structures of detention centres, and the waves of policy shaping their regimes, impacted on the emergence of physical and sexual violence?

- It is difficult to trace a direct line of causation between the policy confusion surrounding DCs, and the emergence of physical and sexual violence within them.
- It seems to us that the key issue here is the existence of different cultural narratives concerning the purpose and aims of the DC regime combined with the discretion staff had in their approaches to discipline and punishment. There are signs in the documentary record that there was conflict over this among staff and managers at many DCs, including Medomsley. These are recorded in the Wardens’ annual reports there and they show up in the HMCIP report annexed to the welfare inspection reports too.
- Also present in some of the files, particularly those discussed in the relevant section of our report (Jarman *et al.* 2018, section 4.2.2) is evidence that DC staff often felt unclear what, positively, they were expected to achieve with the young people in their custody.
- Relevant too are some of the broader cultural factors we discuss in the report (Jarman *et al.* 2018, section 3.2) which indicate more generally that sexual violence was perhaps particularly unlikely to be recognised as such.
- It did not appear to us from the documents we reviewed that DCs were universally harsh or dangerous places, and the documents offer some evidence both of good intentions and of good-faith efforts at rehabilitative practices.
- Nevertheless, these goals were not made easy to accomplish by the structural aspects of the DC sentence and by the confusion over policy, and there was always a harsher and more punitive set of ideas available in the background to explain away ill-treatment. Where safeguards were particularly weak and management particularly ineffective (or abusive or collusive with abuse), physical and sexual violence appears to have been particularly possible, and this is absolutely consistent with findings about such abuse in other non-CJS institutional settings.

Page 25 you mention DCs being investigated by civil society groups or newspapers—could you please tell us more about how these investigations came to be, what was their purpose, and what was their impact?

- BJ discussed this in the meeting with SK and AM. They had two examples in mind when asking this question: a Sunday Times Magazine article on Aldington DC, quoted in our

report (Jarman *et al.* 2018, 27), and a report by a Quaker committee on the DC system in general (Penal Affairs Committee of the Religious Society of Friends (Quakers) 1968), which we found a copy of in a Home Office policy review of the DCs in general.⁴

- We don't know how the Aldington newspaper article came to be done, nor its purpose, nor its impact; the report is merely added to the file as a magazine clipping.
- The Quaker report's preamble describes its motivations. It appears to have been prompted by mid-to-late 1960s abuse allegations from a DC (from memory, these date from 1967, and possibly related to Medomsley). The report does not investigate them specifically, but takes the allegations generally as though they indicate some broader problem with the detention centre 'concept', and the report attempts an evaluation of the DCs, and of short-term detention as a policy approach, generally. Broadly, it argues against the deterrent model of custody and the 'short sharp shock' treatment.
- Both of these reports were published around the same time a reforming Labour Home Secretary, Roy Jenkins, was pursuing a number of welfare-focused criminal justice reforms, including a review of the detention centres with a view to their abolition, which was carried out by the Advisory Committee on the Penal System (ACPS) (Advisory Council on the Penal System, 1970). This report, which seemed to take a long time to emerge, recommended the abolition of DCs in line with the changes to youth justice included in the 1969 Children and Young Persons Act. Several TNA Home Office files we examined relate to this review.⁵ However, by the time the ACPS reported, Labour had lost the 1970 election and a Conservative administration was in place, which rejected their recommendations and retained DCs. The 1969 Act was also never fully implemented. This is symptomatic of the political drift around DCs at the time.
- Broadly, it's possible to say that the Quaker report had no impact, but nor was it an investigation of specific allegations, but rather of the DC concept as a whole.

Abuses of power

SK and AM explain: "On page 26 you state that 'the lack of clarity over the aims and functions of detention centres left space for the abuse of power' – at what level would these abuses be occurring? E.g., with discipline officers and other uniformed staff, chief officers and governors, even higher ups?"

- Our view is that DCs were an inherently risky environment, but that the level at which that risk was evident would have been locally and temporally contingent.
- Support for this contention can be found in the fact that the historical allegations (and convictions) from DCs relate to staff at all levels. At Whatton, there has been a sexual abuse conviction of a Deputy Warden, if we recall correctly. At Medomsley, those convicted were (as far as we know) discipline officers.
- It may be worth noting that institutional child abuse in other non-CJS settings was perpetrated by staff at multiple levels of seniority. One example is that of Rod Ryall, a former Director of Social Services with Calderdale Borough Council, who was convicted in 1988 of various sexual offences against children in local authority care in the 1980s.

⁴ TNA catalogue number BN 29/1076.

⁵ TNA catalogue numbers BN 29/1076, BN 29/1077, HO 391/151, HO 391/429, HO 391/430.

- Generally, we would suggest that before at least the 1990s, abuses were possible wherever there were abusive staff, at whatever level of seniority, because of the weakness of safeguards. The available evidence about the DCs supports this view.

Discussion of Ericson's book on Whatton

SK and AM ask: "Your discussion of Ericson's book on Whatton is very interesting—on page 27 you reflect that, in hindsight, the behaviour of staff at Whatton transgressed boundaries and could be interpreted as humiliating. From your research, how do you understand the difference between staff behaviour which in hindsight was 'of its time', and behaviour which then and now would be considered abusive or inappropriate?"

- Abusive staff sometimes appear to have believed that they were implementing official aims—a common feature of abusive cultures (see Erooga 2009)—and where the aims were not clear and management weak, this belief may have been coherent.
- The answer is also complicated by the cultural attitudes to Child Sexual Abuse (CSA) that we describe in the report (Jarman *et al.* 2018, section 3.2), and which are documented by historians such as Carol Smart (1999, 2000). Such attitudes posited alternative explanations for CSA, which allowed abusive behaviour to be cast in a different light by those who perpetrated it or explained it away.
- Nonetheless, throughout this period the law defined some forms of sexual act between males as (at least) potentially criminal: all such acts were potentially crimes before 1967, and afterwards they were subject to an age of consent of 21. Any form of behaviour which broke these laws where the victim was under 21 was a crime at the time and should have been understood as such, even if it was framed at the time using alternative discourses which understood it as consensual.
- Similarly, the relevant law has contained provisions aiming to protect prisoners from abuse or ill-treatment relating to physical violence by staff, throughout this period. However, whereas with sexual abuse wider cultural discourses appear to have been used to 'explain away' criminal and abusive behaviour, in the case of physical abuse, cover was often provided by the reluctance to prosecute abusive officers and apply the law, unless the abuse itself was widely reported.
- One well-documented example (from an adult men's prison) was after the Hull prison riot in 1976, when several dozen prisoners who participated in the disorder made complaints to the Board of Visitors there that they had been subjected to extensive and abusive punishment beatings by officers and governor grades from the prison. Few of these staff were disciplined or convicted.
- Similarly, in the examples where abuse was alleged following complaints, documented in the examples we give in the report (Jarman *et al.* 2018, section 9.3), apparently abusive actions by officers received official cover.
- Such cases, however, are hard to evaluate except with more evidence about the details of particular incidents. The PPO may find that it has materials with which to make such evaluations, but a proper 'reading' of what was considered acceptable at the time requires some perspective. One consideration is that what the law and policy said was not necessarily what applied on the ground. Prisons and detention centres may coherently be said to have been lawless places (or at least, places where the law was applied selectively) during the period the PPO is considering at Medomsley.

- It is likely that a close reading of the TNA records relating to specific ‘superior investigations’ of complaints originating in DCs—which we were unable to consult because the records are closed—would shed far more light on what standards applied in practice, rather than in theory, though to apply these to Medomsley can only be done by inference.⁶

Complaints system—overall assessment

SK and AM explain: “On page 34 you discuss complaints and disciplinary procedures and mention that due to lack of contemporaneous records, the number of complaints and the way in which they were handled can only be a matter for speculation. Based on the research you have done, what is your overall impression of the complaints system from that time? In your opinion, was it (intentionally) obstructive?”

- This question raises the question of ‘whose intention’?
- The key issues with the complaints system, as we see it, was its reactivity and its reliance on the procedural conventions of the criminal law (which emphasise the presumption of innocence, an adversarial process in which witnesses are free to give testimony, etc.)
- Such provisions are clearly not sensitive to the particular imbalances of power which arise from the prison setting, where (for example) prisoner witnesses who give evidence against staff are inherently vulnerable to reprisals. They do not account for or correct the inherent imbalances of power which exist between staff and prisoners, meaning that prisoners who wished to make complaints in this period likely had to be aware that they might face irregular and informal consequences.
- The review of complaints handling conducted by the Home Office in the mid-to-late 1970s suggests that (as a matter of policy) there were ‘red lines’ past which staff conduct would be considered beyond the pale.⁷ This does not suggest an official ‘intention’ to protect staff no matter what.
- Even so, for the reasons outlined in the previous section, these measures were only effective so far as they were implemented, and so far as those investigating them were truly independent. The section of our report on complaint handling (Jarman *et al.* 2018, section 4.3.4) sets out why we believe these measures were probably ineffectual, especially in the specific setting of DCs.

Persisting risk factors

SK and AM ask: “you describe the positive changes made across the youth estate from the 80s onwards but emphasise that flaws persist, and that we must remain wary of the risk of abuse to young people in the care of the state. In your view, what are the continuing risk factors for abuse in the youth custodial estate?”

- Our research identified examples of abusive practices in child custody over the timeline of our investigation. Over this period high profile cases of abuse have led to inquiries and changes in policy and practice (e.g. the Carlile Report (2006) Medway Secure

⁶ TNA catalogue number HO 391/83.

⁷ TNA catalogue number HO 413/6.

Training Centre Serious Case Review, 2016), and there has been increased protection of children through the strengthening of Children's Rights' frameworks, however, our inquiry suggests that there are some generic risks of abuse to children in penal custody which need constant attention. These risks are linked to the inherent hierarchical and closed nature of these settings in which children are subject to the authority of adults and where they are compelled to remain. We list below eight continuing risk factors for abuse that a historical perspective signals:

1. Narratives which characterise children in penal custody as 'different' may license justifications for unusual and different treatment of these children. Abusive practices may be justified by legitimate organisational or institutional goals (maintenance of order, control, deterrence, reducing re-offending etc) and their harmfulness may not be recognized by staff who consider that they are acting appropriately and according to the establishment's rules. Recent examples include the use of force and pain-inducing restraint techniques on children (see Taylor, 2020) and the use of segregation of children as a disciplinary tool (see the Children's Commissioner, 2016).
2. Shifting political ideologies and changing managerial structures are a feature of the youth justice landscape. At the level of practice, such changes have the potential to generate confusion about an establishment's values and priorities and create the conditions for abusive cultures to develop.
3. Ongoing and high levels of violence and self-harm within the child penal estate as is regularly documented in historical and contemporary reports (for a recent example see Ministry of Justice et al 2024) generate cultures of violence and victimization where abusive practices develop. The risk may be heightened where children are co-opted to maintain order and control over others. Children with disabilities continue to be particularly vulnerable targets for victimisation (see for example, HM Inspectorate of Prisons, 2023b).
4. The closed worlds of Young Offender Institutions, Secure Training Centres and Secure Children's Homes limit outside scrutiny. The undercover TV documentary at Medway Secure Training Centre in 2016 for example, exposed abuse that inspection bodies had not identified. Relatedly, familiarity between inspection, monitoring and child advocacy bodies and leaders of child penal establishments present an ongoing risk that practices which 'outsiders' might question are normalised (for a recent example, Medway Safeguarding Children Board 2019).
5. A historical perspective illustrates that fluctuations in staffing are a feature of the operational context of the child penal estate. High levels of staff turnover at all grade levels, staff shortages, untrained and inexperienced staff (as documented recently in a report by the House of Commons Justice Committee, 2021) increase the likelihood of inconsistent and harmful treatment of children. In such contexts, safeguarding practices may not be consistently applied and become reactive rather than proactive.
6. In pressured working environments, such as can exist in child custodial settings, there is always the potential for staff cultures to emerge which encourage self-

protection or for poor relations between staff and management to develop (see for example, HMIP Inspection report of HMYOI Cookham Wood in 2023). Such conditions reduce the likelihood of whistleblowing.

7. The inherent power differentials in complaints processes present an ongoing risk that children may not disclose abuse (see for example, Youth Justice Board, 2011; Medway Safeguarding Children Board 2019, (HM Inspectorate of Prisons, 2023b). Children with previous experience of discriminatory or poor institutional treatment may be particularly unlikely to have confidence in complaints processes.
8. Children held in establishments a long way from their homes (as continues to be the case with lower numbers of children in penal custody - see HM Inspectorate of Prisons, 2023b) may not have regular or easy access to families and significant others for support.

We do not suggest that the above factors are directly or causally linked to abusive practices, but a historical perspective illuminates how combinations of these factors can generate the spaces and contexts where abuse can occur.

2. Methodological issues relating to the use of archival and other documentary materials

In the preceding section dealing with substantive issues, we have referred to many of the archival records we used, and in some cases have pointed the PPO towards the use of some of these for Operation Deerness.

There are several challenges associated with using archival and other documentary materials for any study of a topic such as historical abuse. Some are generic to the use of documents *per se*, while others are specific to the use of documents *in relation to this topic*. This section aims to describe some of those challenges and suggest strategies which address them, and also to set out some useful contextual information about the TNA records, which might make them easier for the PPO to work with.

Generic challenges

What survives in the archival record is often very contingent and not usually guided by any organising principle. This contingent survival is something we reflected on in the conference presentations listed above (Jarman 2019; Jarman and Jackson 2019), but is described in more detail in two articles by Paul Rock (2016, 2017), who wrote the official history of criminal justice in England & Wales.

Rock describes how, after the passage of the Public Records Act in 1958, what was then called the Public Records Office (PRO) immediately struggled with what the chief archivist called “this dreadful flood of documents”. It adopted measures to radically reduce the number of new records taken in (or “accessioned”), and to dispose of large quantities of records already sent to the PRO.

These measures included instructing the originating government departments to discard records not deemed important enough to send to the PRO in the first place. PRO staff then discarded further records—both those already in their possession, and some new arrivals—based on an assessment of their significance. The disposals by PRO staff alone were measured in the thousands of tons (Rock 2017, 39). Procedures were not always clearly documented and (Rock reports) this occasionally caused disquiet among professional historians and others on the basis that they were being destroyed indiscriminately. Estimates vary, but most agree that *at least* 95% of Home Office records disappeared during the second half of the twentieth century (Rock 2017, 45) as a result of these ‘weeding’ or ‘pruning’ measures.

To these challenges are added further ones arising from the way that records in TNA are either ‘closed’ or ‘open’. All records are closed for thirty (or, more recently, twenty) years, but some are closed for longer, usually because they are deemed to contain materials deemed likely to cause a risk of harm to identifiable individuals. These are usually closed for 80 or 100 years (for more details, see Guiney 2018). In our cases, these included some TNA records (listed in the Annexes) which we identified as clearly relevant, but which we were unable to consult for this reason.⁸

⁸ From what we understand, Operation Deerness staff will be able to consult these records. None of them are directly relevant to Medomsley, but some will offer the best primary evidence available on matters like complaint investigation in Detention Centres, and therefore we strongly recommend consulting those records. A full list of

Specific challenges

Finally, there is a challenge connected with the nature of abuse in institutions: that whatever measures might have existed to manage it and respond to it, abuse is nevertheless often a hidden and covert phenomenon, and something which will not always show up in official records, particularly where the institution that produced those records is thought to have been insignificant or unimportant for some reason. There *are* some files in TNA relating to specific abuse allegations in DCs and other forms of youth custody—including some listed in our Annexes and in our original project report (Jarman *et al.* 2018, section 9.2)—but they are only likely to be retained if the allegations were *already* deemed to have been serious enough to require specific investigation. As we note in the project report (Jarman *et al.* 2018, section 9.3), this happened only eight times *across the entire adult and youth prison estate* between 1956 and 1978.

Kinds of records available (to us) at TNA

This may explain the fact that most of the surviving records at TNA which we were able to identify as potentially relevant for our work usually fell into one of four categories. They are listed below in descending order of how many files we estimate fell into each group:

- 1) Files relating to **specific reviews, policy agendas, or questions of implementation**, usually produced by a committee or team of civil servants or others convened *centrally* to work on those reviews. These included (for example) a large series of records⁹ relating to the work of the May Committee (a wide-ranging judge-led inquiry into industrial relations in the Prison Department, produced following strikes, which reported in 1979 (*Report of the Committee of Inquiry into the United Kingdom Prison Services (the May Committee)* 1979); or several reviews of specific policies, for example a file on complaints against prison staff,¹⁰ or another reflecting on the implementation of ‘short sharp shock’ regimes in Detention Centres in the early 1980s.¹¹
- 2) Files relating to **more general strategic policy issues**, often the introduction of a new broad policy direction. These were almost always produced within the Home Office by civil servants dealing directly with ministers. Examples include files relating to the work of Advisory Councils, which were committees of experts convened by departments to advise on issues of strategy.¹²
- 3) Files containing a series of **annual reports**, produced and collated with a single establishment per file and covering a given period. These were always written by managers or the Board of Visitors at those establishments, and then sent to the Home Office.

those we were not able to view is included in the Annexes.

⁹ TNA catalogue numbers starting HO 263.

¹⁰ TNA catalogue number HO 413/6.

¹¹ TNA catalogue number T 492/286.

¹² Examples include TNA catalogue numbers HO 391/429 and HO 391/430.

- 4) Files relating to **specific allegations in a given establishment**. These were presumably produced at institutions by a committee or individual appointed to investigate the allegations. They are very few in number and the ‘harm to identifiable individuals’ rule meant we were not able to access any of them.

In the Annexes to this submission we have provided a spreadsheet with notes of all the records we consulted, and another listing those we were not able to access.

Reflections on which records might be most relevant to Operation Deerness

Even the tiny number of original records which are still available today constitute a daunting amount of evidence to read, for PPO staff just as much as for historians. Accordingly, we have included here a few notes on which kinds of record (from the four categories set out in the preceding section) are likely to provide you with what kinds of help.

Centrally produced reviews of policy

In the first two categories are the files relating to **specific reviews, policy agendas, or questions of implementation**, and those relating to **more general strategic policy issues**. We think these are likely to be of limited help to you, with the important exception of those which relate to issues (like complaint investigation or the complex history of policymaking around DC regimes) which are of direct relevance to your work on Medomsley. Because these records were, for the most part, produced centrally in the Home Office, they will give you some insight into the mindset of officials and policymakers there, but very little ‘colour’ on life within particular establishments. Particularly because the secondary literature on the Prison Service during this period suggests strongly that local cultures were at least as important as national policy in influencing day-to-day conditions for prisoners, the influence of national policy may not in fact translate clearly at the local level. Succinctly, many of the major points we think might be relevant to say about DCs based on these records is already likely to have made it into our report. If you are pushed for time with consulting TNA records, we would recommend only consulting in detail the few files which are relevant to policy matters that you consider directly relevant to your investigation—complaint investigation, for instance. You may find that your interviews with former Medomsley child prisoners and former staff alert you to particular files or issues which might not have seemed important to us.

Annual reports

We think that files in the third category, the **annual reports**, will definitely be useful to you. They were produced by staff in those establishments, and as such they offer direct descriptions of life in them. The authors are often named, and hence might be possible to cross-refer against what you know about staff working at Medomsley during the period you cover.

However, collectively they are affected by some shortcomings. First, they do what annual reports do: present a ‘tidied-up’ and curated picture of events in an institution during the period under question, often with an implicit subtext that the staff are implementing policies and directives from above as best they can in spite of various difficulties, and usually also with a second implicit subtext, to the effect that more ‘help from above’ (e.g. extra resources, staff, support) would help them do even better. As such, they are not direct evidence of prisoner

experiences and, evidentially, they are ‘at one remove’ from staff-prisoner interactions.¹³ Succinctly, they say more about policy implementation than prisoner experiences.

Second, the annual reports are an extensive series, produced at many different establishments, during time windows which differ somewhat in each case. Thus, while they are all potentially interesting as evidence of local cultures, there is also a lot of irrelevant material, and you will probably want to prioritise some over others.

Third, and finally, the annual report files subdivide into three different series, in a way that is not immediately evident from their titles, but which (in deciding which to consult) it may help you to understand.

First, there are files usually having TNA catalogue numbers in the format HO 383/xxx, and entitled, “[Establishment name]: annual reports”. These collect annual reports sent to the Home Office by DC Wardens or prison and borstal Governors, usually covering years between the mid-1960s and mid-1970s. Within each year’s report are contributions from different functional heads within the establishment (e.g. education, PEIs, chaplaincies). There are surviving open records in this subcategory relating to Medomsley, and to several other DCs, borstals, and other establishments.

Second, there are files also usually having TNA catalogue numbers in the format HO 383/xxx and entitled, “[Establishment name]: inspectors’ reports”. Somewhat confusingly, these are *not* reports of the Chief Inspector, but usually contain annual reports of welfare provision at the establishment. Since (as our report describes, see Jarman *et al.* 2018, section 4.3.3) Welfare Officers were in fact staff from the local probation office, the ‘inspectors’ who produced these reports were probation inspectors from the relevant section of the Home Office. They are not usually written to describe the establishment as a whole, but instead cover *only* the Welfare Officer’s work in aftercare, and as such, they are not as rich a source of evidence as might initially appear.¹⁴ There are surviving open records in this subcategory relating to Medomsley, as well as to other DCs, borstals, and other establishments.

Finally, there are files usually with TNA catalogue numbers in the format HO 391/xxx. There is more variation among their titles, but they usually include the name of the establishment and either the words ‘Visiting Committee’ or ‘Board of Visitors’. These are annual reports by the predecessors of the IMBs, and though they are usually shorter and less detailed than the management reports, they are important because of the Visitors’ role as custodial monitors. We

¹³ This is why other sources, such as the Richard Ericson book on Whatton (Ericson 1975) used in our report (Jarman *et al.* 2018, 26–7), are so important, even though they are not about Medomsley. They offer extremely rare direct evidence of conditions experienced by prisoners; you will be able to do far more from your interviews with former detainees there.

¹⁴ However, the probation inspector reports in the file for Medomsley are definitely worth reviewing, because (unusually) they append an entire HMCIP report on Medomsley, dated from 1977. We only found two such reports in all the TNA records we consulted. HMCIP did not publish any reports at all before (we think) the 1980s, or any on specific establishments until after the Strangeways disturbances of 1990. We do not know why they were attached only to the Medomsley file and one another. However, this chance survival of a Medomsley report was very useful for our project, and we make extensive use of it in the report (Jarman *et al.* 2018, section 4.3.2). For this reason, we think it would be worth the PPO asking the Inspectorate whether its records include any other reports on Medomsley or other DCs during the period covered by your terms of reference.

were not able to find surviving open records in this subcategory relating to Medomsley; all of those we consulted were from other establishments.

Collectively, the annual reports offer the broadest and clearest picture of the perspectives of managers and monitors in DCs as a whole, but those relating to Medomsley are a small part of this whole.

Records of investigations and inquiries

Finally, the fourth category we describe in the preceding section is those files relating to inquiries held into specific abuse and other complaint allegations. We were not able to view any of these, and so cannot say much about their contents, but they are clearly important to your work, though none of those among the records we were able to identify at TNA relate to Medomsley. The most relevant to Operation Deerness is probably a file relating to allegations of brutality against officers at HMDC New Hall in 1971,¹⁵ but we would consider it very important for the PPO's investigation to access these files if possible, since to the best of our knowledge, no one else has done so.

3. Summary of methodological challenges, and reflection on how to mitigate them

Taken as a whole, these features of the archival record create challenges for anyone hoping to use it to investigate custodial abuse—a hidden phenomenon occurring in hidden institutions. The problem has been described by historians (Thomas *et al.* 2017) using the metaphor of 'silences'. The archive contains not a facsimile of institutional records, but in fact a tiny slice of those which were originally produced, selected by people in positions of power whose interests and knowledge shaped their judgements about what was 'important' or 'significant' and therefore worth retaining. Lost files are not merely lost, but the topics they might have covered are also impossible to describe. We only researched the issue of 'silences' in any detail in relation to TNA records, because those were our main archival source, but the problem may well be replicated in relation to local and organisational records.¹⁶

All of this adds up to an interpretive challenge in relation to the use of these documents: that *the absence of evidence cannot necessarily be interpreted as evidence of absence*. This challenge is particularly significant in relation to investigations such as Operation Deerness, which are charged with covering specific allegations in specific locations for which documents may have survived only contingently and 'by accident', with an unquantifiable loss of other records which might have been helpful. It is likely to make the effort to investigate your terms of reference through documents frustrating and tantalising, since you will encounter records which sometimes bring you close to the problem you are attempting to describe, but which very rarely give you a direct view of it.

Our approach to resolving this methodological challenge is summarised in a couple of our publications, particularly the methods section of our report (Jarman *et al.* 2018, section 9.1) and (with more commentary) in our journal article (Jarman and Lanskey 2019, section 3) and a

¹⁵ TNA catalogue number HO 391/83.

¹⁶ If Operation Deerness is using archival records from other organisations, it might be worth asking those responsible for keeping those documents to describe any 'pruning' or 'weeding' of the archive known to have taken place in the past.

conference paper one of us gave with Prof Louise Jackson, another member of the original research team (Jarman and Jackson 2019). Briefly, it involved:

- 1) reading documents ‘against the grain’ (i.e. with another purpose in mind than the one the documents were originally written for), and by considering them as evidence for the existence of a *broader culture* and set of *assumptions and mindsets* among those working in and defining the governance of places of youth custody
- 2) considering documents iteratively—at first, reviewing them very quickly for a sense of their overall content, and subsequently, returning to them after considering other sources in the same light
- 3) bringing documents into dialogue with our (more recent) understanding of prisons as institutions, and then reasoning by inference from this dialogue. Particularly useful here was the sensitising influence of our experience working and doing research in places of custody. For example, in the project report (Jarman *et al.* 2018, 27) we describe a strip-search of a child at HMDC Aldington in the late 1960s which apparently occurred in front of a visiting journalist and photographer. Though the fact that this took place tells us nothing about specific allegations of abuse there or at Medomsley, we found it unimaginable that a similar search would take place in the same circumstances today, and we took the fact that it did then to be revealing about cultural assumptions at the time

Historians working on the problem of silences have suggested other methods to try and hear ‘echoes’ and ‘whispers’ in archival materials (Thomas *et al.* 2017, chapter 4), including using oral history and interview with surviving individuals to contextualise and help understand archival materials. IICSA, in its investigation of child sexual abuse in institutions, did something similar around its main publications (‘Truth Project’ 2021). It is probable that by reading documents in light of its survivor and former staff interviews, Operation Deerness can get further than we were able to, with the documents it reviews that specifically relate to Medomsley.

4. Annexes

There are three files annexed to this submission, and provided in a zip file with this document. They are described below, and can be identified in the zip file by their respective filenames, which are given in [[double square brackets]] below.

Historical timeline

We have attached with this submission a clearer copy of the timeline we compiled of policy reforms relevant to youth justice and youth custody. This was at the back of our report, but in very small print. We have now reformatted it as a large-scale image.

- Filename: [[Safeguarding in the Secure Estate - Timeline of major developments.png]]

Excel spreadsheet with TNA records

This spreadsheet lists all TNA files we considered potentially relevant for our project. They will not all be equally relevant for Operation Deerness, but we are providing the full list. The Notes column contains very brief overview notes about the contents of each file, which might be of use to PPO staff identifying records to review.

- Filename: [[Records to examine from TNA.xlsx]]

TNA files not consulted during the project

This spreadsheet lists all the files from the list above that we were *not* able to consult, in most cases because the files were closed, but in some because they were missing. We provided the list to the HMPPS team which commissioned our report, in case they wished to follow up on it by passing it to IICSA; we are not sure if this happened. Some of these files are highly relevant to the Operation Deerness terms of reference, though others will not be. These records, if PPO staff are able to access them, might be of interest.

- Filename: [[180112 closed records for HCAT.xlsx]]

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