

Early Day Motion – Joseph Scholes

We note that Joseph Scholes was a vulnerable and disturbed young boy with a history of psychiatric problems and suicidal behaviour and had been a victim of sexual abuse and that he was sent to prison for an offence of street robbery although all concerned recognised found hanging from a sheet attached to the bars of his cell window just nine days into a two-year sentence for street robbery; at

Further note that a two week inquest into his death took place and that the 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' and that in an unprecedented move following deaths in custody inquests the Coroner announced that he would be writing to the Home Secretary to say that a public inquiry should be set up in light of the issues that had arisen at the inquest.

Joseph Scholes was found hanging from a sheet attached to the bars of his cell window. His death occurred one-month after his sixteenth birthday,
Yvonne Scholes, Joseph's mother said following the verdict:

"My family and I believe that had Joseph been placed in a local authority home as requested by Trafford Youth Offending Team he would still be alive today. My surviving children and I would not be suffering the enormous anguish we feel about the manner in which Joseph's life ended. Joseph was placed in dehumanising conditions in a garment not unlike a horse blanket, with no underwear and where having been an alleged victim of male rape male officers and medical staff chose to sit beside him on his bed. Joseph was kept in virtual seclusion until in desperation at his plight, death seemed preferable to enduring the torturous conditions he faced and so Joseph's life ended – a 16 year old child choking to death hanging from the bars of his squalid cell window."

Deborah Coles Co-director of INQUEST commented:

"This inquest has heard deeply disturbing evidence about the treatment and care of Joseph whilst he was in the care and custody of the state. All the statutory agencies charged with the protection of a deeply distressed and vulnerable child failed him. This is a matter of national shame – how can we subject children to such inhuman and degrading treatment? In light of the jury's findings and the coroner's announcement the government must now, as a matter of urgency, set up a comprehensive public inquiry to address the key issues regarding sentencing, allocation and the treatment of children in the criminal justice system."

Paul Cavadino, Chief Executive of NACRO added:

"Joseph should not have been given a custodial sentence. We now need a public inquiry to examine the wider lessons of this tragic case and the profound flaws in this country's system for dealing with children in trouble. The inquiry should question our use of penal establishments for disturbed and vulnerable juveniles."

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The jury heard that Joseph had a troubled background and was being looked after by Trafford Social Services Department in one of their children's homes. Senior staff at the children's home described Joseph as a "well mannered and polite" boy who presented no major management problems. An experienced youth justice professional who knew Joseph well described him as "the most vulnerable young person that I have ever met... more of a victim than an offender". He went on to say that Joseph was "a bright lad in considerable mental pain who although struggling with his life was making real efforts to improve himself". Despite all of this, and although it was acknowledged that Joseph's role was peripheral in a robbery involving the theft of mobile phones from other children, he was sentenced to the maximum available custodial penalty under a Detention and Training Order which makes provision for locking up children as young as twelve.

Robin Hughes, an independent consultant who conducted the social services Part 8 inquiry said on inspecting cells in healthcare centre at Stoke Heath that if they had been in children's home he would have closed it down.

Investigations into Joseph's death conducted by the Prison Service, an expert on behalf of Social Services, and a consultant adolescent psychiatrist instructed by the Coroner were unanimous in their opinion that Prison Service accommodation was completely unsuitable for Joseph.

This confirmed the views that had been reached by: a specialist child and adolescent psychiatrist who knew Joseph well and was treating him in the community; the social work staff who were looking after Joseph in Trafford; each of his parents, the youth offending team who were dealing with his case; and the Crown Court judge who passed sentence.

However although such concerns were passed to the Youth Justice Board for England and Wales (the agency responsible for placing children in penal settings) they were unable or unwilling to find an alternative to a Prison Service placement and Joseph was placed at Stoke Heath a Young Offenders Institution in Market Drayton.

Standards of care at Stoke Heath's health care centre have been widely condemned. The Medical Officer at Stoke Heath who gave evidence at the inquest told of Joseph Scholes being 'deeply traumatised'. He confirmed that "the standard of care provided through Stoke Heath is less than that provided to patients receiving care through the National Health system" and indicated that "If I can be totally frank, the Prison Hospital at Stoke Heath was totally and utterly inappropriate". He was so concerned about the standard of health care available that in 2000 he wrote personally to raise this with the then Prisons Minister, Paul Boateng MP, the then HM Chief Inspector of Prisons, Sir David Ramsbotham and the Head of the Prison Service Martin Narey.

At a time when the Youth Justice Board for England and Wales is due to appoint a new Chief Executive and has recently appointed a new Chairperson it is timely to review the policy and practice that places vulnerable children in the kinds of conditions that ultimately cost Joseph Scholes his life. On 19 April 2004, the day the inquest into Joseph Scholes death opened, 15 year old Gareth Myatt died in a secure training centre run by Group 4 after being restrained by three members of staff.

The number of children sent to prison has doubled in the last ten years and since 1990 25 children have taken their own lives in prisons.

The family were represented by INQUEST Lawyers Group members Karon Monaghan (barrister Matrix Chambers) and Mark Scott (solicitor Bhatt Murphy).

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