

Abuse in children's institutional settings: How much is known?

December 2021



Introduction

Article 39 is a small, independent charity which fights for the rights of children living in state and privately-run institutions (boarding and residential schools, children's homes, immigration detention, mental health inpatient units and prisons) in England. We take our name from Article 39 of the United Nations Convention on the Rights of the Child, which grants every child who has been abused, or suffered other violations of their rights, the right to recover in environments where their health, self-respect and dignity are nurtured.

We define an institutional setting as “an establishment that is not a family home and in which a child has been placed, or is being held, by their parents or the authorities for the purposes of care, protection, education, medical treatment, training, detention or punishment.” This does not include kinship care, fostering, adoption or any arrangement in which a child is living with a family member.

There is tremendous diversity in institutional settings, from small children's homes which emulate family living to large, rigid young offender institutions which have the same physical design and mirror the culture and practices of adult prisons. Within a particular type of setting, a mental health unit for example, children in one establishment may feel nurtured and cared for, whereas in another the predominant experience may be one of coercion and neglect.

Living in an institution *which is run and experienced as an institution* carries inherent risks for children. Within larger, impersonal settings, there is the pervasive threat that children's individual needs, talents and personalities, as well as their wishes and feelings, will not be known or appreciated; and that the interests of the wider organisation will prevail. The love, affection, attention and understanding which all children need to thrive and develop is much harder to guarantee in an institutional setting, particularly when their main carers are poorly paid, professionally unqualified and/or inexperienced and unsupported by their managers and employers. Children in closed institutions like prisons have limited or no contact with family members, and there can be insufficient oversight of how they are treated. From the 1980s onwards, inquiries and investigations have documented successive examples of serious child abuse going unchallenged for many years in institutions; such is the power of inward-looking and oppressive cultures.

It is a mistake to consider institutional abuse a thing of the past. The Independent Inquiry into Child Sexual Abuse (IICSA) heard extensive evidence of violence against children in these establishments and found there had been 1,070 allegations of sexual abuse in custodial institutions between 2009 and 2017.¹

In October 2021, Article 39 wrote to the Justice Secretary, Dominic Raab, calling for an inquiry into the alleged abuse and human rights violations of children living in G4S-run Oakhill secure training centre. We had been contacted by a whistleblower the previous month, alleging serious child abuse over a protracted period of time; in-house investigations of mistreatment; and officer corruption. We notified the local authority, the inspectorates and the chair of the Child Safeguarding Practice Review Panel. Inspectors returned to Oakhill in early October and then issued an urgent notification stating that children had been subject to unlawful use of force; conditions in this child prison “barely met minimum standards of human decency” during the summer; and child protection concerns had

been investigated internally by G4S, rather than referred to the local authority as required by statutory safeguarding guidance.²

Extremely serious revelations of children in unregulated accommodation suffering significant harm were brought to the public's attention through a BBC Newsnight investigation which first broadcast in 2019.³ However, there is an abundance of other research and inquiry evidence showing the perils of placing children in care in properties where they receive no care and go without consistent adult supervision.⁴ Between 2018 and 2020, 22 children in care aged 16 and 17 died while living in properties where they were receiving no care and no, or limited, adult supervision.⁵ In September 2021, the law was changed to guarantee that children in care receive care where they live, but only to the age of 15. The High Court will hear a legal challenge brought by Article 39 in February 2022, where we argue that the government's protection of children in care only to age 15 discriminates against those aged 16 and 17.⁶

In the last decade, we have seen repeated media exposés and reports of the abuse suffered by inpatients in mental health hospitals, including poor quality care and excessive use of restraint, seclusion and segregation. Last year, the Independent Inquiry into Child Sexual Abuse published a research report on the abuse of children within healthcare settings, and explained that inquiries and investigations from the late 1960s onwards "often highlighted staff hierarchies and cultures of silence as contributing factors to abuse and misconduct".⁷ Our own research into the concerns children take to their advocates found that nearly all health complaints were submitted without the assistance of an advocate, despite children (and adults) having the right to this assistance.⁸

Eight years ago, research from the NSPCC found the rate of confirmed abuse and neglect in residential care to be 3.3 per 100 children in England.⁹ To put this into context, for every 100 children in the general population, 0.41 were the subject of a child protection plan in March 2021.¹⁰ Article 39's own research in 2015 showed that 53 local authorities had received a total of 2,479 allegations against adults working with children in institutional settings between 2012 and 2015.¹¹ Of those that provided data on whether those allegations were investigated under statutory child protection procedures,¹² we elicited that less than a quarter of allegations had led to such a response, with 32% of allegations found to be substantiated.¹³ However, four of the local authorities with outcomes data said they found none of the allegations to be substantiated. One of these four had received 87 allegations (5 relating to staff in children's homes, 82 relating to staff in a young offender institution). These findings raised serious questions about how well our child protection system meets the needs of children living in institutional settings.¹⁴

Statutory guidance on safeguarding children¹⁵ is predominantly concerned with abuse and neglect within the family, even though there are around 90,000 children in England living in institutional settings at any one time (the majority of these in boarding schools).¹⁶ The guidance does not explicitly outline how allegations of significant harm made by (or in respect of) children living in institutional settings should be addressed, despite the known risks and histories of rights violations. Child safeguarding remains disjointed at central government level, with policy-making split across the Department for Education (children's social care and education), the Department of Health and Social Care (NHS and health care), the Ministry of Justice (criminal justice system) and the Home Office (immigration system).

Furthermore, annual government statistics showing the numbers of children who are the subject of child protection investigations are not disaggregated according to where children lived at the time, so the extent of alleged and known abuse in institutional settings remains hidden. A key part of addressing abuse in institutional settings is the routine gathering of information on allegations of abuse made against those working with children, and what happens in response to these allegations.

This report considers the data which *is* available (though not collected by central government and not routinely published) regarding the number of allegations made against adults working in different institutional settings, as recorded by local authorities, and the proportion of these that led to child protection enquiries under section 47 of the Children Act 1989. Although the information provided to us was patchy, we are also able to give some indication of the types of allegations made, and the outcomes of child protection enquiries.

Methodology

A freedom of information (FOI) request was sent to every local authority with a children's services department asking for the number of allegations against adults working in different institutional settings for each of the financial years from 2018 to 2021, broken down by type of abuse or neglect. Of those allegations, we asked for information on how many allegations led to section 47 enquiries and what were the outcomes of those enquiries (see Appendix I for the full FOI request).

152 local authorities were contacted for information, of which 120 responded. A significant number of local authorities provided information outside the 20-day statutory deadline; the latest information provided was 6 months after the original request was received.

Of the 120 local authorities that responded to our FOI request, only 56% (67) provided some or all of the data requested. 64 provided data on the number of allegations in total across the three years 2018-21 and 55 provided useable data for just 2020/21. 27% (33) refused to provide data on the grounds of section 12 or section 40 of the Freedom of Information Act.¹⁷ 17% (21) provided a form of data but not broken down in the way requested. Only 16 local authorities (12%) provided data on whether allegations resulted in child protection enquiries.

Article 39 carried out the same research in 2017, receiving usable data from 53 local authorities. As the data collected this time was from a different subset of local authorities (and from a different number) it has not been possible to draw direct comparisons between the two sets of data. This once again exposes the inadequacy of national child protection data collection.

Legal and policy framework

Responding to allegations against adults working with children

Section 11 of the Children Act 2004¹⁸ places duties on a range of organisations, agencies and individuals to ensure their statutory functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children. Section 55 of the Nationality, Immigration and Asylum Act 2002 provides a comparable child welfare duty to those undertaking immigration functions.

Statutory guidance - *Working together to safeguard children*¹⁹ ('Working together') - applies to all organisations and agencies who have functions relating to children and makes clear that they should have clear policies for dealing with allegations against people who work with children. An allegation may relate to a person who works with children who has:

- Behaved in a way that has harmed a child or may have harmed a child.
- Possibly committed a criminal offence against or related to a child.
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Statutory safeguarding guidance requires that local authorities have a qualified and experienced officer, or team of officers, to oversee allegations against people who work with children. They should be informed promptly of all allegations that come to an employer's attention or that are made directly to the police.²⁰ They should ensure that such allegations "are not dealt with in isolation" and that "any action necessary to address corresponding welfare concerns in relation to the child or children involved should be taken without delay and in a co-ordinated manner". In addition, there should be appropriate arrangements in place to liaise effectively with the police and other organisations and agencies to monitor the progress of investigations and ensure that they are dealt with as quickly as possible, in a thorough and fair process.²¹ There is no specific advice in *Working together* about allegations made by and in respect of children in institutional settings, though abuse in institutional settings is acknowledged.

For specific institutional settings, the availability of guidance varies. The most detailed is that provided in statutory guidance for schools and colleges, which sets out in detail the action educational institutions (including boarding and residential special schools) must take in response to allegations against members of staff.²² Guidance for children's homes²³ cross-references to *Working together* and also sets out that children should be supported by staff to understand what abuse is and that they should receive information about how to report abuse, and any concerns they have about possible abuse.

Despite the Independent Inquiry into Child Sexual Abuse's recommendation that the government produce statutory guidance on keeping children safe in custodial settings,²⁴ there is still no guidance on responding to allegations of abuse for staff working in young offender institutions or secure training centres. Article 39 first liaised with Ministry of Justice officials on the development of such

guidance in autumn 2019. Guidance for immigration removal centres emphasises referrals to the police when an allegation has been made, and refers to *Working together*.²⁵ The Mental Health Act Code of Practice, which would apply to children in mental health inpatient care, outlines that health and social care staff should understand their role in responding to abuse, including having a working knowledge of children's safeguarding arrangements, and refers to *Working together*.²⁶ NHS England has produced detailed guidance on 'Managing safeguarding allegations against staff' in hospitals.²⁷

Children Act 1989 child protection enquiries

Under section 47 of the Children Act 1989, local authorities are required to investigate where there is "reasonable cause" to suspect that a child in their area "is suffering, or is likely to suffer, significant harm". Harm is defined as meaning "ill-treatment or the impairment of health or development including, for example, impairments suffered from seeing or hearing the ill-treatment of another".²⁸ *Working together* set out in detail the process for initiating and conducting section 47 enquiries – the local authority should carry out an assessment under section 47 to determine if it needs to take steps to safeguard and promote the welfare of the child. If concerns are substantiated and the child is judged to be at continuing risk of harm, then an initial child protection conference (ICPC) should be convened within 15 working days. Two decades ago, the High Court confirmed that section 47 applies to children in prison (and, by implication, other institutional settings).²⁹

There is a critical provision in section 47, which came into force in 2005 – a duty on local authorities to ascertain and give due consideration to the child's wishes and feelings when making decisions about any action they may take to safeguard or promote the child's welfare. It is pertinent that this duty only applies *after* a local authority has decided to make enquiries under section 47, so any earlier decision not to investigate inevitably denies the fulfilment of this right for the child to be heard and taken seriously. However, the Human Rights Act 1998 (HRA) applies across all of the functions of public authorities (and extends to those carrying out public functions such as private companies running children's homes or prisons). The HRA requires that public authorities act compatibly with the rights in the European Convention on Human Rights (ECHR). Where there is an allegation of child abuse or neglect, the most relevant provisions in the ECHR are: article 8, the right to protection of bodily and psychological integrity; article 3, the right to protection from torture and inhuman and degrading treatment or punishment; article 2, the right to life; and article 14, the right to enjoy the rights in the ECHR without discrimination.

Data collection and publication

Every year, local authorities must submit data to the Department for Education on child protection referrals, investigations and outcomes.³⁰ This is then published by government on an annual basis. However, there is no requirement on local authorities to provide separate data on allegations made against adults working with children in their area, or the actions taken to safeguard or promote the welfare of children in response to such allegations.

Separately, the Children Act 2004 (as amended) requires local authorities to notify the Child Safeguarding Practice Review Panel if it is known or suspected that a child has been abused or neglected in their area and the child dies or has been seriously harmed. A similar notification duty exists in relation to children who die or are seriously harmed outside England but normally live

within the local authority's area.³¹ Serious harm is defined in the 2004 Act as *including* "serious or long-term impairment of mental health or intellectual, emotional, social or behavioural development".³²

Registered providers or managers of children's homes are legally required to notify Ofsted of any allegation of abuse against staff working in the home and any child protection enquiry in respect of children living in the home.³³ Independent monitoring boards visiting children (and adults) in young offender institutions are required to notify the Justice Secretary "immediately of any abuse which comes to their knowledge".³⁴ Independent persons appointed to secure training centres must alert the Justice Secretary to "any matter which is of concern to him".³⁵

Key findings

Of those local authorities that provided data as requested:

- 64 local authorities recorded 6,106 allegations against adults working in children's institutional settings between 2018 and 2021, an average of 32 allegations per year per local authority.
- 55 local authorities recorded 1,758 allegations against adults working in children's institutional settings in 2020/21, an average of 32 per local authority for that year.
- The greatest number of allegations from institutional settings related to adults working in children's homes (2,900 allegations over 3 years). One local authority recorded 83 allegations against staff in children's homes in its area in 2020/21.
- There were 1,305 allegations of abuse against children in prisons - young offender institutions (YOIs) and secure training centres (STCs) - over three years (355 in 2020/21). However, this relates to only five institutions – indicating a far higher volume of referrals per institution. It is also an under-estimate as one local authority with a YOI in its area did not provide any data for 2020/21.
- One local authority received 184 allegations against staff in 2020/21 in respect of one secure training centre which has capacity to hold fewer than 90 children. None of the local authorities with YOIs or STCs in their area provided information on whether allegations resulted in section 47 enquiries.
- As Article 39 found in its previous research, there is a large variation in the number of allegations against adults working in institutional settings in different local authorities – in 2020/21, the numbers reported by individual councils range from 0 to 184 allegations received in respect of a single type of institution that year.
- Where data was provided on the types of alleged abuse (from 59 authorities) the most common type was physical abuse (44%).
- Only 16 local authorities provided information on the number of allegations that led to section 47 enquiries. These local authorities recorded 1,200 allegations over three years but only 11% of these allegations resulted in a statutory child protection enquiry. Where information about the outcome of these enquiries were provided, 28% were substantiated and 43% were unsubstantiated.³⁶ 10% were ongoing and 19% resulted in a form of action

being taken (such as the child being provided with support or a staff member moved or dismissed). As context, national data shows for all child protection referrals the percentage of concerns which were substantiated (and the child judged to be at continuing risk of harm) and led to an initial child protection conference was 37% in 2021.³⁷

These findings echo those in Article 39's previous research showing that not all local authorities collate information and there is a significant variation in allegation numbers between local authorities, even where the size and numbers of institutions in their area are similar:³⁸

- A significant number of local authorities reported that they do not collate information by institution, but only by the role of (or employment sector of) the adult in question (for example, 'residential carer') or by broad area (e.g. 'education', 'health' and 'residential' settings). So, in the words of one local authority, if focused on the employment of the adult, "this does not separate out where agency staff have been based, we would just record that they were employed by the agency".
- While the data in Table 2 below shows 334 allegations of abuse in semi-independent/independent accommodation over 2018 to 2021, this figure is likely to be far higher. Several local authorities explicitly stated that they do not collect data on abuse allegations in semi-independent/independent accommodation. Two local authorities did not provide data in answer to our first question (see Appendix I) but provided data on section 47 enquiries which would bring the total number of allegations in this type of setting to 445.
- Several local authorities stated that they do not collect data on allegations of abuse in mental health inpatient care.
- Two local authorities could not provide data for more than the past two years – another said it had lost all of its data due to a 'cyber-attack'.
- One local authority reported having no data because the only institutional setting in that authority was 'police custody', which was incorrect – it manages two children's homes, for example.
- Several local authorities highlighted that all allegations would result in an investigation but not necessarily under section 47 Children Act 1989.

As Article 39 highlighted four years ago, there is no uniform process for local authorities recording and reporting data on institutional abuse and neglect allegations and outcomes. This inevitably hampers the accumulation of local intelligence about individual establishments and the safety of children within them. Without such data collection it is unclear how local safeguarding partnerships are able to monitor and identify patterns of allegations, and therefore effectively safeguard children in their area.

Recommendations

- 1. The Department for Education must routinely collect and publish data on abuse allegations and outcomes relating to all children's institutional settings including boarding and residential schools, children's homes, mental health inpatient units and prisons in England. This data must be disaggregated according to setting and indicate the number of times children themselves made allegations, record the proportion of allegations which led to section 47 enquiries and the outcome of such enquiries for the child/children concerned.**
- 2. Statutory guidance on keeping children safe in all institutional settings is required as a matter of urgency. This guidance should be a companion to *Working together to safeguard children* for local authorities and their partners with the aim of ensuring children living in non-family settings are effectively protected. Integrating findings and recommendations from the Independent Inquiry into Child Sexual Abuse and other relevant inquiries, reviews and investigations, the guidance should address the known barriers which prevent children in institutional settings from being heard and believed, and provide arrangements for creating safe, fair and inclusive processes with an emphasis on the twin goals of ending abuse and helping children recover from harm.**
- 3. All abuse allegations should be investigated by child protection professionals independent of the establishment, and the child should receive 'opt-out', proactive information and help from an independent advocate. To this end, the Children Act 1989 should be amended to grant children an explicit right to assistance from an independent advocate during child protection enquiries and decision-making, on a par with the rights to advocacy adults enjoy in safeguarding processes and decision-making.**
- 4. Whenever children are living away from home, they and their parents / carers should be provided accessible information on children's right to be safe wherever they live, statutory arrangements for responding to concerns about significant harm, and how they can access independent help.**

Data

Whilst data was requested by financial year for 2018/19, 2019/20 and 2020/2021, some local authorities provided figures for three years in total, while others only provided figures for 2020/21 – hence the difference in the number of local authorities referenced in the data tables below.

Table 1: Allegations against adults working in institutional settings – total

Year	Number of local authorities in England providing data	Number of allegations against adults working in institutional settings	Average per local authority per year
2020/21	55	1,758	32
2018 to 2021	64	6,106	32

Table 2: Allegations against adults working in institutional settings – by setting

Institutional setting	Number of allegations against adults working in institutional settings	
	2018 to 2021 – 3 years (data from 64 local authorities in England)	2020/21 – 1 year (data from 55 local authorities in England)
Children’s home	2,900	858
Secure training centre	748	211
Young offender institution	557	144
Mental health inpatient unit	435	106
Residential special school	394	113
Hospital not falling into category above	336	77
Semi-independent / independent accommodation	334	98
Independent boarding school	244	68
Secure children’s home	86	51
Policy custody	41	7
State boarding school	29	23
Immigration detention	2	2

Diagram 3: Allegation against adults working in institutional settings, 2018 to 2021 – type of abuse
(data from 59 local authorities in England)

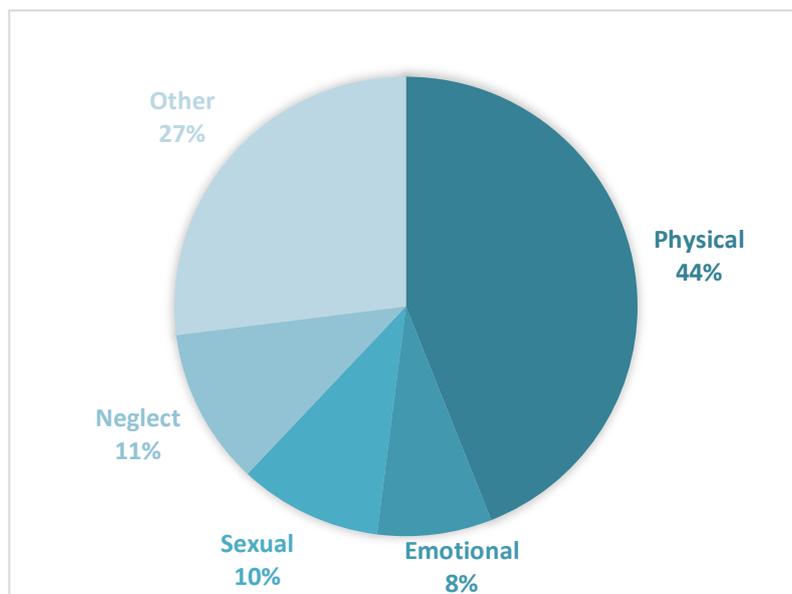


Table 4: Allegation against adults working in institutional settings – formal child protection enquiries (data from 16 local authorities in England)

	2018 to 2021	2020/21
Total number of allegations against adults working in institutional settings where it was known whether a section 47 enquiry was undertaken	1,200	403
Total number of section 47 enquiries undertaken in respect of allegations against adults working in institutional settings	125	67
Proportion of allegations against adults in institutional settings resulting in section 47 enquiries	11%	17%

Appendix I

Freedom of Information Act 2000 request sent to all local authorities with children's services departments

Please supply the following information, in respect of each of the last three years (1 April to 31 March):

1) The number of child abuse and/or neglect allegations against people who work with children notified to your Local Authority Designated Officer in respect of a child placed/held in any of the following in your area (*please provide data for each category of establishment*):

1. Children's home
2. Secure children's home
3. Semi-independent or independent accommodation
4. Independent boarding school (private boarding school that does not fall within category (5) below)
5. State boarding school (run by local council, academy or free school and does not fall within category (6) below)
6. Residential special school (N.B. schools which accommodate children for more than 295 days a year must be registered as children's homes, so please include data relating to those in (1) above)
7. Mental health inpatient unit
8. Hospital that does not fall within category (7) above
9. Young offender institution
10. Secure training centre
11. Immigration removal centre / short-term holding facility
12. Police custody

2) Where possible, please provide the figures for question 1 above broken down by type of abuse:

- Child sexual exploitation
- Emotional abuse
- Neglect
- Physical abuse
- Sexual abuse
- Other

3) The number of Section 47 enquiries* conducted in respect of a child placed/held in any of the following in your area (*please provide data for each category of establishment*):

1. Children's home
2. Secure children's home
3. Semi-independent or independent accommodation
4. Independent boarding school (private boarding school that does not fall within category (5) below)

5. State boarding school (run by local council, academy or free school and does not fall within category (6) below)
6. Residential special school (N.B. schools which accommodate children for more than 295 days a year must be registered as children's homes, so please include data relating to those in (1) above)
7. Mental health inpatient unit
8. Hospital that does not fall within category (7) above
9. Young offender institution
10. Secure training centre
11. Immigration removal centre / short-term holding facility
12. Police custody

4) Please provide the outcomes of these Section 47 enquiries* (requested in question 3) using the headings below:

- Abuse or neglect substantiated
- Abuse or neglect not substantiated
- Child moved
- Other children in establishment interviewed
- Other children moved
- Child provided counselling or other emotional support
- Member of staff convicted of criminal offence
- Criminal proceedings against member of staff ongoing
- Member of staff subject to disciplinary action
- Staff disciplinary proceedings online
- Other – please state

***Section 47 refers to Section 47 of the Children Act 1989.**

Please note: In follow up requests, question 3 was amended for clarity to read "Of the allegations outlined in the answer to question 1, how many resulted in Section 47 enquiries".

Endnotes

- ¹ Independent Inquiry into Child Sexual Abuse (February 2019) [Sexual abuse of children in custodial institutions 2009-2017](#). Investigation report.
- ² [Article 39 calls for inquiry and legal help for children, following abuse allegations at G4S child prison – Article 39](#)
- ³ [BBC Two - Newsnight, Unregulated care homes: As the law changes for under-16s, what about older children?](#), 9 September 2021
- ⁴ See, for example, Education Committee (July 2014) [Into independence, not out of care: 16 plus care options](#); The Children’s Society (2015) [On your own now: the risks of unsuitable accommodation for older teenagers](#); Greatbatch, D. and Tate, S. (2020) [Use of unregulated and unregistered provision for children in care](#). Department for Education; Children’s Commissioner for England (September 2020) [Unregulated. Children in care living in semi-independent accommodation](#); Article 39 (April 2021) [Education Committee children’s homes inquiry. The use and appropriateness of unregulated provision. Submission from the #KeepCaringTo18 campaign steering group](#).
- ⁵ Answer to a [written question from Rotherham Labour MP Sarah Champion](#), 4 November 2021
- ⁶ See Article 39, [Keep Caring to 18 campaign](#)
- ⁷ Independent Inquiry Child Sexual Abuse (December 2020) [Truth Project Thematic Report - Child sexual abuse in healthcare contexts](#)
- ⁸ Article 39 (November 2020) [A safe space? The rights of children in mental health inpatient care](#)
- ⁹ Biehal, N., Cusworth, L. & Wade, J. with Clarke, S. (2014) [Keeping children safe: allegations concerning the abuse or neglect of children in care. Final report](#). NSPCC.
- ¹⁰ Department for Education (October 2021) [Characteristics of children in need in the year ending 31 March 2021](#)
- ¹¹ across all establishment types apart from immigration detention.
- ¹² 34 local authorities
- ¹³ 33 local authorities provided outcomes data
- ¹⁴ Article 39 (November 2017) [Abuse in children’s institutional settings: How much is known?](#)
- ¹⁵ HM Government (2018) [Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children](#)
- ¹⁶ [Independent Schools Council Census and Annual Report 2021](#)
- ¹⁷ [Freedom of Information Act 2000](#) Section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to: either comply with the request in its entirety or; confirm or deny whether the requested information is held. The estimate must be reasonable in the circumstances of the case. Section 40 of FOIA provides an exemption from the right to information if it is personal data.
- ¹⁸ [Children Act 2004](#)
- ¹⁹ HM Government (2018) [Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children](#)
- ²⁰ Children’s Homes Regulations [Quality Standards](#), para 9.18
- ²¹ HM Government (2018) [Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children](#)
- ²² Department for Education (2021), [Keeping children safe in education 2021: Statutory guidance for schools and colleges](#)
- ²³ Department for Education (2015) [Guide to the Children’s Homes Regulations including the quality standards](#)
- ²⁴ Independent Inquiry into Child Sexual Abuse (February 2019) [Sexual abuse of children in custodial institutions 2009-2017](#), Recommendation 6
- ²⁵ Home Office, Detention and escorting: safeguarding children - [Annex A: Template for Safeguarding Children Policy Statement \(publishing.service.gov.uk\)](#)
- ²⁶ [Mental Health Act 1983 Code of Practice](#)
- ²⁷ NHS England (2019) [Managing Safeguarding Allegations Against Staff: Policy and Procedure](#)
- ²⁸ In Section 31(9) of the Children Act 1989
- ²⁹ *R (Howard League for Penal Reform) v Secretary of State for the Home Department* [2002] EWHC 2497 (Admin)
- ³⁰ [Children looked after return: guide to submitting data](#)
- ³¹ Section 16C Children Act 2004 (inserted by the Children and Social Work Act 2017).
- ³² Section 16B Children Act 2004 ((inserted by the Children and Social Work Act 2017).
- ³³ Regulation 40, The Children’s Homes (England) Regulations 2015
- ³⁴ Regulation 81(4) The Young Offender Institution Rules 2000
- ³⁵ Rule 44(4) The Secure Training Centre Rules 1998
- ³⁶ Data for 2018-21
- ³⁷ Department for Education, [Characteristics of children in need, Reporting Year 2021](#)
- ³⁸ Article 39 (November 2017) [Abuse in children’s institutional settings: How much is known?](#) See also NSPCC (2014) [Keeping children safe: Allegations concerning the abuse or neglect of children in care – final report](#).