

The separation of children in Young Offenders Institutions – time for improvement

June 2020

23 March 2020

Rt Hon Robert Buckland QC MP,
Lord Chancellor and Secretary of State for Justice

Dear Robert

I enclose my report on the issue of separation in Young Offenders' Institutions and my comments on the report of the Separation Taskforce which looked into the issue of separation following a highly critical report by Her Majesty's Inspectorate of Prisons.

The Taskforce has worked diligently and at speed to draw together its report. It makes a series of recommendations all of which I believe have merit and should be accepted and implemented.

I believe there are three issues which require ongoing scrutiny, guidance and further intervention: the formulation of a new vision for secure residential care; the development of a revised national model for leadership within the youth custody system with a strong focus on consistency, accountability and governance; and the need for increased revenue and substantial capital investment. These points are detailed in my report and in that of the Taskforce.

Some children in custody have committed very serious crimes. They have harmed their peers and others and the challenge they pose to each other, society and staff must not be underestimated. However, the impact of substantial failings across the custodial estate is such that they are unlikely to receive sufficient help to effectively change their ways which inevitably means that the majority will re-offend. This cycle can and must be broken. The recommendations of the Taskforce and the suggestions in my report offer the beginning of a new, focused approach to improving custodial care such that it can make a difference to levels of reoffending and change the lives of those placed therein. I do hope it will be possible to take forward the recommendations we have made, joining them with the developing model of secure schools to ensure a harmonised programme of investment, improvement and change.

I would be happy to meet with you to discuss this issue further. If I can be of assistance in taking the matter forward I would be pleased to assist.

Yours sincerely

A handwritten signature in black ink that reads "Alan Wood". The signature is written in a cursive, slightly slanted style.

Alan Wood

Report to The Rt Hon Robert Buckland QC MP, Lord Chancellor and Secretary of State for Justice

**The separation of children in
Young Offenders Institutions
– time for improvement**

Sir Alan Wood CBE

March 2020

Introduction

I have been appointed as Independent Advisor to the Chair and to the Separation Taskforce by Jo Farrar, the Chief Executive Officer for HM Prison and Probation Service.

The Separation Taskforce was commissioned to consider the arrangements for separating children in Young Offenders Institutions and to formulate a response following publication in January 2020 of the report by HM Inspector of Prisons and Probation; *‘Separation of children in young offender institutions – A Thematic Review’*.

The report of the Taskforce has been presented to the Permanent Secretary and Jo Farrar and is being considered by both the Ministry of Justice and HM Prison and Probation Service. The report makes 14 recommendations for action in a prioritised timescale. I will not precis or repeat what the report says but I will comment upon the approach taken and some wider, more systemic issues.

The approach

My work has focused on providing support and challenge to the Chair and the Taskforce. I have structured this based upon three questions:

1. Is there a good **analysis** of the problem?
2. Is there a **credible plan** to remedy the problem?
3. If 1 and 2 are in place is there **sufficient capacity** to deliver the plan?

I visited Young Offenders' Institutions (YOIs) and Secure Children's Homes (SCHs); met with Wendy Morton (who at that time was the Minister for youth justice), senior leaders and practitioners in the NHS and Ofsted, the author of the HMIP report Angus Mulready-Jones, and senior civil servants; and spoke with young people in the secure settings I visited. I read a wide range of national reports, individual inspection reports and data sets and participated in the meetings and discussions of the task force.

1. The analysis

I am confident that the Taskforce has outlined a credible analysis not through the description of the problem (that was detailed in great detail by the HMIP report), but by providing a detailed explanation of how this situation was allowed to develop.

The Taskforce has been an effective mechanism for identifying at ground level across the secure estate the critical failings identified by HMIP in the Thematic Review. The Chair and his members have visited each YOI and other institutions, considered a vast array of data and literature and spoken with key individuals in the Youth Custody Service, HMIP, the NHS and wider sector. The Chair has provided good leadership – he has been supported by clear advice from his team and their diligent approach has allowed for effective engagement, particularly with Governors and their senior staff in each YOI. He was also able to secure a reasonable sum of additional money which was provided to Governors on an emergency basis to address immediate shortcomings in relation to separated children. He has focused on supporting Governors and leaders in each YOI to do what is necessary to ensure children are safeguarded during the process of separation and that staff are reminded of the existing rules and guidelines on separation. This approach has focused immediate attention on the improvement of the process of separation, thereby expediting the provision of a greater degree of protection for separated children.

There are early signs of the impact of the work of the Taskforce. For example, the recent HMIP report on Werrington refers to a significant improvement in how children are separated, however, it is far too early to feel comfortable that sustainable improvement has been achieved.

2. The plan

The recommendations made by the Taskforce allied with the action plan drawn up in response to the recommendations made by HMIP form a credible plan for improving the delivery of separation in YOIs. Its recommendations are designed to have both immediate and short-term impact and are based on evidence from the fieldwork conducted by the Taskforce. Taken together, they provide an accurate analysis of the problem. It is imperative that as the action plan is implemented it is subject to the highest levels of governance, accountability and scrutiny reaching to you and the Permanent Secretary.

The Youth Justice Board is an independent body. It exists principally to advise the Minister of Justice on the state of the youth offending world. I think it is incumbent on that body and its new Chair to report directly to you their objective view of progress being made on the delivery of the plan.

3. The capacity to deliver – leadership at all levels

The HMIP report identified a failure of national leadership. It is imperative that this issue is considered and remedied. The report also criticised local leadership at YOI level. I agree with these two findings.

There is a real opportunity to be grasped and taken forward by national leaders and decision makers. The number of children in custody currently stands at 824 (of which 724 are 17 and under), reduced from over 3,000 just over 10 years ago. I believe the number could fall further, potentially to under 500 in the next 5 years. To achieve this, two things are necessary:

- wholesale improvement in the national and local leadership, the nature and quality of custodial provision including post-sentence resettlement
- continuing and further investment in community-based alternatives to custody organised by local and regional youth offending services

In the context of this work I am using the word “capacity” to refer to leadership, staffing and capital resource. I am not convinced that there is sufficient capacity currently available to implement the plan and deliver long-term sustainable improvement. There are a number of reasons for this:

Separation is not the only issue

Separation is not a discrete problem – it is a symptom of wider failings within the youth custodial estate. There have been a considerable number of reports by inspectors, independent reviews, the Office for the Children’s Commissioner and national voluntary organisations which point to the deteriorating position across the estate. Indeed, in 2016 I led a small group charged by the MoJ with reporting on the condition of youth custody

arrangements in the light of the report on the Medway STC. This report highlighted the widescale failure of the service and made key recommendations for its improvement.

Earlier responses to the challenge

Despite the breadth of reporting and the substantial number of new developments and additional resources introduced to the estate by the MoJ/NHS and HMPPS, we continue to have increased levels of violence and assault, a staffing shortage and children whose needs are not being met. Why?

Similarly, why was the combined resource of YCS/HMPPS/MoJ unable to identify and anticipate that prevailing separation practices were failing our young people in custody? Where in the central structure is the expertise and skill that can be called upon to actively engage with each YOI and offer the modelling, experience and advice to Governors which would help prevent issues such as separation becoming such a critical issue?

Is it possible that YOIs have subconsciously been thought of as beyond remedy? The focus on Secure Schools is often presented as the remedy coming “over the hill”. Has this led to a reduced focus on improvement across the secure youth estate? In my view the opening of a new provision – one Secure School some two years from opening with others being considered – will not in itself be sufficient to overcome the endemic problems of the secure estate.

Accountability

Do the contracting arrangements between the MoJ and HMPPS and at the level below with YOIs, contain sufficient mechanisms which allow effective remedies to be implemented across the secure estate? Do YOIs have in place effective arrangements and sufficient autonomy to manage the contracts? It would seem they do not as otherwise why have the problems remained unresolved for so long?

Within YOIs a culture has evolved which lacks sufficient focus on holding to account those responsible for implementing separation policy and process. In many establishments Governors do not regularly review or carry out checks on children who are separated, staff do not follow guidelines or produce quality reports on children in separation and children are being denied access to education or basic facilities for hygiene. This raises a question regarding a lack of accountability. Who is holding to account Governors for the delivery of a high-quality service? All requests for extending separation beyond a 21-day period have to be approved at senior level in the YCS. HMIP point out that every extension request (in excess of 400) was approved. This implies insufficient challenge has been applied to these reviews and to the **process** of review within YCS. The Prison Group Director (YCS) post was subject to a recent recruitment campaign (it has been covered on a temporary basis) but did not result in an appointment. This post is critical for driving improvement in YOIs. It is not sufficient on its own without wider change in the leadership and management of Governors and an improvement in the operational delivery of services in public sector YOIs.

How regularly has the issue of separation been raised as a point of discussion or reported as a critical matter within management structures up to and including the Minister for Justice? If it has been raised at this level why has any resultant action taken been ineffective? Who has been held to account outside YOIs? The issue of national and local leadership stands out as a key question of accountability when considering poor standards in the YOIs.

Capital investment

The Taskforce recommends, and I agree, that a capital investment programme should be undertaken to transform the youth custodial estate. All renowned experts in child and adolescent development identify that children's behaviour and responsiveness is, in part, conditioned by how valued they feel by the adults around them. This measure is also reflected in the circumstances of their environment. In the case of YOIs the physical environment alone speaks volumes about how we see children in custody. Run-down, "uncared-for" buildings and worn-out, often dilapidated, equipment can be seen throughout all YOIs.

Without a large capital investment in the existing estate the morale of children and staff will continue to fail. When one compares the quality of the estate and personal rooms within a Secure Children's Home (which provides custodial beds) with the same in a YOI, the disparity is stark. If a relatively modern facility like the Medway STC building is to receive a substantial capital investment to prepare it for a new Secure School (a very exciting initiative), a similar investment has to be made in YOIs which are generally, by comparison, in an appalling state. About 80% of the current population remain in YOIs. If you want to change the infrastructure and culture you must invest capital in the current estate.

Can the YOI system be improved?

I am optimistic. I think there is an opportunity to improve YOIs. Leadership and expertise **do** exist within YOIs and at the centre of YCS. If this can be blended and brought to the fore to create a dynamic team, based in settings and focused on improving practice, I have no doubt it will drive improvement cross the estate. Building on the recommendations of the Taskforce, I suggest leadership is focused on setting up a dedicated task and finish group that would lead a widespread programme (beyond separation) across the YOIs over the next 18 to 24 months. This would be a parallel programme of improvement in the existing estate allied with the Secure Schools' approach. Such a model has the potential to bring forward sustainable improvement and additional new provision more quickly than a longer-term plan of opening Secure Schools. All YOIs should be seen as being part of a transformative, ambitious programme to become Secure Schools.

There has been some discussion about developing a child-focused approach to leadership in youth custody at senior level in the HMPPS and MoJ. This is very encouraging and such a focus must be seen as essential to any improvement programme. Signalling a start to

this would be to rename the title of the Prison Group Director (Youth Custody) to a title with less focus on prisons and more on directing and implementing quality and improvement in secure residential care. A child-focused approach will not result from a new plan or a new job title – it requires a root and branch approach to leadership and staff development.

The approach taken thus far has highlighted the urgent need for cultural change from the bottom up. Unless the question of national leadership is acknowledged there is a risk that change will be seen as a cultural issue within YOIs alone. In reality, if culture change is a priority it should start with the culture outside YOIs that has allowed the problems of the youth custody estate to prevail without remedy over the last decade.

Culture within YOIs would change for the better if the authority of Governors and on-site leaders was enhanced such that they can be supported to shape, influence and control the totality of services required to deliver an effective service. Experience has shown that when headteachers were given more autonomy over whole school services, standards achieved by pupils improved. The Taskforce report recommends trials of enhanced authority for Governors in respect of education and recruitment of staff – these issues sit at the core of the secure schools' model. Trialling similar autonomy and freedom now with YOI Governors will have a significant impact on improvement and will sharpen their accountability for running the “whole” service of a YOI. Contracts with education and other services in YOIs for the next period are due for retendering soon. This provides an opportunity to introduce arrangements that provide more direction for YOI Governors. It is worth answering a critique posed to this suggestion, that is the view that giving more autonomy may put children at risk. Currently with much authority held outside the YOI the inspection and other reports show that children are currently already being exposed to worryingly high levels of risk.

More can be done **now** to improve the problems currently faced in YOIs. Transforming youth custody must assume a higher priority for the Ministry of Justice and HMPPS. Combined with clear leadership and rigorous accountability, change for the better can and will happen. The model of a taskforce on separation has shown that a focused, improvement-led approach to challenges in the YOIs can yield fruit. This can and should be built on.



Sir Alan Wood CBE

March 2020