

Public Accounts Committee

Oral evidence: Secure training centres and secure schools, HC 30

Wednesday 25 May 2022

Ordered by the House of Commons to be published on 25 May 2022.

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Members present: Dame Meg Hillier (Chair); Mr Louie French; Peter Grant; Kate Green; and Angela Richardson.

Gareth Davies, Comptroller and Auditor General, National Audit Office and Marius Gallaher, Alternate Treasury Officer of Accounts, HM Treasury, were in attendance.

Questions 1 to 98

Witnesses

I: Amy Rees, Director General, Probation, Ministry of Justice; Antonia Romeo, Permanent Secretary, Ministry of Justice; and Helga Swidenbank, Executive Director, Youth Custody Service, Her Majesty's Prison & Probation Service.

Report by the Comptroller and Auditor General
Children in custody: secure training centres
and secure schools (HC 1257)

Examination of witnesses

Witnesses: Amy Rees, Antonia Romeo and Helga Swidenbank.

Q1 Chair: Welcome to the Public Accounts Committee on Wednesday 25 May 2022. Today, we are looking at the knotty issue of what happens to children who have committed crimes and need secure accommodation as part of a custodial sentence, and how they are educated and kept safe.

In 2016, the Government made plans to create two new secure schools—a new concept—but now, in 2022, the first school is not yet complete, and the second is hardly planned. On top of that, recent reports indicate that there has been a deterioration in the standard of secure training centres. Also in the mix are youth offender institutions. There is a lot going on in this area, for a small group of children and young people who need intense support.

In front of us, we have witnesses from the Ministry of Justice and Her Majesty's Prison and Probation Service. I would like to welcome Antonia Romeo, permanent secretary at the Ministry of Justice; Amy Rees, director general for probation at the Ministry of Justice; and Helga Swidenbank, executive director for youth custody services at HMPPS. It is great to have an all-female panel. Welcome.

Before we go into the main session, I wanted to check in with you, Ms Romeo, about the issue of court backlogs. It is still a really knotty issue that is causing a lot of grief to our constituents. I wondered whether you had any update on the progress on reducing backlogs.

Antonia Romeo: Thank you, Chair. You will recall that we talked about backlogs when I was last in front of the Committee. I am pleased to say that from the high of June '21 with a backlog of 61,000 outstanding cases, the March '22 figure was 57,800, so we are making progress towards what you will recall is the agreed position—a target to get the backlog down to 53,000 by the end of the Parliament.

As I said at the time, and remains the case, if there is the option of bearing down on that faster—we are now ahead of the trajectory in terms of where we are bearing down on it—then we will obviously seek to do so. The measures we have taken—like removing the limit on sitting days for this year as well as last year; the 30 Nightingale courts, 23 of which are in Crown; more judicial recruitment; and the £477 million that we have injected into the CJS over the SR in order to help the backlogs to come

down—should all help. So I think that is progress, and we are relentlessly focused on getting that outstanding caseload down further.

- Q2 **Chair:** The words “judicial recruitment” sound very good, but we know it is a challenge because there is a shortage of barristers coming through to recruit from and then a shortage at the other end. Have you given any consideration to part-time judges who could perhaps work for six or nine months of the year? At certain stages in people’s legal career, they are not all enticed to have a salary cut. For most of us, that is a lot of money, but for them, working full tilt in the courts often means a salary cut.

Antonia Romeo: Absolutely. We already rely on recorders—fee-paid judges who sit on a part-time basis. We have recently increased the maximum number of days recorders can sit from 30 to 80 days, and we think that will help. That is all a matter for the senior judiciary; the Lord Chief Justice and the senior presiding judge are working closely with the Bar and with the judiciary to increase both the supply of recorders and the supply of judges.

- Q3 **Chair:** So the idea of judges working nine months a year and having a three-month period off would—

Antonia Romeo: There would be multiple different models. I think it is not so much about time off; they would say that it was not time off.

- Q4 **Chair:** I mean people who would otherwise retire but might be enticed to become judges if the package was right for that lifestyle. That sounds a crazy thing to say in the Public Accounts Committee, but realistically, we need those judges to get the backlog down, don’t we?

Antonia Romeo: As you will know, we have raised the retirement age for judges as well. We are doing absolutely everything we can to encourage people to be judges, be it on a full-time or part-time basis.

- Q5 **Kate Green:** What impact are court backlogs having on the remand population and the custodial estate?

Antonia Romeo: As you will know, the custody time limits cases are those—listing is a judicial function; we need to be very clear about that. The decision about what gets listed is a matter for the judiciary. Overall, the numbers tend to come down. Obviously, we want to bear down on those on remand because that number had gone up. When one is focused on custody time limits, it often tends to be those on remand rather than those out on bail.

- Q6 **Kate Green:** As I understand it, a substantial number of people have been on remand for quite a considerable time. Is that having an impact on the availability of custodial spaces for those who are sentenced by the court?

Antonia Romeo: We have custodial spaces for all those who are sentenced—be it on remand or the sentenced population—so at the moment, that is not an issue. Of course, as you will know, we are building an additional 20,000 prison places over the spending review to make sure



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we do not run out of space, because the No. 1 requirement is to provide enough spaces for all those sentenced by the judiciary.

Chair: Thank you very much. We now move into our main session on the very important issue of ensuring that young people who have committed crimes serve their sentences but do so safely and with the relevant support.

Q7 **Angela Richardson:** Good afternoon. I will focus on secure training centre provision. Ms Romeo and Ms Rees, why has your approach to managing the provision of secure training centres been unsuccessful?

Antonia Romeo: I will say a few things to begin with and then Amy will want to say a few more. It is clear that it has been a mixed picture; there have been significant challenges. The fact that we had to exit Rainsbrook, and that Oakhill was subject to a UN—an urgent notification—means that we cannot say that this has been a wholly successful programme.

The performance in recent years has obviously not been satisfactory. STCs were broadly rated as good or outstanding up until about 2015, and performance has since come down. There are a few factors. One is the number of children in custody has reduced by 73% over the decade to 2021-22. That means that the type of children who are now in custody—this has a lot to do with diversion and so on, which we might talk about—are those who are most hard to rehabilitate and who have the most complex needs.

Those who end up in STCs are an incredibly vulnerable population. There is a sense that the cohort has changed and become more difficult to manage. That is one issue. Secondly, STCs were designed for children who were 12 to 14 years old, and now the average age in an STC is 16. Again, that is a consequence of the same issue in terms of the population. They also tend to have committed far more serious offences. That is how the profile has changed and that has made it more difficult. We are doing a pathfinder for a secure school because we want to have a new type of provision—I am sure we will come on to talk about that.

There were particular issues as well in the leadership of the organisations. Rainsbrook's move in 2016 from G4S to MTC would be a factor. Even within G4S, the leadership has moved to a different division. We have announced the new plan for secure schools—the vision. The Charlie Taylor report makes it clear that STCs are not a growth area now, so that has made it harder to attract and retain highly skilled staff in those areas. That is another factor in the performance of the STCs.

Amy Rees: As Antonia has said, the story since legislation in 1998 was that these were brought in to manage children on secure training orders. They were younger—12 to 14—mostly prolific offenders, but not of serious violence. We now find ourselves with a much smaller cohort of children, but older, with more violence against the person. They are presenting very different needs from what we originally imagined a secure training centre would be for.



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As Antonia has also said, the centres performed well in those years, broadly speaking. Up until 2015-16, they were getting good or outstanding results in their inspections. There is an individual story attached to each of the secure training centres left: Oakhill, Rainsbrook, Medway and so on. Having the right level of staffing has of course been an issue, as has dedicated staffing with the right child-centred values.

Then the Charlie Taylor report comes out and says that we need a new approach to how we look after these children and suggests four key values to follow, which I think secure training centres have been trying to adapt to with mixed success.

Q8 Angela Richardson: I guess my follow-up question is: why did it take so long to react to the poor performance?

Antonia Romeo: First of all, quite quickly after the urgent notifications came in, immediately there is a plan and HMPPS then respond. We do not immediately want to step in. There are measures in the contract to drive up performance—specific measures that we have used. After an urgent notification, HMPPS responds very quickly, but we want to work with the provider to try and help them improve their performance overall.

On what happened at Rainsbrook, it is only in a last resort situation where we feel that we have to decant the children and put them elsewhere, but that is not a situation we want to end up in. This is not just for the youth estate. We always work very hard to try and ensure that the providers perform. What we all want is the mixed model that has providers exhibiting good performance.

Q9 Angela Richardson: On those children who have had to be moved into an alternative custody arrangement as a result of secure training centre closures, how have you managed to look after their needs?

Amy Rees: First, for every single child that we moved, whether it was because of a closure or part of business as usual, we would go through our placements process. That means individual consideration of the child's needs and then an individual matching to the sort of provision that would be best for them.

In most cases, we also managed to do a multidisciplinary panel involving the carers and the YOP worker as well to make sure that anywhere we placed them was suitable. We did not deviate from that just because it was the closure scenario. We followed the normal process that we would always follow.

Q10 Angela Richardson: Ms Swidenbank?

Helga Swidenbank: May I declare an interest? I was employed by MTC Novo between November 2015 and June 2018 as the director of probation for London CRC. It is important that the Committee are aware of that.

Chair: Thank you for that.



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Helga Swidenbank: I absolutely echo Amy's comments that we were very careful, working at pace, when we moved children from Rainsbrook to other sites. Roughly a third of those children went into secure children's homes; another third went into Oakhill STC; and the other third either were discharged or went into a young offender institution. But we looked very carefully at their case histories and we worked closely—as much as we could, given the pace—with YOTs and other interested parties. So we worked really hard to try to get that right.

Q11 Angela Richardson: I am particularly interested in what arrangements you made for providing suitable provision for girls in particular.

Helga Swidenbank: First of all, we have a very small population of girls; about 3% of our population are girls. And they are, by their nature, incredibly complex; they have a number of different behavioural challenges, so we want to be really careful about how we work with them. Our first port of call is to speak with our secure children's homes and try to place those girls in secure children's homes, which are smaller, more intimate and more homely.

It is absolutely right that secure children's homes' managers can say no to whether or not they want to take girls. They have a number of things to consider, including the balance of risk that they are holding. So we needed to create some alternative provision for girls should that be the case, and we moved very quickly to open a unit for girls at Keppel—in the Keppel Unit at Wetherby. The Keppel Unit is a long-established unit that looks after more vulnerable boys within the YOI estate and has quite a strong history of good performance. So we opened that unit very quickly at Wetherby and we placed, I think, two girls in that unit, about three weeks after we had made the decision to close Rainsbrook.

We have done a number of things with that unit. First of all, there were a number of staff who had already had experience working in the women's estate, who had worked elsewhere across HMPPS, so we were able to identify those in Wetherby, and we appointed a governor in charge who had experience in the women's estate. Also, we have invested significantly in some of the capital—in the environment at Wetherby. We have changed the windows; we have changed doors and flooring. We have redecorated. So we are trying to create an environment that is conducive for that girls' population.

At the tail end of last year, HMIP visited Wetherby and commented that that provision was promising. They weren't hugely concerned. However, we all acknowledge that that is maturing provision. And we are working really closely with the governor to ensure that the staff are supported, and that the girls are supported and are getting the best possible care.

Q12 Angela Richardson: Can I turn to finance and talk about when the STCs closed and you were looking at the settlements with the providers and also the monthly payments? Why is the taxpayer shouldering such a burden for the poor-quality secure training centre provision?

Antonia Romeo: The decision to exit the contract—you are talking about the decision to exit Rainsbrook in particular?

Angela Richardson: Yes.

Antonia Romeo: The decision was taken by the accounting officer of HMPPS and then endorsed by me as principal accounting officer. The judgment taken was that it was better value for money for the taxpayer to reach a mutual termination, with negotiated exit terms, than it would have been to terminate for breach, which would likely have led to a significant and costly legal wrangle. A lot of detailed work goes into the termination of contracts, and the judgment is always to go with the most value-for-money approach for the taxpayer.

Q13 **Angela Richardson:** What lessons do you think you have learned from the handling of these poorly-performing contracts?

Antonia Romeo: Colleagues will want to comment, but I think there are a lot of lessons learned across Government over a whole period about commissioning and handling contracts. One of the things in this case was that these were very long contracts, and once you are tied into a particular type of contract, how resilient is that contract to things like significant changes in the population, as discussed? So one thing is being tied into long contracts.

There were some limitations on the ability to step in. There are always issues about burden of proof. These are incredibly complex, necessarily complex, contracts, and that does make it more difficult, which is why, by the way, the secure schools were moving to a different model—because it is quite difficult to tightly pin down through a contractual model what we are trying to encourage by way of outcomes for a very difficult and vulnerable population that really requires bespoke intervention.

There are the escalation mechanisms as well. Overall, we want to move away from the contracting model, which is why we are now doing the pathfinder for the secure school.

Amy Rees: The only other bit I would add is the depth of the supplier base. As you know, a lot of that changed over these years. We had the predecessor to G4S services; those changed and some of their contract went to MTCNovo. Some, such as Serco, have pulled out of the market altogether. There was a lot of change in the supplier base.

Antonia Romeo: That is a really important strategic point. Often, the thing that makes a contract difficult is not what is in the contract but the context of the contract: the depth of supply, as Amy said; what is happening overall in the cohort; what is happening in the population more broadly; what is happening to the crime rate and case mix, and so on. You can design the contract to flex for that, but that is another layer of complexity.

Q14 **Angela Richardson:** How often have you applied financial penalties as a performance mechanism for secure training centres?



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Amy Rees: Regularly. We have to talk about each one in turn, but we have two main methods by which we can apply financial penalties. The first is for individual events that accumulate points. Those points are then reconciled on a quarterly basis and can add up to fines from the contract.

The second is the number of places. We do not just contract for a number of places; they have to be suitable in terms of both the physical environment and the welfare—the regime and the other things they can offer. If they fall short, we do not pay for the full number of beds. We have utilised the full range of those levers across the contracts. We have also issued rectification notices by which we say, “You have fallen short” on specific things, including staffing or the provision of a regime.

- Q15 **Angela Richardson:** Why do you continue to pay G4S when provision at Oakhill secure training centre shows only limited improvement since rectification notices?

Amy Rees: We continue to pay G4S because it continues to supply beds that we think meet the standards. To be very clear, we do not pay for the full range of beds at the moment. We have capped the number of places that we are purchasing from Oakhill. It is also fair to say that we are using the full range of other methods available to us.

Ofsted has been in five times in the last 12 months, for example, a couple of times at our behest. The latest visit has not yet been published, but there are signs of improvement, and that absolutely concurs with what we think from an operational perspective. We are confident at the moment that G4S is improving its services. Ofsted is saying that that is true, albeit from a low base. We have capped the number of places that we have in use.

Antonia Romeo: That is really important. There has to be an incentive; we are incentivising them to improve, and we are working really closely with them to improve. There has to be a difference between termination, which is where no longer pay, and working with them to encourage them to improve services or sanctioning them if they do not. As Amy says, they have already improved—the latest Ofsted comments said that it was an improving picture—but we have to keep our focus on what we are paying for. They are still providing services, and we have to keep paying for them, but in a way that incentivises improved performance.

- Q16 **Angela Richardson:** At the top of the session, you talked about where we are going in the future. How will you learn from the secure training centre failures at Medway, Rainsbrook and Oakhill to ensure that all youth custody provision is decent and safe?

Antonia Romeo: There are a couple of things in that. Of course, the secure schools model is a completely different model in how the contract will happen. We have learned about having a different funding arrangement and about the secure school, which is really a school with security attached. That is a completely different focus and a completely different vision. We can come to that.



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For the rest of the estate—the secure school will be only 50 or so children—we want to continue to drive up performance and work across the estate. We completely accept that, in a range of areas, standards are not high enough, and we are doing a lot of work to drive them up in STCs and YOIs.

Amy Rees: In his 2016 report, Charlie Taylor established four principles that he thought would help us to get it right with this very challenging population: smaller units that feel more homely; a well-trained staff group who are really focused on needs and putting the child first; strong leadership with community links; and of course, excellent education provision at the heart of what we do, not as an add-on, as Antonia just said.

We are trying to use those four principles in everything we do. The secure school fits that model, and that is why we are going forward with it, but we are also trying to do it in our business-as-usual provision. In what we are doing with YOIs, we are trying to do that as well, in addition to what we used to do with Oakhill.

Helga Swidenbank: Another lesson learned is an oversight question. One of the things that I have done is to bring the oversight of Oakhill into my operational line. My operational deputy director has both overall management of the contract and is able to go in and give operational oversight and bring her team in to support where necessary and to support the promotion of the themes that Amy has just mentioned. If there are concerns about safety, we have access to specialists we can deploy to work alongside G4S to ensure that things are going in the way we would want. We have learned some oversight governance lessons as well.

Q17 **Kate Green:** If the market is not really working now, and if you have had difficulties in securing satisfactory supply—I know you have taken at least one STC back in-house—what is your thinking about why you did not bring all STCs back into HMPPS management?

Antonia Romeo: There is one STC remaining, Oakhill, which is subject to the urgent notification. As just discussed, we have been doing a lot of work with it, so its future is under consideration at the moment.

Q18 **Kate Green:** Yes. Why did you not do it earlier? Why was it not seen that a way of addressing the deficiencies of the market was to manage the STCs in-house?

Antonia Romeo: There is a conceptual question here: does one want to have mixed provision or everything provided by the state? The original reason to come up with STCs in the original legislation was to contract them out and have providers that were able to provide the service.

It is true that, over time, what with Serco exiting the market and with Rainsbrook being taken in-house, G4S is the remaining provider in this space, which is not going to be a growth area, but we want to be quite



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careful none the less. We do not always reach to stepping in as the solution, because we are obviously running a host of other things as well.

We will make the judgment of the best approach going forward, and that could be continuing with the current contract and taking the measures that we have described to drive up performance. It is not always the case that stepping in and HMPPS taking it on is going to be the best solution. As I say, it is under review, and we are closely monitoring the performance of Oakhill.

- Q19 Kate Green:** You described the different intentions for STCs and YOIs at the outset and how the profile of the young people in STCs changed over time. Does that now mean that, as a result, some more violent and older young people are in STCs who would, had the model been working as originally intended, have been placed in YOIs in the first place?

Antonia Romeo: It is hard to judge, but do not forget there has been a 73% reduction in the total cohort. Overall, the numbers are so much smaller, so the ratio of children who have committed violence against the person offences is much higher now than it was 10 years ago, but actually overall numbers have still come down. It is not that straightforward, and it is hard to predict.

Amy Rees: The only thing I would add to that, which we talked about a bit earlier in terms of how we decide to place children, is that obviously their offence and what they have done and their age are considered, but there are also the other vulnerabilities they present—self-harm, the violence they present to other children, et cetera; it can even be co-defendants. There are lots of reasons why we need to be careful about where and in what kind of provision we place children.

- Q20 Kate Green:** Are you confident that all children who are currently in YOIs who have been transferred there from STCs are in the right provision?

Amy Rees: We are absolutely confident that we followed our placement procedure for every one of those children, regardless of whether it was a move out. As you can appreciate, even without closures we do have movement between these types of establishments for all sorts of reasons.

- Q21 Kate Green:** And yet there are still criticisms of safety at YOIs, about the use of restraint and so on, including from HMIP.

Amy Rees: On that, it is absolutely true—we have said it many times already in this hearing—that this is a really challenging cohort of children; a small number present lots of complexities in terms of managing them. But in terms of YOIs, we have had two very recent inspection reports—they have not yet been published, so they are still subject to moderation and so on—that show really positive improvements. Feltham has significantly improved from its last UN, and Parc, which is private provision in Wales and has young people, has just got the first clean sweep of fours across the board from both Ofsted and the inspectorate.

Kate Green: Provisionally.



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Amy Rees: They are provisional scores, absolutely; they are still subject to moderation. But we are managing to do some very good work with these very challenging children.

- Q22 **Chair:** You have a very small cohort. You have one provider left, really, apart from—well, we will come on to the secure schools in a moment. Do you do any international comparisons about how other countries manage this cohort?

Helga Swidenbank: Not on a day-to-day basis and not in terms of comparing data. Where we do draw on international comparisons is around building an evidence base for what works. We will get on to secure schools, I am sure, but that is very much based on what the international evidence tells us about effective provision for this age group.

- Q23 **Chair:** It is just that it occurs to me, Ms Swidenbank, that however experienced you are, you are going to be dealing with this small cohort, and you do not have many providers to compare and you do not have time or space to experiment, for all sorts of reasons. There must be examples around the world, and it would be good professional practice—I look to Ms Romeo, I suppose—to ensure that the team dealing with this can go and see what is happening elsewhere, because there is no comparator that they can use within the UK.

Antonia Romeo: I completely agree. As you know, we are quite evidence focused, and seeking evidence internationally is part of what we do. One of the main lessons, actually, is exactly the sort of stuff that we are building into the secure school model. This is partly what the Taylor report said. It is all about the relationships, really. A lot of it is to do with the staff—the training of the staff, the staff's experience with that type of cohort—and also in the community. These are the sorts of lessons from what has worked abroad that Helga referred to that we want to bring back into the model in the UK.

- Q24 **Chair:** We would not normally recommend that civil servants go on jaunts abroad, but in this case, with such a small cohort, it is probably money well spent if it delivers results on what has been a very complex programme, as we have discovered.

That leads me on to the whole issue of the secure schools programme. The graph showing the trajectory—I am not sure which page it is on—shows the level of delay and the increase in cost. I want to start by asking about some of the nitty-gritty with the legislation. You appointed the provider, Oasis, before passing legislation. Why?

Antonia Romeo: The provider was deliberately appointed early so that it could be involved in co-creating the model. That is very important, because autonomy, as you know, is a crucial part of the model. At the outset, it was clearly not envisaged that legislation would necessarily be required.

I think the plan was to use the secure children's home model, and there were differing legal opinions at the time about whether this could be done within the current legislation. Through discussion with the Charity



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Commission, we decided that to encourage a large number of providers that were charities to feel in the future that they could bid in and provide the service, it would be best to remove any uncertainty through legislation. That is what we have just done in the Police, Crime, Sentencing and Courts Act.

- Q25 **Chair:** It does feel a bit like the legislation was bolted on after decisions were made. That is partly the concern.

Antonia Romeo: It has been quite an iterative process, actually. It is true that needing to legislate was connected to the increase in projected costs, because that meant that certain requirements were placed on how the secure school is going to operate. That did lead to the increase in costs set out in the Report. I am sure we will come on to that.

The important thing was to get a provider involved so that it could be co-creating and working up what the plan would be. At the same time, we had the realisation that we actually did need to legislate in order to remove the uncertainty, so that we would not have the same problem we have had with STCs, with a reduced market supply base, but we would open it up to the maximum number of charities. At the heart of the model is not-for-profits—you know, charities who want to provide this service, who know about education.

- Q26 **Chair:** You are in a curious position where you are trying to create a market, but only two schools were even planned and you only have one, which hasn't yet even opened. Other than Oasis, how many other providers even showed an interest in setting up a secure school?

Antonia Romeo: I will let the others comment on that, but one of the crucial lessons is that if you want to provide a new service—although obviously this is a different funding arrangement; it is not contracted in the same way, as discussed—you need a deep provider base; it is not enough to have one provider for one. So even with just two schools you would want to have more than one or two potential providers, because you want to have options, so the bidding is going to be important.

Helga Swidenbank: The decision was made at the beginning of the project to use free schools/academy legislation to do this, so we used the "How to apply" guidance that is within that to go out to the market. Five providers bid and we appointed Oasis Academy Trust to do this work. As Antonia said, we felt it was really important to have them around the table as early as possible, to inform our work.

This is a really innovative, never-done-before project, and we wanted education specialists with us as soon as possible to inform some of our decision making and help to shape the nature of service. That was one of the reasons for doing that. We did consider progressing without legislation but, as Antonia said, we wanted to create a level of certainty for both the current provider and future providers.

- Q27 **Chair:** That raises a lot of questions. Oasis has no previous experience, but I am assuming, because of the nature of the market as such, that



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none of the other four had experience of the secure estate.

Helga Swidenbank: We had one international provider who had some experience of working, but not working in this jurisdiction.

Q28 **Chair:** Okay. So that might cause problems too. You chose this model of setting them up to be a free school. Why did you choose that model?

Helga Swidenbank: Because, as we have just discussed, there was a view that STCs weren't quite doing what we wanted them to do, and as Charlie Taylor spoke about in his report, he was really keen to shift from what was characterised as a prison with a school in it for children towards a school with a wall round it, and to really have education at the heart of the provision. This was the reason for choosing to use DfE legislation.

Q29 **Chair:** But that is a free school, not an academy. Theoretically, you could have had the local authority in the area to run it. Why a free school particularly?

Helga Swidenbank: It was really to create as much and generate as much innovation as possible, and to open the market to providers who could bring that to us.

Q30 **Chair:** It is just that there is already—we have our education witnesses in front of us—quite a smorgasbord of different types of school with lots of issues. The funding model is different; the transparency and accountability is different. When you chose the free school model, what other analysis did you do to deal with other options?

Helga Swidenbank: We worked with DfE colleagues very closely in coming up with the model. I was not around at the time so I cannot talk in significant detail about that, but I do know that MoJ policy colleagues and DfE colleagues worked very closely, considering what would be the best fit for this project.

Antonia Romeo: Another thing to add, Chair, is that this was a part of the vision. The vision was about more autonomy, more innovation and less control in the contractual sense, as had been done with the STCs, and therefore this model was a presenting model—and using also the lessons from the secure children's homes, that would allow there to be more autonomy in the school. The crucial thing, I think, that Charlie Taylor felt was that it was important to have people who were used to working with the cohorts, and to put education at the heart of the system. That is why a provider like Oasis, rather than those with more experience of the secure estate, was the preferred bidder.

Q31 **Chair:** Who owns the site of the school?

Helga Swidenbank: We own the site and it will be leased to Oasis.

Q32 **Chair:** Okay. That is just because that has been a problem with some of the earlier free schools particularly. You have talked a bit, Ms Romeo, about opting for this funding agreement over a contract, but it seems that in doing that, you have very few levers with which to control what happens. How are you going to get around that? Because whether the



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state is actually the direct provider or not, the state is ultimately—very directly, in this case—responsible for these children and their next steps. I am still puzzled about the funding. I can see what you are saying about the contract, but the funding agreement does not seem to solve all those problems. In fact, it creates more.

Helga Swidenbank: We are still designing the funding agreement and, again, we are doing that alongside DfE colleagues and with Oasis. The funding agreement will have in it levers around how we might want to hold the provider to account for performance.

Alongside the funding agreement will be an assurance programme that will look at ladders of intervention—again, alongside the free school philosophy, which is that where there might be poor performance or the beginning of poor performance, we will work alongside the provider to assess that and to try to encourage them to improve their performance.

As those ladders go up, the conversations will become much more rigorous, and if there comes a point where the service is failing, the funding agreement will allow us to hold the provider to account and, if necessary, terminate. But as I said, we are working through all that now. We haven't finalised it; we are still discussing it with colleagues and with the provider.

- Q33 **Chair:** It seems a long way down the line to still be discussing the levers of a funding agreement so, for all that contracts may have their drawbacks, the funding agreement hasn't really resolved them yet, has it? Are you confident it will?

Helga Swidenbank: Yes, I am.

- Q34 **Chair:** One of the issues about the funding agreement, of course, is that Oasis could refuse admission, couldn't it? How are you going to get around that one?

Helga Swidenbank: That is not predicated on the funding agreement; it is predicated on registration as a secure children's home. To be registered by Ofsted as a secure children's home, one of the criteria is that a secure children's home can refuse access, as I described earlier in relation to girls. So it is entirely possible that Oasis say, "No, given the mix and the risk of the population we have, we might not be able to take this particular child."

Clearly, we will be working with Oasis around how we can support them and we would be making sure that they were able to take as many children as possible. For us, it is really important that we test the model and that they take as broad a range of children as possible. But if it's not safe for them to take a particular child, we would not force a particular child upon them, and we would be looking—

- Q35 **Chair:** Can you talk us through how you would do that? If you're Oasis, you have your reputation; you are already running schools. You have taken on this, which some could say was a reputational risk, because bad things happen in these institutions. I am sure Ms Romeo is kept awake at



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night by, you know, anything that could happen in a custodial estate, because that is always a risk. And you have a school where one extra child could tip it over. They would feel that; they could say no, and you are then left trying to support a child, with very few remaining options. How are you really going to make them do that, or how are you going to disincentivise them from saying no to a pupil who might damage their reputation?

Helga Swidenbank: At the heart of this is that it's a partnership and that we are working in partnership with Oasis. Clearly, in the funding agreement, there will be criteria around use of places and various other things, but, in the way that Amy described, placement decisions are about what is in the best interests of the child. If placing a child in the new Medway secure school is not in their interests because they would be going into an environment that would be risky for them, we would be looking to alternative placements, whether that's secure children's homes, the STCs or a YOI.

Q36 **Chair:** Okay, but you're not really going to have many options, are you? If a secure school is the right place, you have only one, so you would actually take them out of a secure school and put them into other provision that is not the same thing.

Amy Rees: I would just add for a start that we would expect them to take a very broad range of children—boys and girls. We are very clear about that and we are working with a charity to do that. But just as now, I would say, they have a statutory obligation, not just a duty, to make sure that the children in that provision are the right mix and can be managed properly, etc.

To be frank, that is nothing new in terms of what we manage now. We have children who are regularly refused secure children's home places because of the individual risks they present or because of the risks they might present to other children there. We have to then manage the provision. That is one of the reasons we have things like the Keppel Unit and enhanced support units in our YOIs—so that we do have somewhere we can place children who might be very unsuitable for anywhere else. We are not really moving into new territory here in that respect.

Q37 **Chair:** So you are confident that, despite this being now a mix of providers—well, there has always been a mix of providers—you are going to manage against someone refusing someone for the wrong reasons. What you are saying, Ms Rees, is that it is just normal that an organisation, an institution, could refuse a child.

Amy Rees: We already have now a situation where they could refuse the child for good reasons. If your question, Chair, is, "Do I think that will be materially different in the secure school?" no, I don't. And I am confident that the funding agreement and working in partnership might well enhance the discussions we have with them about who is placed where.

Q38 **Chair:** Can you talk me through that? How would you incentivise them funding-wise?

Antonia Romeo: May I just say something further? This goes to the heart of a different set of providers. The model now is that it will be in the statement of purpose of charitable providers to provide places to all children who need them. They have to manage that against the needs of the existing cohort, and we would want them to do that because we want them to be successful in what they are doing to manage the existing cohort, but at the heart of the model is a shift from the commercial, commerce-first management of contracts meeting KPIs to provision by not-for-profit educational experts.

Therefore, we would expect them, via the statement of purpose and via the joint working, as through the funding arrangement, which you have already identified as less specific on the service delivery but that will encourage this sort of joint working, to be more likely, we think, to take some of the more difficult children. However, that said, we have other options, if needed, and special units of YOIs will be able to do that. We would expect the state to be able to step in to meet the gap if the secure school could not do that.

- Q39 **Chair:** I know the secure children's home model means they can refuse, but under the law a free school, therefore the academy model, can refuse pupils too. How do the two interact? Does the secure children's home model trump the free school?

Helga Swidenbank: Secure children's home registration trumps.

- Q40 **Chair:** Okay. That's helpful to know. You are trying to create this new market with external providers, so how are you going to evaluate it, Ms Swidenbank?

Helga Swidenbank: We will be evaluating it based on our existing MI, so we will be benchmarking on data such as assault rates, self-harm, use of force, but also things like educational outcomes. Those will be the sorts of metrics we will build into an evaluation.

- Q41 **Chair:** What would success look like for this new school, if it ever gets built?

Helga Swidenbank: Success would look like—well, first we would open it. Primarily, success would look like children being held there safely and levels of violence and self-harm being reduced. Without that, you do not create an environment where children can start to learn and flourish, so we would want to create that environment first and foremost, and then we would want to measure educational trajectory. We wouldn't necessarily be measuring x number of GCSEs gained. However, we would be measuring the progress a child makes from whenever they come into custody, into a secure school, through to their exit.

- Q42 **Chair:** I know it is difficult to tell because of the small numbers, but do you have a rough percentage of the number of children who will leave child custody and go into the adult system? Presumably, many of them will be on sentences that require that.



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Helga Swidenbank: No, not at this point. We tend to release about a third of our population into the community, another third will serve the rest of their sentence in STCs and YOIs, and the rest will move into the adult estate. Those who move into the adult estate will be those serving very long sentences for very serious offences.

- Q43 **Chair:** It's just that the difference between the hoped-for education providers in this situation and what would happen in adult prison is quite marked.

Helga Swidenbank: Yes. We will be providing something through the secure school that will have a significantly better quality to it in terms of education.

- Q44 **Chair:** There are lots of questions there that we haven't got time for, but I do want to get to the funding. I was concerned about the trajectory on the legislation partly because, looking at figure 16 in the Report, the jump has been immense. It has gone up £28 million since the original business case; it is a very big difference. I know you were doing it through an iterative approach, Ms Romeo, but it seems to me that is massively out of kilter with the proposal that was originally put. Will you talk us through why it has gone up so much in cost and why it was not foreseen? That is the bit that really worries me.

Antonia Romeo: First of all, it is fair to say the £4.9 million was a number at the outline business case stage, before there was a full understanding of what Ofsted would require.

- Q45 **Chair:** That is what puzzles me, because surely if you are opening a school someone should have been having a conversation with Ofsted at an early stage about what needs to be done to tick those boxes.

Antonia Romeo: I think it is fair to say that perhaps one would want to have done more due diligence.

Chair: Thank you for acknowledging that.

Antonia Romeo: One reason why it became so important to meet the requirements of Ofsted, which we would have wanted to meet largely, anyway, was because of the legislation, so there are a lot of factors here, and the decision to legislate then in turn increased the cost, because it increased the requirements. There is a number of steps that take you from the £4.9 million to the £40 million. The £40 million does now include optimism bias, so the number that we actually operated was £36.5 million, which I think features elsewhere in the Report.

At the outline business case stage, £4.9 million turned out to be significantly insufficient, especially on construction costs. The decision to register the secure school in legislation, etc. as a secure children's home meant that that went up. There then were some upgrades required for things such as fire safety—the electrical and mechanical infrastructure—to make sure that the secure school was going to be safe and compliant. That drove a significant increase—

Q46 Chair: Again, that is another thing that was surely predictable.

Antonia Romeo: I am explaining the reasons why the numbers went up, and more recently as well because the latest number is from the March '22 MoJ investment committee, which has signed off this number. There are two points to make about that. That number, again, is of course a little higher because, as per all building projects across Government, at the moment the impact of inflation and supply chain disruption has driven a further increase in projected costs. Also, that number has been signed off by the MoJ investment committee with a zero-tolerance threshold, which means that any deviation from that number will need to come back through top-level governance.

We spend a lot of time talking about project management in this Committee, and one of the things that has happened over the course of the project, as you would rightly expect, is that the governance has become significantly tighter, and the escalation mechanisms, particularly all the way up to the MoJ, as opposed to just within HMPPS, have been significantly improved.

Q47 Chair: It comes to your desk.

Antonia Romeo: Yes.

Q48 Chair: Good. I hope you are keeping a close eye on it. This was a business case approved in August 2018, so that was before your arrival, but does it point to any problems with managing business cases in the MoJ that you have learnt from?

Antonia Romeo: We have already discussed this but, clearly, there was a question about predicting both the decision to legislate and the impact on that. Even separately from that, there was a question about fully understanding what it would take to build a secure school. It is always easy in retrospect to think that more things should have been foreseen. This is completely innovative. This is an attempt to take a really transformative vision. I know that that is the sort of thing that fills the PAC with fear—

Chair: Yes. You read my facial expression.

Antonia Romeo: But in another part of the forest, one does want to be able to do innovative things to try and do something transformational for children. I think that that was the vision behind the Charlie Taylor report. I believe the way we are designing the secure school and what the team are doing is the best possible way we have to deliver that original vision.

Q49 Chair: Okay. Ms Swidenbank, these are much larger secure children's homes, so you must have factored in some of the risks there. Are you spending this sort of money because you want to have more children in that environment and a bigger cohort to teach together?

Helga Swidenbank: Yes, and the plan is to hold 49 children on the Medway site. Some of the reasons for the construction costs are, as Antonia said, around plant and things like fire safety systems. We are also



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doing quite a lot of work around the reconfiguration of the building. The Medway site is currently like a mini-prison. It has long corridors, eight beds off each corridor, and a small lounge area. We are making significant changes to the physical environment. We are creating smaller units of varying sizes, from two through to six. We are building kitchen and lounge areas to create the homely environment that Ofsted requires. So there is a significant amount of investment over and above the really important work around misting and other M&E type work.

- Q50 **Chair:** Originally there was a discussion about building a new school rather than refurbishing the site. As the costs have gone up, the gap has narrowed significantly. Do you now reflect and think that with the amount of remodelling you are having to do, it might have been better to start from scratch?

Helga Swidenbank: The advantage of the Medway site is that we owned it. We could do that work quite quickly. Certainly, as we are beginning to explore what a second secure school might look like, we probably want to think about whether we could build a building from scratch, and how we could make that comparison as we start to plan what might be future secure schools.

- Q51 **Chair:** In terms of locations, one of the challenges, of course, is that if there is a contact with family, it can be hard to visit, because they are such small cohorts. They are always going to be far away from most people, so have you thought about location?

Helga Swidenbank: It would be where we know there is demand. Certainly, London has demand, but we also know there is demand in the north-west, and we have a gap in provision in the north-west. We have one secure children's home up there, so we would certainly be looking to where there was a geographical demand.

- Q52 **Chair:** Do you provide financial support for the families to visit?

Helga Swidenbank: Yes.

Amy Rees: I just wanted to accentuate a couple of points that have been raised by Antonia and Helga. I take your point about Ofsted and foresight and hindsight and things, but the very particular thing that was quite difficult to predict was that we would actually have to meet the specification for a secure children's home. That brings with it very specific things we need to do that have increased the cost and the complication and, as Helga has just said, that meant much smaller units. That has added a lot to the capital costs and the things we needed to do there and, of course, the time it will take us to do that.

Chair: I still wonder what planning went on to look through each step and what the options were. It does not seem to have been highlighted with the right numbers, but we have mostly covered that.

Amy Rees indicated assent.

- Q53 **Chair:** You have a wide mix of children coming in. How are you going to



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make sure that staff have the skills necessary, given that Oasis is a new provider? Ms Romeo, you talked earlier about the difficulty of holding on to staff when other institutions are closing. Where is the cohort of people to do this, and how are they going to be supporting the most vulnerable?

Helga Swidenbank: As I said a moment ago, we are working really closely with Oasis, and one of the advantages of having them around the table early is that they can learn from us, as well as us learning from them. They have appointed a senior top team; they have their three top leaders already in place, and they are working hard on developing an operating model and working through training and recruitment plans for their staff. They are intending to begin that recruitment exercise during 2022. They are very conscious that their challenge is to recruit and train really good-quality people.

They are absolutely committed to this project. You talked about reputation earlier; Oasis are very keen that they maintain their reputation as a quality provider of education, so they are very focused on their operating model, training, and their ability to deliver this.

Amy Rees: Just to add a couple of bits, they obviously run a lot of schools already, so they do have considerable experience. They also look after vulnerable children, including homeless children, so they have experience with a more vulnerable cohort. They do already have quite a large staffing base.

It is probably worth as well just mentioning what we are doing about our own staff—not staff in the secure schools, but what we are doing in the wider estate. We have introduced a youth justice foundation degree, so we are training staff to have very particular child-first principles. That also allows them to change their staff banding—to go up a level—which obviously has a financial incentive as well.

Q54 **Chair:** A particular university provides that, do they? Which one?

Helga Swidenbank: It is through an organisation called Unitas, and it is a foundation degree.

Q55 **Chair:** We had some very good evidence—I should just make that comment, because we do not always get good evidence; we get lots of evidence, but it is not always as good—from the Howard League, highlighting the high staff turnover at Rainsbrook causing problems. Do you think that was because it was closing? Was it because of the problems at Rainsbrook, or is that reflective of the market?

Antonia Romeo: All of the above. You are right to have alighted on this, because as I said at the start, I do think that staff retention—training, but also retention of the best staff—because this cohort is so difficult, is certainly one of the risks that we are most closely managing.

Q56 **Chair:** We also had some useful evidence from the Traveller movement that nearly 15% of children in secure training centres are from the Gypsy/Traveller cohort. That is quite a staggering number, so there are levels of complexity when it comes to race, ethnicity and disability; Ms



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Green will pick up on some of these points later. That is adding to a complex cohort: if you are one disabled or black child in this environment, there are going to be issues there. How are you going to make sure that is written into the support that is given by Oasis?

Helga Swidenbank: This will form part of the funding agreement, but as Amy said, Oasis are incredibly experienced. They run 52 schools and a number of other projects. Many of those schools are in areas of deprivation, so they are very used to working with a very diverse population. It is the intention of the project that they import some learning from their experience, both into the secure school and—I am very keen that we do this—translating that into other parts of our world.

Q57 **Chair:** Do you monitor all the statistical data on things like ethnicity and disability?

Helga Swidenbank: Yes.

Q58 **Chair:** So you have a clear picture at the top level. We talked earlier about evaluation. Have you got that money secured? Is that part of the programme?

Helga Swidenbank: Yes, it is part of the programme.

Q59 **Chair:** So it is all bedded in, and you don't have to go begging to Ms Romeo—or she to the Treasury, which is probably the more difficult one. Can you tell us when you think this school will be built? It is projected for November '23. Is it still on target?

Helga Swidenbank: We are determined for it to be opened in November 2023. However, there may be other events that mean that that is problematic.

Q60 **Chair:** It is already three years late.

Helga Swidenbank: Yes. We have built in another three months of contingency, should there be a lag. We are saying between November 2023 and February 2024.

Q61 **Chair:** How many of the first children in that setting will be transferred from other institutions? If it is another three months, all that time is time that children are waiting to move. I have been involved when we have had to move people from old people's homes. It is a very distressing situation, and you have a very vulnerable cohort.

Helga Swidenbank: If we open in November—I am conscious that Christmas is not a good time to be moving children around and disrupting them—we would be looking to move children either from the existing estate, based on the placement principles we have previously discussed, or have them come straight from court into the secure school.

If the opening date looks closer to December, we would not be moving children that close to Christmas, so we would be looking to January 2024. We would not be filling up the centre with 49 children from day one. What we know about prisons generally is that we should do that gradually to



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allow the culture to build, so we would be doing that in smaller numbers to allow the staff to get to know them, and then build up from there. We are really conscious that we want to do this well. We don't want to set Oasis up for failure.

Q62 **Chair:** Do you have any projections of the numbers likely to come in as new residents to the estate?

Helga Swidenbank: Not at this stage, no.

Q63 **Chair:** But you do watch that number of young people coming through the courts.

Helga Swidenbank: Yes.

Q64 **Chair:** Finally, on next steps, you are planning a second school. How far down that line are you?

Helga Swidenbank: We haven't yet done the planning for that.

Q65 **Chair:** There is nothing at all? That comes across from the Report, but it is still a blank sheet of paper as you sit here today.

Helga Swidenbank: Yes.

Antonia Romeo: To be clear, deliberately so. The decision has been taken to start scoping for that this year, but the plan is to have done an evaluation. We will get through this project and run this as a pathfinder.

Q66 **Chair:** So you will have to open the first school before you open the second.

Antonia Romeo: You would certainly open the first school before opening the second. Subject to what Ministers decide, we will do some planning beforehand, but the current plan is to get this school opened according to the timeframe that Helga has described and begin scoping out this one this calendar year, but not to try to open two at the same time.

Chair: Two at the same time would be challenging, but there has been a three-year delay and the second one is still not under way. Thank you for clarifying that.

Q67 **Kate Green:** If you achieve your ambition, the first school will open seven years after Charlie Taylor made his recommendation, and we don't know when the second school will even start to get to the point where there are funding and plans in place. Beyond that, there is no commitment to develop any more of these secure schools. How committed is the Department to the concept?

Antonia Romeo: I will speak to this. The Deputy Prime Minister has been clear that we are completely committed to trialling secure schools. The first secure school is on track and currently in detailed planning—we have just legislated in the Police, Crime, Sentencing and Courts Act for it—and evaluation of that school was going to be crucial to informing future schools. The plan deliberately allows us to use it as a pathfinder. That is an intention. It is not that there has been particular slippage in school 2; it

is that we want to get much further down the road with school 1 before planning school 2.

- Q68 **Kate Green:** And subsequently, there is a continuing commitment, at least, to the concept of schools beyond schools 1 and 2?

Antonia Romeo: We are doing two models. The Government's stated position is that we want to move ahead with the secure schools model. We are trialling it with school 1 and we will evaluate that—that is the pathfinder. Equally importantly, we are completely committed to the existing sector, because the vast majority of children are looked after within the YOIs and the STCs. Rather than just focusing on secure schools, we are keeping the focus on that, driving up performance in that area and focusing on training staff and so on in the way Amy described. We are doing both.

- Q69 **Kate Green:** Does it cause extra challenge to have only a tiny number of secure schools—one or, at best, two—within the totality of the youth estate in terms of management attention and ensuring that they can operate effectively?

Antonia Romeo: Look, in an ideal world, I suppose everything would be really easy in terms of management attention and one would have one type of thing, but we are trying something completely new. You would not sensibly do something completely new with the whole cohort. It is deliberately a pathfinder approach—that is by design.

If you look at what we do right across the Ministry of Justice—electronic monitoring is another example—we are trying to come up with some really innovative ways of reducing reoffending and making sure we are protecting the public, and this is the approach for young people. It is not a question of management bandwidth; it is something that we are doing, and we really hope it will work. We are going to evaluate it carefully and then potentially roll it out.

Amy Rees: We already manage, from a managerial perspective, quite a lot of different providers in different situations, as we have discussed today, and we really do not see it as a burden. We see it as a fantastic opportunity to have a new bit of provision that could do a new thing with some of our children that might have really substantially different outcomes.

- Q70 **Kate Green:** One of Charlie Taylor's ambitions for the secure schools was that it would be a model of small, local provision, which, as the Chair was just saying, would enable children to be staying close to home, with all the benefits that that brings for them. How can that be achieved if we have, perhaps over quite a number of years yet to come, only one, two or perhaps a handful of secure schools?

Antonia Romeo: The original plan with the two was to have one in the north and one in the south.

- Q71 **Kate Green:** Those are still two big geographies, if you are thinking about local schools.



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Antonia Romeo: Well, indeed, although the secure school planned at Medway is already smaller than what the Charlie Taylor report had originally suggested for the number in a school. The fact that the whole cohort has come down means that that is a bigger proportion of that. None the less, to have an organisation looking after 50 children—that is a small cohort, and you would not sensibly break down to less than that.

Amy Rees: I think it goes back to some of the stuff we were discussing earlier. It has been a fantastic success that the number of children held in custody has decreased so much over the last 10 years. That necessarily means, though, that we are now managing a relatively small number, and getting the right geographical match is always going to be a challenge in any provision.

Q72 **Kate Green:** Though it is your prediction that the number of children and young people in custody will rise again over the next 10 years as a result of extra police numbers, speeding up court processes and so on.

Amy Rees: *indicated assent.*

Q73 **Kate Green:** So is that going to drive delivery of Charlie Taylor's concept of more local and smaller schools?

Amy Rees: There are a couple of things. Even though we are predicting that the number will increase, it is still a relatively small number compared with, for example, the adult male estate, so I still think there will always be challenges about matching the right provision, as we have talked about a lot, to the right geography with a relatively small number.

In terms of what will happen with that, we already have a large number of spaces. We have a lot of spaces in YOIs, and we buy quite a lot of places in secure children's homes. We still have Oakhill, plus we will have the secure schools. Our challenge is not going to be whether we ultimately have enough places; our challenge is going to be whether we can match these children to absolutely the best provision that we can provide in each part of the country.

Q74 **Kate Green:** Yes, and I guess that was going to be my next question. You potentially have quite a lot of inappropriate, unsuitable provision in places where you might need a completely different kind of provision, and I am just trying to secure assurance from you that the predominant consideration, following what Charlie Taylor said, will be designing provision to meet children's needs, including enabling them to live as locally as possible to their families.

Amy Rees: Absolutely. Our No. 1 design principle is getting the best outcomes for the children, and our No. 1 placement principle is getting the best outcomes for the children, and we will have to manage both those things over this next period of time.

Antonia Romeo: Chair, may I add something on the projections? With cohorts this small, numbers are really difficult to forecast with a huge amount of certainty. But even so, what is referred to in the report, which is essentially the high end of our internal forecasting, would not take us

back to anywhere near the size of the cohort of 2010-11, so it is still going to be significantly below 50% of what that was.

There will always be spaces. The question, as Amy has said, is about having the right sorts of spaces, which is why we need to keep working on what we are doing in the YOIs. Some 73% of children in custody are held in YOIs. We have to keep focusing on what we are doing there and ensuring that we have the right sort of provision to deal with the increasingly vulnerable or those at high risk, as well as just focusing on the secure school.

- Q75 **Kate Green:** Because currently your procedures—Ms Rees was talking about them earlier in terms of determining whether children should be placed in YOIs—would exclude girls or vulnerable young people being placed in those institutions.

Antonia Romeo: The Keppel Unit in Wetherby, which Helga referred to, is now taking children. There are enhanced units or ESUs—I cannot remember what the S stands for—in some. I was in Feltham last week looking at one of these units, which do take more vulnerable or more high-risk children. We are changing the nature of the offer in YOIs as well to try to meet the needs of this new, smaller but more difficult to rehabilitate cohort.

- Q76 **Kate Green:** So are you saying your placement procedures have been overtaken by a redesign of that kind of offer in the YOIs?

Antonia Romeo: I think it is probably allowed some flex.

Helga Swidenbank: As Amy mentioned, the placement principles are around what is in the best interests of the child, and where the safest environment for that child is. What we are doing, as we talked about a moment ago, is using the evidence base: smaller units, good-quality relationships, good-quality physical environments.

Where we can replicate those in our YOIs, that is what we are planning on doing—creating those smaller environments within the larger environments. Antonia has spoken about the enhanced support units. We have one at Wetherby and one in Feltham, where we are working with colleagues from psychology and health to create those really specialist environments for some really difficult children who need that specialist input.

- Q77 **Kate Green:** Could you perhaps take me through the way in which the different players—health, which Ms Swidenbank just alluded to, the Ministry of Justice and its agencies, the responsibilities of local authorities, and the Department for Education—will sit together in relation to secure schools?

Amy Rees: I think we have already established that the provision under which we are establishing the secure school is as a secure children's home. YOTs have a statutory duty to look after children. They will obviously be in our care for the time they are in the secure school, but we know that to get the best outcomes you need to be working in that multidisciplinary



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way all the time. Everything we are doing in the school, before when they are at court, and afterwards when they are released, is all about a multidisciplinary approach. Obviously, we want to achieve a seamless move either through the estate, which is the reality for some children, or back out into the community to be successful.

- Q78 **Kate Green:** In terms of the inspection regime for the secure schools, as I understand it Ofsted will be inspecting them—not HMIP, not the Care Quality Commission.

All witnesses indicated assent.

Helga Swidenbank: Yes, the CQC will be part of the Ofsted inspection, because there will be health provision in the secure school. Health are commissioning partners of ours and are very much around the table in the project. They are informing health provision in the secure school, so the CQC will be part of that inspection framework, but with Ofsted as the lead.

- Q79 **Kate Green:** Thank you. As for your longer-term vision for the youth estate and the respective roles of YOIs, STCs, secure children's homes and, in future, secure schools, how would you describe that? How settled is it from where you stand today, given what you have said, Ms Romeo, about evaluating and using the current secure schools as pathfinders?

Antonia Romeo: The vision is to be more outcomes-led—which is why moving to the secure school is a crucial part of that model—and drive up standards and performance. You will know that last week the Government announced youth funding of £100 million a year over the next three years, including a new Turnaround programme with an additional £60 million over the next three years, which is focused essentially on community. This is all about turning around lives in the community and working with the community and a particular focus on early intervention.

The other main strand is focusing more on early intervention, and this is why we are working with DfE and NHS England, because a lot of the children in this cohort do present with mental health and other significant health issues. That early intervention should help, and that has also helped to divert, which has been one of the reasons why the cohort has reduced so much over the past decade.

- Q80 **Kate Green:** That is really helpful. I guess my question is also about the landscape and the institutional infrastructure that you envisage for the future. There will continue to be secure children's homes, there will be the new secure schools, and you are considering reopening Rainsbrook. What is your longer-term vision for secure training centres and young offender institutions? What will the physical landscape look like, in your vision?

Antonia Romeo: On the overall plan, as I say, 73% of children in custody are held in YOIs, so we are keeping the focus on them. We have a lot of capacity in them at the moment, and we are focusing on improving and developing that provision.



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The secure children's homes are of course in local authorities, and they form an absolutely crucial part of the landscape. We are trialling secure schools, with a view to achieving the vision, as previously set out, of moving significantly more towards that provision, but I don't want to overstate it because we are deliberately focused on it as a pathfinder. There is one remaining STC in operation. Obviously, we are in a contractual arrangement with G4S on that, so I don't want to comment on it because we are considering at the moment what the future is going to be.

- Q81 Kate Green:** You will be aware from the MacAlister report into children's social care, published earlier this week, that he said that YOIs and STCs are "wholly unsuitable" for accommodating young people and children in the criminal justice system. How are you planning to respond to that criticism, given that you seemed to suggest a moment ago, Ms Romeo, that YOIs, at least, will continue to play an important role in the future?

Antonia Romeo: My comment is really about how swiftly one can move. We still have a number of children we are looking after in this cohort, so no one would sensibly predict an immediate move to significantly change what the provision is. The reality is that we are talking about hundreds of children in YOIs at the moment. The independent care review is extremely helpful, and we are considering all its recommendations carefully on a cross-Government basis, and the Government will respond in due course. That will be a joined-up response with DfE and others.

- Q82 Kate Green:** There is underuse of secure children's home places at the moment, as I understand it. Does part of your thinking address how better use might be made of that accommodation?

Antonia Romeo: I don't know whether it is underuse because, as discussed, we go through a very rigorous placement process. The fact that we have additional capacity in secure children's homes indicates that we have the right number in. If we thought we needed to place more in a secure children's home, we would do that.

Amy Rees: I think that is absolutely spot on. The only other thing I would add is that, in addition to the infrastructure, as you have termed it, and the pillars in our estate, there is the quality that is then delivered. As I said earlier, albeit it is provisional, some of our YOIs are achieving outstanding results at the moment. We need to consider both infrastructure and quality of delivery in those parts of the estate.

- Q83 Kate Green:** Will the Schools Bill, which is now before Parliament, enable local authorities to run secure schools? As you know, it will enable local authorities to set up academy trusts and operate them in the future.

Helga Swidenbank: We have recently written to colleagues in the Department for Education to clarify that position.

- Q84 Kate Green:** When do you expect to have an answer?

Helga Swidenbank: We wrote two weeks ago and haven't yet had a response.



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Q85 Kate Green: Would you be able to share the response with the Committee when you receive it?

Helga Swidenbank *indicated assent.*

Q86 Kate Green: Thank you. In terms of the questions the Chair was asking earlier about meeting the needs of different children, you talked a bit about the placement strategy, Ms Rees, and ensuring those needs are met. Could you say a bit more about addressing the needs of children with special educational needs and disabilities in the future vision—particularly young people with learning disabilities or behavioural difficulties? How are those going to be suitably addressed in the future?

Helga Swidenbank With the secure school, we are bringing in an education provider. The expectation is that they will be absolutely tuned in to this and have the ability to meet those needs. In terms of the current provision, we contract education in our YOIs. It is directly delivered in Parc, but our public sector YOIs contract education.

We are currently going through a retendering process, the outcome of which will be published imminently. Within the new contract, we talk about specialist provision and about much more responsive provision, tailored to the needs of the individual.

Q87 Kate Green: And what about meeting different cultural needs?

Helga Swidenbank: Yes, that is very much part of the new contractual requirement.

Q88 Kate Green: The final question from me is to ask to what extent your planning for the future use of and design of the estate is taking account of alternatives to custody, and what work are you doing to design alternative routes for children and young people in the criminal justice system?

Helga Swidenbank: As Antonia has already mentioned, first of all we work very closely with colleagues in the Youth Justice Board and with youth offending teams colleagues, and participate in cross-Department conversations about what community provision and what diversion looks like. As Antonia has also already mentioned, £60 million has been committed to community intervention, to try to prevent children from coming into custody in the first place.

Q89 Kate Green: Is there a Government-wide strategy to address these young people—a cross-Government strategy? There are obviously a number of different players: education; health; yourselves; and local authorities. Is there a cross-Government youth offender strategy, in the same way that, although you are the owners of it, work has been done to develop a cross-cutting female offenders strategy?

Antonia Romeo: Don't forget that a lot of the work is delivered—I mean, there is the work that the Youth Justice Board does, but there is a lot of work that is done via the YOTs. They are jointly funded, partly by us; we provide about a third of the funding. There is also funding from the local



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authority and from the police. So they are at a local level, of course, also holding their strategies for what is needed in that area, because they will understand more about what is needed for the particular cohort that they oversee.

There is a lot of joined-up working and, as Helga mentioned, we think that the £60 million that is the new money for the turnaround project will be important. Again, that is a significant amount of money over three years, to try to do something that is essentially getting early intervention. And early intervention is something that we have been talking about for years, and doing a lot in different parts of it. I think we are making increasing progress and getting more investment into things that will make a difference at a local level on the ground in keeping people out of the system.

In a way, the fruits of that can partly be seen by the reduction in the numbers that have come into custody. I mean, you never know exactly what has driven it, but there was a significant reduction, including before the pandemic; there was obviously a significant reduction during the pandemic, but there also was before. Numbers had fallen off significantly, because, we believe, of the diversionary activity before anybody even got to the court. That activity is happening in local authorities and with the police, in terms of diversion.

Amy Rees: May I just add a couple of points? In the Police, Crime, Sentencing and Courts Bill, there are a couple of specific provisions. One is about remand. So, the court will need to say very specifically why they will remand a child in custody and give those reasons in writing. We really hope that will have some outcome.

The other is that we are trialling, in London in eight courts, independent legal advice by default, so you have to opt out. Again, we hope that might bring to the fore other alternatives to custody or even going down the criminal route per se.

Q90 **Chair:** I will just pick up on that last point about independent legal advice by default. What do they get at the moment? Surely it's independent legal advice?

Amy Rees: At the moment, they might proceed without having that. The police might decide to divert them. That is because these are children who are in with police. They don't necessarily all go through the criminal system—

Q91 **Chair:** I see—before they get to court.

Amy Rees: This is at the police level and the idea is that they might then be able to discuss with their legal counsel alternatives to going through the court system.

Q92 **Chair:** Okay. I get that. Thank you, Ms Green. Earlier, you talked about the Keppel Unit at Wetherby and a special unit for girls, but you said that only two girls had been placed there, Ms Swidenbank. What other specific



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provision will you be putting in place for girls?

Helga Swidenbank: We placed two girls from Rainsbrook when Rainsbrook closed. We have placed other girls there subsequently.

The intention is to keep Keppel Unit open in the medium term—up to 24 months—while we are opening the secure school and looking at Oakhill and also the future of Rainsbrook. Over the next 24 months, we plan to have some alternative provision for girls.

Q93 **Chair:** Are you putting any other temporary provision in anywhere else?

Helga Swidenbank: No.

Q94 **Chair:** Will Keppel stay open as part of the offer?

Helga Swidenbank: It will stay open in the medium term. Early signs are that it is doing a good job. What we are keen to do is evaluate that. At the end of the 24-month period we will do some evaluation and identify whether it is a provision that we want to remain open. We will look at whether the outcomes are positive for girls or whether we think that other alternatives are more suitable.

Q95 **Chair:** There must be challenges with evaluating such a small cohort. Again, are you benchmarking with what is happening in other jurisdictions? You are doing very qualitative work, I guess?

Helga Swidenbank: Yes—the numbers are so small. I think we will be looking at what “good” looks like and what evidence looks like. We have worked very closely with NHS colleagues around thinking about girls’ provision. We will be looking to partners within this sector for how we might evaluate the provision. Partners have been really responsive when we have been setting up the Keppel Unit; our NHS partners have worked really collaboratively with us on setting that up.

Q96 **Chair:** Ms Romeo, you briefly mentioned diversion just now, in response to Ms Green. I wanted to know if you have actual evaluation of any sort that shows that the diversionary tactics have prevented young people from going into custody, and which ones have had the most effect. Again, with a small cohort I imagine that it is hard to do, but it is very important.

Antonia Romeo: I agree that it is both hard to do and very important. There have been some studies that have looked at the reduction, hence my statement that we believe the predominant cause of the reduction pre-pandemic was diversion. I do not know whether their colleagues might know if there was any detail on what particular tactics worked. It is hard to know, because you do not know what the counterfactual is. It is all the same issues that we always talk about here.

Amy Rees: Only that you referred to a Crest Advisory report in 2019 that referenced diversion as having been very successful.

Q97 **Chair:** Do you know which diversionary support is proving to be the most successful?



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Amy Rees: Personally, I think it would be very difficult to know that with such small numbers, and with so many interplaying factors.

Q98 **Chair:** With such small numbers the qualitative storyline is quite important to practitioners in this field. It is important to actually get that message out to everybody, from the police officer on the frontline to teachers, families and so on.

How are you going to disseminate that information? If you think that it is working, how are you going to make sure people know what is working, even if it is just individual cases that they have to read through and then say, "That sounds a bit like the young person who is front of me. That worked for them, would that work for the young person in front of me?"

Amy Rees: I think the YJB and YOTs do have an enormous role when it comes to that. Particularly important is the YJB's role in accumulating learning: what has worked; individual case studies, which they do consider; and disseminating that learning across YOTs—which can be in very small numbers in local authorities, depending on the size of the authority. I think the YJB would see spreading that learning, in exactly the way that you are talking about, as core to their mission.

Chair: Thank you for coming today and for talking us through a very challenging area. It does feel like a smorgasbord of options. We see things being created and then being abandoned, so let's hope this school does open. It is still three years away, so you may well be back in front of us again. *[Interruption.]* You are saved by the Division bell. I thank you for your time. The transcript will be up on the website and corrected in the next couple of days. We will be producing a report after the recess period.