

## Justice Committee

### Oral evidence: [The Future of Secure Training Centres and Secure Schools](#), HC 516

Tuesday 13 July 2021

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Members present: Sir Robert Neill (Chair); Paula Barker; Rob Butler; Janet Daby; Maria Eagle; Laura Farris; Dr Kieran Mullan; Andy Slaughter.

Questions 1 - 57

#### Witnesses

I: Alex Chalk MP, Parliamentary Under-Secretary of State for Justice, Ministry of Justice; Dr Jo Farrar, Chief Executive Officer, Her Majesty's Prison and Probation Service; and Helga Swidenbank, Executive Director, Youth Custody Service.



## Examination of witnesses

Witnesses: Alex Chalk, Dr Farrar and Helga Swidenbank.

**Chair:** Good afternoon, everyone. Welcome to this evidence session of the Justice Committee. Welcome to our witnesses, to whom we will turn in just one moment. First, in the usual way, Members have to make their declarations of interest. I am a non-practising barrister.

**Maria Eagle:** I am a non-practising solicitor.

**Laura Farris:** I am a practising barrister.

**Rob Butler:** Prior to my election, I was the magistrate member of the Sentencing Council and a non-executive director of HMPPS. Before that, I was a board member of the Youth Justice Board.

Q1 **Chair:** Mr Slaughter will join us later. He is a non-practising barrister. When the witnesses introduce themselves, perhaps they could declare any relevant interests.

We have three witnesses joining us today. This evidence session relates to the future of secure training centres and secure schools, in particular the developments at Rainsbrook secure training centre on which the Committee has taken evidence and reported in the past. Minister, we are grateful to see you here. Perhaps you would like to introduce yourself for the record.

**Alex Chalk:** I am Alex Chalk, Parliamentary Under-Secretary of State and Minister for prisons, probation and youth justice. Can I take the opportunity to apologise that I am not with you in person? I have been pinged. Were it not for that I would be with you, but no discourtesy is intended.

**Dr Farrar:** I am Jo Farrar, second permanent secretary at the MOJ and chief executive of Her Majesty's Prison and Probation Service.

**Helga Swidenbank:** I am Helga Swidenbank. I am executive director for the YCS and have been since September 2018. I alert the Committee to the fact that prior to my employment with HMPPS I was employed by MTCnovo until June 2018 as the director of probation for London CRC. Prior to that, I was employed by Sodexo Justice Services, one of my roles being director of HMP YOI Bronzefield.

Q2 **Chair:** Thank you very much for that. For those who have not picked up the linkage, MTCnovo is the operator of Rainsbrook. Thank you for that declaration.

Can we kick off? Minister, perhaps you would like to start and bring in your officials as need be. Thank you for your response to our report. It deals with a number of issues. We have that and I appreciate it. Thank you for your courtesy in coming back to us as swiftly as you have.



## HOUSE OF COMMONS

Given the situation, the whole of Rainsbrook is a pretty poor tale, isn't it? Every time there has been a report, things have not worked out. Efforts have been made, we now know, although perhaps not enough in the past, and we are in a situation where, as I understand it, the 33 children are being moved, and the intention is that Rainsbrook will be taken back to being run directly by HMPPS. Is that correct?

**Alex Chalk:** Chair, I absolutely agree with your initial characterisation. This is not a satisfactory situation at all. When the Lord Chancellor was before you back in March, he indicated his deep displeasure. In his words, he did not want to be taken for a fool, and I certainly reiterate that. We were deeply concerned about it. Indeed, when the further report was published in June it was clear to us that we would have to act very quickly. Metaphorically speaking, before the ink was dry on that report the decision was taken that Friday evening to decant, and the process began very quickly.

On your direct question as to whether the decanting is happening, yes, it is very substantially complete. Of the 33 children who were in there, all bar two have gone to new premises. I hope and expect that we will be finalising arrangements for the remaining two by the end of this week.

As for the future, it is important that the Committee understands that there is an important process going on behind the scenes in respect of MTC, to which you referred in your introductory remarks. Those contractual negotiations are taking place. I will necessarily have to be relatively careful in what I say in that regard, but we have certainly decanted the children. It was considered not safe, and we will consider all options as to the ultimate future of Rainsbrook. The wider context is that we have a programme in respect of secure schools, as you know, and that is certainly one important consideration as we review the landscape in the future.

Q3 **Chair:** Perhaps we can come back to that. All witnesses and Members appearing in this Committee have the benefit of parliamentary privilege in relation to anything they say, which cannot be impugned in court. You are aware of the Committee's recommendations as to the future of Rainsbrook.

**Alex Chalk:** I am aware of that. Please do not read into my remarks anything other than the deepest frustration. Bluntly, we had hoped after December—I know, having spoken to Lucy Frazer, then in post, that she had a pretty trenchant and robust conversation with MTC—that we had reasonable grounds for thinking that things could turn around. Indeed, the report in February provided some early grounds for optimism, but regrettably that progress was not sustained. We found ourselves in the position that we felt that we had no credible alternative but to take quite decisive and radical action, but that is not action we apologise for; it was absolutely necessary.

Q4 **Chair:** Given the public concern about what has happened and the press



coverage in relation to it, surely it is important that any negotiations and decisions as to the future of those premises are made as soon as possible.

**Alex Chalk:** Absolutely right. I can tell you that we are not hanging around. We have to get this sorted out. Mercifully, if that is the right word, the number of children overall in custody in the estate is down to about 550, and probably every single Member of Parliament on this call will have schools in their constituencies that are bigger than that overall population. The reason I say that is that there is some capacity and flex in the system at the moment, but we cannot guarantee that those numbers will remain low. The independent judiciary will make their decisions on sentences in due course.

We have to sort this out, and a lot of resources are going into doing precisely that. As I indicated, there is a negotiation, quite properly, to take place, but the clock is ticking on that and we will have to get it resolved in the not too distant future.

Q5 **Chair:** You kindly told us that all bar two of the children had been removed from Rainsbrook. Where have they gone? Maybe your officials can give the detail.

**Alex Chalk:** Sure. Let me give you the general position and then perhaps they may want to come in. Initially, 30 went out and then one boy quite recently developed Covid. Perhaps my officials can come in on that one. Of the 30, 15 went into YOIs and the remainder were split between secure children's homes. One or two were discharged and one went into a hospital setting, so it has been a selection.

If you will forgive me, Chair, as to the precise numbers who have gone to Oakhill, for example, there is a slight sensitivity. We have to be a bit careful. When the numbers are very small, there is a danger that it can lead to children being identified.

**Chair:** I understand that.

**Alex Chalk:** Basically, 15 have gone into YOIs and the other 15 have been distributed around the other providers, but if you want specifics—

Q6 **Chair:** I see Ms Swidenbank is nodding about those numbers. Can I raise one issue with you? Half have gone into YOIs. Given that they are placed in secure training centres, often because they are deemed to be too vulnerable to be placed in a YOI setting, surely that is the wrong place to be putting them, isn't it? You are putting them into a setting where by definition there is concern about placing them.

**Alex Chalk:** I absolutely accept that challenge; it is an entirely fair point. It is entirely a matter for you, but maybe officials want to come in on that. The observation I would make is that when I have been around YOIs, certainly Feltham A, there is something very striking about the regime. You are right; it remains a young offender institution. However,



## HOUSE OF COMMONS

the numbers are much lower than they previously were. When I visited Feltham it was between 60 and 70, with a capacity of 120. In the old days, it had a capacity of about 240. That means they are able to run a regime that seemed to me to be much closer to the STC regime than might have existed in the past.

What does that mean in practical terms? It means a strong emphasis on education. I was impressed by what I saw when I went round. Equally, there was much less mass association and much more group association, a lot of constructive activity and so on. I know that one would want to associate that in any event with a YOI, but there is a different programme operating at the moment. It may be that on specifics officials want to add to that. That is certainly my impression when I have been around the youth estate.

**Dr Farrar:** I absolutely agree with the Minister. We have a really experienced casework and support team working with each individual child and with families to make sure that the placements we have put them in are appropriate, and there will be monitoring and support for the transition as well.

Q7 **Chair:** Dr Farrar, you will know from your previous appearance before the Committee that we have expressed concerns about the situation at Feltham in the past. I appreciate that the Minister said that there are far fewer people and a different regime, but given the track record of YOIs, some but not all of which have been found wanting, what steps have been taken to give assurance specifically about the regime and the way in which these children are cared for? These are not young offenders; they are children.

**Dr Farrar:** That is absolutely right. You will have seen that the more recent inspection report has shown ongoing improvement in Feltham. We feel that it is an appropriate place for the transfers who have gone to the YOIs, but an individual assessment was made of each child to make sure that it was good. Two of the children went to the Keppel unit, which is quite specialist. Some have gone into quite specialist treatment areas within YOIs.

Q8 **Chair:** Can you give me any sense, either now or perhaps in a follow-up, of how long it is anticipated that those who have gone into YOI settings might have to serve? You might have an idea about that, Ms Swidenbank.

**Helga Swidenbank:** First, I want to go back to the principles of our placement strategy. We try to take the best interests of each child into account when we are placing. We have been holding multidisciplinary team meetings for each of those children, where possible bringing YOTs and families into the decision-making process. The things we take into account whenever we place children, whether they are coming to us new or whether we are thinking about reviewing their placement, if their risk changes for whatever reason, are levels of vulnerability, the risk to themselves or others and YOT team recommendations. When we were



## HOUSE OF COMMONS

thinking of moving the children from Rainsbrook into the rest of the estate, we were taking those things into consideration.

Some of the children moving into YOIs are serving quite long sentences and will end up moving into the adult estate, so a decision was taken that rather than moving them into Oakhill STC, for example, we would move them into the YOI estate to minimise the disruption to their sentences and allow them to settle down and build relationships before moving into the adult estate.

**Q9 Chair:** There is a legal obligation to treat them differently from young offenders, so what steps are being taken within the setting of YOIs so that they are treated differently in the regime, to make sure that, frankly, they are not being taken advantage of by those who are older and may have even more criminal experience, accepting your point about the serious nature of some of their offences? What is being done to ensure that the treatment is different, because that is a legal obligation?

**Helga Swidenbank:** We have followed our basic principles. As Jo Farrar said, they are tried and tested, so we are following placement principles that are very well established. They were established before in the YJB and they moved across into the YCS when it was reformed.

**Q10 Chair:** You said that about half had gone to YOIs, and some had gone to Oakhill, the other STC. The issue is that the conditions at Oakhill have been the subject of concern as well. It got to such a stage that there was a temporary pause in placements at Oakhill. What confidence can one have that you are not moving them from one unsatisfactory situation to another? What steps are being taken about that, Minister?

**Alex Chalk:** I am absolutely alive to the issue about Oakhill. Before the issue of Rainsbrook I was very mindful of that. The situation is that it is under very close supervision and monitoring, and that includes additional resources from the YCS going into the STC. It is worth having a look, which I am sure that you or your officials will have done, at the report from Ofsted and its monitoring visit in May 2021. There was some quite positive stuff in there, if I may say so. A more orderly, predictable programme was noted: "Children were experiencing a calm, structured...routine at the point of the visit"; children were "well behaved"; exchanges with staff were "jovial and respectful". That is not say that there were not issues because there were, and there were episodes of violence that are extremely concerning, but the report itself gave some grounds for optimism.

The only other point I want to make is that, while recognising that there is a duty on the state to make sure that we have a safe, calm and orderly environment, which is a duty we take extremely seriously, it is also important to weigh in the balance that when you get down to about 550 children—I pause to note that it was between 2,000 and 3,000, sometimes north of 3,000 as recently as 10 years ago—this is a very challenging cohort of young people. Of course, everything will be done to



ensure that they can have the future we want to see. A high proportion, however, graduate to the adult estate. We are extremely mindful of the levels of violence. The report indicates some grounds for thinking that things are on an upward curve, but we look at this extremely closely, and as Minister I get regular updates on what is going on in Oakhill.

**Chair:** Thank you. That is helpful.

Q11 **Maria Eagle:** The STCs are supposed to be for more vulnerable children than those who are sent to YOIs. That is where they fit into the structure of youth provision, as I understand it. There were very serious problems at Medway before it was closed. There are now just two, Rainsbrook and Oakhill, and you have just told us, Minister, that half the children from Rainsbrook have gone to YOIs. There have also been problems at Oakhill. You say you are keeping a very close eye on the STC there, but it does not seem to me that this provision is working in the way it was meant to. It is supposed to be for more vulnerable children. What is your view on that? Do you think the STCs now simply do not have a place? There are only two left: one is being emptied and the other has been the subject of very serious concerns, so what is going on with the STCs?

**Alex Chalk:** As you know, STCs are a creature of statute. I think they are a creature of the Criminal Justice and Public Order Act 1994, as I recall. It is certainly true to say, and this is what underpins our long-term strategic view, that the issue of how you go about incarcerating children is something you have to keep under constant review. That is why we looked very carefully at what Charlie Taylor wrote in his report, which gave rise to the vision of secure schools. That is the long-term aspiration.

If you were to say, "We've seen what the situation is in Rainsbrook. Does it mean, therefore, that you should be getting rid of these altogether?", we are not in that position. We think there is a role to play. However, bluntly, I would like to see all our establishments move on a path to saying they are, in effect, places that are rehabilitative and secure, which sounds a bit like a secure school, I suppose, with a strong emphasis on the educational aspects, so that the differences between them do not so much fade away into irrelevance, but are perhaps not quite as stark as in the past.

The point I made to the Chair earlier is that when you drive down the numbers, which by the way I think has been the single most significant thing that has happened in youth justice in the past 10 years, you can get to a point where you can deliver, frankly, a more humane and rehabilitative regime. To give one example, when I went round Feltham, which I think has improved significantly—I could take my counterparts from France and Germany with me and be proud of what we were showing them—you could see, for example, much smaller cohorts of children together; much more rehabilitative, constructive stuff, ranging from cadets to barbering to goodness knows what. It was the kind of environment I would expect for children, whether they are in something badged YOI, whether they are in something badged secure training



centre, secure children's centre or whatever. That is the sort of regime I want to see, and I think we should aspire to deliver that across the youth estate.

**Q12 Maria Eagle:** That is an interesting reply. One of the consequences of having a smaller number of young people in these establishments is that one tends to get the tougher and absolutely hard-core cases. That does not mean they become easier to handle; quite the opposite, I would have thought, in terms of having their needs met. One expects that the estate for the more vulnerable end of the cohort, which was the secure training centres, ought to be where those children are focused, rather than having to close it, with the children being decanted because it is failing in some way.

Can I ask you about Oakhill? New admissions were temporarily paused there and some children were moved to other secure establishments. Where were those children moved?

**Alex Chalk:** As to precisely where they were moved, I will invite my officials to respond, but perhaps I could make a very brief point to pick up something you said.

You are absolutely right. We are down to an extremely challenging cohort. When I was prosecuting, kids would go inside for TWOC, for being a passenger in a vehicle that had been taken without consent; they would go inside for criminal damage, albeit serious criminal damage. By and large, that does not happen now; people are diverted. It has to be something quite serious, such as murder, serious sexual offences and so on. When we see episodes in Oakhill relating to violence, for example, I do not suggest that it is all the fault of very violent and difficult children, but we cannot get away from the fact that this is an extremely challenging group.

On the specifics of Oakhill, I pray in aid, if I may, the monitoring visit report to which I have already alluded, from 24 to 25 May this year. I will not read out the relevant conclusions. By the way, there are things that cut both ways; there is some good stuff and some bad stuff, bluntly. As to specifically where the children went when they were not in Oakhill, I will invite my officials to respond, if you are content, Ms Eagle.

**Q13 Maria Eagle:** I am content.

**Dr Farrar:** We did not move anyone from Oakhill; we just temporarily stopped placements. We are now re-placing children in Oakhill. When we last met, we talked quite a lot about monitoring, so we are making sure that we have appropriate monitoring by the YCS in Oakhill, and improvement boards to make sure that progress continues there, but we are satisfied that it is the right place for the children we have placed there.

**Q14 Maria Eagle:** Children were not decanted from Oakhill, but some who might otherwise have been put there were placed elsewhere. Where were



## HOUSE OF COMMONS

they put? Were they put into Rainsbrook?

**Dr Farrar:** No. At the time, the young people's population was decreasing, but we look at the placement of all children coming in and decide on the most appropriate placement at the time. We have a really experienced casework placement team who think about the individual needs of the child.

Q15 **Maria Eagle:** I worry that what seems to be happening is that children are simply being moved around an estate that is failing. Of the three STCs, one has had to close in disgrace; Rainsbrook is perhaps not being closed but there are now two children in it and pretty soon there will be no children in it; and Oakhill has had its problems, which you hope you are recovering from, but that is the last one. Half the children who have been moved out of Rainsbrook have gone into YOIs. They were placed in STCs to avoid them having to go into YOIs because they are more vulnerable, so aren't you just moving vulnerable children around what is, in effect, a failing estate?

**Alex Chalk:** No, I do not think that is a fair characterisation. As I said, it is important to note that the STCs are a 27-year-old concept. When they came into being, the youth estate was rather different from the youth estate now. To give just one example, Feltham's capacity as recently as five years ago was about 240; there are now 68 children there. Inevitably, that has a significant difference.

To give a very brief vignette, when I was there I noticed that if a child was having real difficulty integrating with the regime, because they were upset or feeling bullied or somehow isolated, there was an opportunity for them to go into the alpine unit, a specific area. There were psychologists and psychiatrists all over the place; there was a plethora of experts to try to deal with that young person. Only when he was ready and felt sufficiently supported was he reintegrated. I do not know what the situation was in 1994, but I would be very surprised if it had that level of staffing and staff-to-child ratio, so that is one important point.

The second important point to note is that we are at the same time implementing the secure school initiative with Oasis, as you are aware. That is another part of how we are migrating to the new system, but I think it is fair to make the point that the world now is rather different from what it was in 1994.

Q16 **Maria Eagle:** Are you telling us that you are abolishing secure training centres?

**Alex Chalk:** No, that is not what I am telling you at all. You were making the point, "Hang on, if they should have been in secure training centres, why are they going into a YOI?" I am making the point that in 1994, when they were looking at secure training centres, the beast, if you like, that they were considering—YOIs—was very different from the one you are looking at now.



## HOUSE OF COMMONS

As I indicated in my earlier answer, the Government and I want to get to a point such that wherever you are in the youth estate you should be looking to have a humane regime with a good staff-to-child ratio and an emphasis on productive and constructive activity, including education. That should exist in a YOI, in a secure children's home and in a secure training centre. I think we have to see it as a gradation rather than thick, high boundaries between the two; I do not think that is quite the same any more.

**Q17 Maria Eagle:** Is it the case that the remaining STC, because we are down to one and Rainsbrook is not operating, is supposed to be for the more vulnerable end of the spectrum than the YOIs? Is that still the case, or are you saying they are now all an agglomeration of the same thing and anywhere is fine for anybody?

**Alex Chalk:** No. It is a balance, isn't it? They have different accommodation. At the margin, it may be the appropriate accommodation, but I want to make the point that children move around the estate; it is not just, "Oh, well, this happens to be a secure training centre." There are also issues about where is closer to their family. A number of relevant considerations have to be weighed in the balance. For example, you would not necessarily say that being in a secure training centre trumps all other considerations; it does not.

One final point I ought to make is that you should not assume anything in respect of Rainsbrook. You said we were down to one. That may not be the ultimate outcome. I want to be clear that no final decisions have been made in respect of Rainsbrook.

**Maria Eagle:** I expect you will be turning it into a secure school. Thank you.

**Q18 Chair:** Dr Farrar wants to come in on that last question.

**Dr Farrar:** To make it clear to the Committee, we also have secure children's homes, which the Minister mentioned. Our most vulnerable children will have been placed in secure children's homes. We commission 107 beds in secure children's homes and a number of the children from Rainsbrook were placed in a secure children's home. Of course, some of the children who were moved into the YOIs would have transitioned to YOIs anyway, as Helga said earlier, in order to help their transition into the adult estate.

**Q19 Rob Butler:** I would like to pick up exactly where Dr Farrar left off on secure children's homes. How much capacity was there within the SCH estate of 107 beds at the time you needed to decant from Rainsbrook? Did you have a situation at any time when you would have liked to place somebody in an SCH but there was not a bed and therefore you were obliged to send them instead to a YOI?

**Helga Swidenbank:** We had capacity, and have capacity, in the children's secure homes estate, and we will not refuse, due to capacity,



## HOUSE OF COMMONS

places for those children. It is worth reminding the Committee that secure children's home registered managers have a statutory obligation to consider all the risks within their site and the appropriateness of placements. They consider risks to their population when they consider placements from our population in their sites, but we have capacity and have made placements in secure children's homes. I—

**Q20 Chair:** Can I interrupt for one second? Although we can hear you, Ms Swidenbank, your microphone is muted.

**Helga Swidenbank:** I am sharing my microphone with Dr Farrar.

**Q21 Rob Butler:** To follow up what I might call the right of refusal you have just described, Ms Swidenbank, did any of the SCHs exercise their right of refusal? Were there any children you wanted to place in an SCH and the management said, "No. We are too concerned that risk might increase for our existing population"?

**Helga Swidenbank:** We are currently in conversations about a couple more children, so we have not yet had that refusal, if that is what you want to call it.

**Q22 Rob Butler:** The Minister said a few moments ago that there is now a much better staff-to-child ratio in the YOIs, which I think we would all welcome, but to what extent is that just the temporary result of reduced numbers going into YOIs partly because of the pandemic?

If we start to get back to what was the norm, despite there being a long-term decline, which we all very much welcome, isn't there a danger that that ratio will go back to a former version that is not so beneficial to the children? If you like, we are in a fortunate position at the moment, but that is not necessarily guaranteed, or will you be in a position where you can guarantee the staff-to-child ratio that brings all the benefits you have described?

**Alex Chalk:** Is that for me?

**Q23 Rob Butler:** I think that ultimately it is for you because you are in charge of the policy and will be in charge of deciding whether or not you want to close down one of the YOIs if the numbers stay very low. What guarantee or reassurance do we have about that staff-to-child ratio?

**Alex Chalk:** Thank you for raising it; I think it is a really important point. The short answer is that you are absolutely right that the numbers in the youth estate are, it is fair to say, at an artificially low level, and we would expect them to tick up. Even within that adjustment as they tick up, I am confident, based on what I have seen, that we will be in a better position with the staff-to-child ratio.

Secondly, a really critical point—forgive me for emphasising it—is that, if you have good leaders in place, an awful lot will follow from that. One of the things that was very difficult about the Rainsbrook episode, if you read through all the various reports, was to do with attrition and not



## HOUSE OF COMMONS

having enough staff hanging around. If you have good leadership in place to encourage good retention of staff, you get that kind of quality of staff as well. You can have all the staff in the world, and you can have the most fantastic staff-to-child ratio, but if they do not hang around, you have problems.

As my officials know, one of the things I bang on and on about is churn. We have to make sure that we do not focus just on the issue of ratio, important though it is; we also have to consider how long they hang around. If you read, as I am sure you have, the UN report in respect of Rainsbrook, one of the key things it says is that there was a lot of emphasis and reliance on the director and deputy director, but the staff beneath them simply did not hang around for long enough. I see that as a massive priority.

The straight answer to your question is that, even if it ticks up, the ratios will be better, but that is not the whole story. Respectfully, the really important thing is retention. You can be a perfectly okay officer on day one but you will not be brilliant, truly excellent and able to dial down difficult situations, offer support and do all the things they do so brilliantly, until you have a few miles under your belt. That is really what I want to try to improve in this post.

**Q24 Rob Butler:** I have one final small but significant point in this section about where children from Rainsbrook are being moved. There are no YOIs for girls. The Committee does not know at this stage whether or not there were any girls in Rainsbrook at the time. If there were, presumably they have moved to secure children's homes because, essentially, there is no alternative. Correct me if I am wrong.

**Alex Chalk:** The last time I checked I believe there were 18 girls across the entire estate. Of the 550 or so I mentioned, 18 are girls. We are talking about a very small number. There was also a small number in Rainsbrook. This is where I have to be a tiny bit careful because otherwise we could inadvertently identify them, but provision is being made. I might ask my officials to answer, but the Keppel unit in Wetherby is one and potentially Oakhill, but I will invite my officials to respond to that.

**Dr Farrar:** As you know, Rainsbrook had quite specific provision for girls, including a mother and baby unit. We are looking at the provision for girls in the future. Once we have established that, we are happy to come back to the Committee. In the meantime, the girls who were at Rainsbrook have either gone to secure children's homes or we are looking at appropriate provision across the estate for them and discussing that at the moment.

**Q25 Rob Butler:** Picking up what the Minister said, the Keppel unit at Wetherby, albeit very much a specialist unit, is in a YOI, so is there a suggestion that you might be using YOIs for girls?



## HOUSE OF COMMONS

**Helga Swidenbank:** It is one of the options we are considering.

**Rob Butler:** I am sure that is something we will want to come back to and consider as it progresses further, because it would be a very fundamental change, given that all YOIs for girls were closed several years ago for what were at the time very good reasons.

**Chair:** Before we move on, Ms Swidenbank, although you are sharing a microphone with Dr Farrar I am told by our broadcasters that it is still necessary that you should unmute your microphone yourself every time you speak because that controls what is broadcast to the world outside the Committee room. We are getting your voice and Dr Farrar's face, and that is a bit confusing for those watching other than here where we have a gallery view of everybody. I am sorry to be picky on the detail, but it is important for our viewers. If you use the unmute function, that will, hopefully, cure the issue.

Q26 **Laura Farris:** I want to pick up on the staffing issues. One of the eye-catching things between the Oakhill monitoring report and the Rainsbrook urgent notification is the issue of staff retention. The Oakhill report specifically talks about people completing the end of their eight-week induction. Either they leave voluntarily or they are dismissed, presumably because of a conduct or performance-related reason. I think something similar is said in respect of Rainsbrook. The way it is put in the letter is a bit more ambiguous; it talks about recruitment and retention.

When it comes to retention, could you say what proportion of your staff are not getting through either the eight-week induction period or perhaps the first year of their employment, so that we can get an impression of what that looks like?

**Alex Chalk:** To respond to that initially, Ms Farris, I respectfully completely endorse the point you are making. To put in a bit of colour, if you look at the most recent Oakhill report, paragraph 11 talks about that precise issue. It says "the continuing turnover of inexperienced staff is also likely to be a significant contributory factor to...violence and unstable, transitory relationships." That is the first thing. Equally, on the plus side, where the inspectors have identified good practice it is very often because there are appropriate relationships with experienced staff. My feeling is that all roads lead back to staff. If you have good staff, you have a good institution. It is really as simple as that.

On the eight weeks, as Minister I recently went to Newbold Revel, which admittedly is to do particularly with training for the adult estate. What they have tried to do there is ensure that before recruits are finally released on to the wing they spend some time in the prison; then they do their training and go out on to the wings, the idea being essentially that they can see what it is like and check whether they think it is for them and whether they have the skillset. By the way, you need a rare and unique blend of talents and skills to be a good officer. They do the



training and then go out into the big wide world, so to speak. That seems to be successful.

One of the things we have to look at is whether we need to do more in that respect. Are there further steps we can take? They are often young people in their early 20s who arrive full of enthusiasm and want to rehabilitate people. I have been so impressed by their attitude and demeanour, but it is about checking that it is something for which they are properly suited.

With those opening remarks, it may be that my officials want to come in, but you are absolutely right to focus on this issue. It is essential. Get good leaders in place; get good staff; get them to hang around and you will transform the quality of the youth estate. I feel that very strongly.

**Q27 Laura Farris:** Going back to the original recruitment exercise, is it the case that the people who are recruited are not suitable for the role, or that they are suitable for the role, but that until recent changes were made the process of preparing them to do the job was not sufficiently robust and led to a loss of confidence, or loss of faith or interest and they left? Were there issues around their performance that made them unsuitable? I am trying to work out at what point the error has crept in so far, because it seems to me that there has been a staffing issue. The second question is: have you at all engaged with the union, if indeed they have representation? I presume it is Unison, but it may not be. You will have to correct me if there is a different trade union in the Prison Service. Is there any engagement with them?

**Alex Chalk:** There is a huge amount of engagement, and it happens at ministerial and official level.

On the first point, every institution has to be taken on its merits, if that is the right word, in terms of the dynamics that affect attrition. If you look at the Rainsbrook situation, for example, there were initially, as you know, some quite good signs in February when they did their report. They said, "Look, there are suggestions that it is perhaps turning the corner," and they were very positive about the director and the deputy director. They said, "Look, they are doing a reasonable job," and so on, but they also said that heavy reliance was being placed on those two individuals. Their concern was in respect of the cadre of staff below the most senior level, and whether in the dynamics of that prison they were able to provide the level of supervision for the most junior staff.

If you have good staff and senior leadership and they can set the tone for the prison, set the temperature and keep things calm and avoid situations escalating—after all, a wise word in a volatile ear can make all the difference—that provides a conducive environment. If ever there was an environment for a vicious or a virtuous circle, it is probably in the youth custodial estate. If you are on top of it and it becomes a productive and constructive environment, it is the best job in the world. The young people I have met are overwhelmingly motivated by a desire, as Churchill



said in a rather hackneyed phrase, to discover the treasure in the heart of every man. They are absolutely motivated by that, but if the situation in an establishment becomes volatile it does not become fun day at the office at all.

The critical factor is to ensure that you have the right leaders and the right senior leadership team so that they can make sure that the environment is conducive for officers, who will then want to hang around, and critically also escalate through the ranks. They must feel a sense of professionalisation but also aspiration so that they can rise through the ranks and improve. The direct answer to your question is that it depends on the establishment. The one constant is that, if you have good senior staff, that will put you in the best possible position to hold on to your most precious asset, which is, effectively, your wing officers.

**Q28 Laura Farris:** On the subject of leadership, which of course sets the tone for any establishment, am I right in thinking that the oversight provided for that leadership would now be made by the Youth Custody Service? Have I understood that correctly?

**Alex Chalk:** That is right. There is oversight. When a UN is declared, as happened at Rainsbrook in December, at that point, metaphorically speaking, the cavalry is deployed and additional resources go in. I set up a chronology in preparation for this. After the first UN was imposed, there were various improvement notices and so on. To your direct point, on 4 January, a senior HMPPS manager was tasked with overseeing Rainsbrook. The broad chronology is: UN declared; Lucy Frazer brings in MTC and says effectively, "What on earth is going on here?"; lots of assurance provided; and then the cavalry deployed to go in. Helga Swidenbank will be better placed to talk about what happened thereafter, but in very broad terms you have the YCS with three tiers—a strategic tier, a middle tier and lower tier—meeting monthly or even weekly to try to keep an eye on what is going on. That is the situation.

In any event, there is a level of oversight. Once a UN is declared, you get much more resources, and they have powers to do things like issue improvement notices, which mean that some of the action points that came from the UN get converted into contractual requirements, so that in effect the message goes out, "You need to deliver on these or potentially there are implications for whether the contract continues."

**Laura Farris:** I will ask Ms Swidenbank to talk a little bit more about that. If you were in a position where you had an urgent notification and you intervened, what would the level of intervention look like? Given that both Oakhill and Rainsbrook are in some degree of trouble, what is the timeframe over which your supervisory function would last? To put it another way, would it ever come to an end? How should we measure your success? What would be the criteria you would set yourselves to know that you could adopt a more light-touch approach? *[Interruption.]*

**Chair:** Can we pause for a moment? We have now discovered that it is



## HOUSE OF COMMONS

not a good idea to share microphones. Unfortunately, when you unmute, it causes interference, Ms Swidenbank. We will have to do without you on visual, confusing and unhelpful though that is to our viewers. That is just a word for the wise for the future. We have to do it with you on mute; otherwise, we will not hear anything.

**Q29 Laura Farris:** The question was about the nature and extent of the supervisory function and for how long you would remain actively involved.

**Helga Swidenbank:** Before I answer that question, would you mind if I go back to the retention question? A point worth making about Oakhill and Rainsbrook is that both are private providers, so they recruit and train, albeit to our standards, staff going to both Oakhill and Rainsbrook. They are responsible for the staff engagement strategy and various other things—pay, terms and conditions—that relate to their staff, although we have been working quite closely with both providers to think about how they might be able to improve and build resilience into their recruitment and training.

On leadership, as the Minister mentioned, we deployed a senior operational manager to Rainsbrook in early January to oversee the UN action plan and support the monitoring team. We have worked alongside colleagues in HMPPS to help support that work too. For example, our operational support and advisory group and our contract improvement team have been working with the monitoring team and with Rainsbrook to support them, and indeed with Oakhill. In addition, some of my specialist teams have been in. For example, my head of safeguarding has been in to help support that group and support Oakhill. A lot of support has gone into both Oakhill and Rainsbrook to help drive up standards and ensure that we provide the best possible services for children.

Your question was about how long we would expect that work to take place. It depends on the nature of the UN. For example, when Feltham went into a UN, it took approximately 18 months to two years for them to come out of that process. It depends on the nature of the root cause of the problems.

The initial UN at Rainsbrook was centred around reverse cohorting, although the secondary UN at Rainsbrook was to do with some of the more systemic issues around leadership, staff and various other things. I think it depends on how long it takes to improve. It depends on the nature of the concerns, but we work alongside and within the boundaries of the contract to measure and issue improvement notices or rectification notices, where the contract allows us to, alongside the senior teams on those sites and our contract management colleagues.

**Chair:** Thank you. Fingers crossed; the visuals are working at the moment.

**Q30 Andy Slaughter:** Apologies that I did not make my declaration at the



beginning. I am a non-practising barrister.

Minister and witnesses, could I deal with the future of Rainsbrook and of MTC? If I heard you correctly earlier, there are two children there at the moment. When will it be completely empty? What happens to Rainsbrook then, and what happens to MTC and its contract with the Government?

**Alex Chalk:** There are two left. I hope and expect that they will find themselves in new accommodation by the end of this week. If it bleeds slightly into the following week, it will be very soon thereafter, but I hope it will be by the end of this week.

As for what happens thereafter, these are very delicate moments. There is a contractual relationship with MTC at the moment, and we will have to see how it progresses thereafter. It is difficult to say a huge amount about it at this stage, given that there is an awful lot of public money potentially at stake. What I can say is that we are absolutely clear that what happened was not satisfactory. We were given assurances that things would be better. I know that those assurances were given directly to my predecessor Lucy Frazer, and yet we found ourselves in June in a situation where the inspector was saying that Rainsbrook was not safe for children. That is completely unacceptable. MTC will be aware of that and very mindful of what has been said. I cannot give you absolute clarity at this stage because we are at a particularly important moment in resolving how this is going to conclude ultimately. I do not know whether Dr Farrar wants to add anything.

**Andy Slaughter:** Could I pursue this, if you don't mind?

**Alex Chalk:** Of course.

Q31 **Andy Slaughter:** Whether or not there is absolute clarity, I need more than you have given. In your response to the second report of the Committee, you say that the two-year extension of the contract period was at a cost of £13.9 million per annum, or £27.8 million in total. The building itself—the STC—will be empty shortly. There is the issue of what goes into that and when, or whether it will be mothballed. The lay person watching this would think, putting it crudely, "How much is MTC going to pay us rather than how much more are we going to pay MTC?" Of course, there are contractual obligations, but you must be able to give us something more on what is going to happen as a result of the outcome there.

**Alex Chalk:** With respect, those are precisely the issues we are having to look at at the moment. Who owes whom what? These are exactly the sorts of issues. You are right. By the end of this week, I anticipate that it will be empty, but, as the Chair alluded to at the beginning, there are question marks about what happens to Rainsbrook. Is it brought back in house? Is it closed altogether? Who owes whom what? These are very big issues, which, as you have already indicated, involve a considerable amount of taxpayers' money. It is absolutely right, as you will appreciate better than most, that issues of law arise—for example, to what extent



## HOUSE OF COMMONS

contracts have been complied with. This is something we have to take in stages. It is less haste, more speed, I think. The points you make are not lost on us. We are not just aware of them; we are giving them active consideration as we speak. Those discussions are taking place.

You rightly referred to the fact that there was an extension. One of the reasons we are so dismayed is that at the time that extension was made, if you look at the report about Rainsbrook then, there was some really positive stuff. They were talking about “steady and determined efforts” and achieving “sustained improvements”; “most recommendations of the last inspection being met”, and so on. I could give further quotes, but it was looking reasonably positive.

What happened in this case is that, notwithstanding the green shoots that appeared to emerge as recently as February this year, it went south in April and May. That is what is so very disappointing. Moving children out is not a cost-free solution; most important of all, it is not cost-free to the individuals themselves because it can be extremely disruptive. That is why we are so disappointed.

**Q32** **Andy Slaughter:** I am not asking so much about the extension, because you dealt with that point in your response, as to who was involved in it and so forth. Looking at the situation now, you must at least have some ambitions. Would you like to see this not very old building used for a secure school? Do you consider that it will remain within the estate, or will it be disposed of in some way? Is your starting point with MTC that it has failed comprehensively and it should be looking at what reparation it needs to make, rather than trying to enforce the terms of its extension?

**Alex Chalk:** Mr Slaughter, what I would say is that the report speaks for itself. You only have to look at the opening lines of that report, which I have in front of me: “The STC is unsafe for children and staff.” It is difficult to think of a more uncompromising message than that. That will have to work its way through our discussions, and consequences will follow from that, but when you ask the perfectly proper question, “Is this going to be a secure school?”, that is something we have to take in stages, not least because we do not yet have the legislation in place in the form of the PCSC Bill, which gives rise to the legitimacy of a secure school in the first place.

Of course, it is a possibility, but we have to take it in stages. Although it is very tempting to indicate where I think this would end up, that could prejudice the very negotiations that would lead to a sensible solution, which, quite apart from anything else, protects the taxpayer, but can protect young people through preserving capacity in the youth estate. It has to be dealt with carefully and that must be the criterion.

**Q33** **Andy Slaughter:** I take that point. You referred to more haste, less speed, but when would you like to see the issue of the future of Rainsbrook and MTC’s role in the criminal justice system resolved?



## HOUSE OF COMMONS

**Alex Chalk:** I would like to see it resolved yesterday. We are not hanging around here.

**Andy Slaughter:** That is a bit flippant.

**Alex Chalk:** I am not being flippant. I am making the point, though, that the negotiations are taking place now. No one is dragging their feet. In fairness to MTC, MTC are not dragging their feet. They recognise the importance of moving at pace, and that is precisely what is happening. What I can say to the Committee is that, just as soon as we are in a position to update you, we will do precisely that. I do not anticipate that it is going to be in the very long future.

Q34 **Andy Slaughter:** You seem, if you don't mind my saying so, to have been taken by surprise, and I am going to suggest that you should not have been. The contract for numbers of children in Rainsbrook was for up to 87. There were only 33 at the time you decided to move the children out. Was it already being run down, and was that happening because of your concerns about MTC, or do you think it should have been because of your concerns about MTC?

**Alex Chalk:** No. If you look at the chronology, the number of children who were in Rainsbrook at the time of the first UN was around 46, and, at that point, as part of the robust action that was taken, you will recall that I said MTC were brought in to speak to Minister Frazer. The moratorium was placed at that point.

In so far as the numbers were run down, it was a proper response to the UN. There was an early indication from Ofsted when they went round in January, and reported in February, that things were improving, and there came a point when the numbers started to tick up again. It went from 46 down to 20-odd and then ticked up to 33 at the time of the second UN. It is not as simple, respectfully, as suggesting that it was on a deliberate downward trajectory. That is not the case, and the numbers that were there were reflective of the overall number in the youth estate, which, as you know, is much lower than it has been. In so far as they dwindled further, that was a deliberate response to the December UN.

Q35 **Andy Slaughter:** Let me put it another way. When MTC got a financial penalty, one of the reasons was insufficient staffing levels previously. Again, that is from your response to our report. The consequence of that seems to have been that, actually, with the number of children being reduced, MTC was getting a rather soft ride. They were being paid for a contract when what they were being asked to do was substantially less than what had originally been proposed.

**Alex Chalk:** Look, I don't have a brief for MTC, let me make that crystal clear. We are deeply, deeply unimpressed, as I hope I have made clear. But, no, it was not the case that post UN it was all just an easy ride. Absolutely not.



## HOUSE OF COMMONS

There were a number of things that happened. First, as you may be aware, because I think this was evidence that came before your Committee, there was a change in personnel. There was a new director, someone called Andrew Dickinson, who was appointed to replace Mr Jessup, who was temporary.

More importantly perhaps, there were various steps taken, including a new head of transformation and compliance to monitor the action plan, and that was made clear in the Lord Chancellor's letter to Ofsted. There were daily occurrence books to record delivery of the programme. There was a new head of education, because you may recall, Mr Slaughter, if you look at some of the older reports dating back to February 2020, the issue of education had been long running. There was a new head of education appointed and, by the way, they changed from Novo to Nacro, and there was a painting and decorating regime, and so on.

The combination of that, plus the fact that YCS resources, in some size and scale, were going in to monitor all of it, meant that the tempo of work considerably increased. Notwithstanding that, it went south in April and May, and that is why we are so frustrated about it. They were given every chance and it did not work out.

The final point I want to make is that one of the reasons why we are so bitterly disappointed is that we were given assurances in December that MTC was going to be putting in some additional resources, particular names were given, they were going to be there for eight weeks, and so on, but, notwithstanding that, they did not ultimately deliver, and that is a great disappointment.

**Q36 Andy Slaughter:** Finally, and then perhaps we will go to your officials, because I think they want to come in, let me put this point. Yes, it certainly did not work out, and it may be that you find great culpability with MTC, but I am suggesting that you and your officials should have known about this going back some years.

At the risk of blowing my own trumpet, I am going to read a couple of sentences from a debate I spoke in, in January 2016. It was mainly on the subject of prisons about the debacle over G4S both at Medway and Rainsbrook. I said this about MTC: "The company taking over the contract"—at Rainsbrook—"is MTCnovo. It is a name not well known in this country because, in origin, it is a US prison firm. As such, it presided over a riot in an Arizona state prison and ran a youth facility in Mississippi that a judge described as, 'struggling with disorder, periodic mayhem, and staff ineptitude which leads to perpetual danger to the inmates and staff'." I concluded: "It probably left that reference out of its application, along with the fact that its directors helped to set up Abu Ghraib prison in Baghdad."

That is the company that you appointed to run Rainsbrook. It was before your time, Mr Chalk, so I do not know whether Dr Farrar wishes to say something, or whether Ms Swidenbank might be able to comment in view



of her experience of working for MTC.

**Alex Chalk:** Let me quickly respond, and then I will invite Jo Farrar and Helga Swidenbank to come in. It is important to step back for a second and to look at some of the actual reports that were made. If you go to 27 November 2018, Ofsted went round Rainsbrook, MTC were in place of course as you have indicated, and there they were noting, on page 3 for the reference of the Clerks, “steady and determined efforts...to achieve sustained improvements”. They noted that “most recommendations of the last inspection” were met. They noted a “thoughtful and intelligent” approach to recruitment, and the director acting with “imagination and vigour”.

It is true to say that they also noted some deficiencies as well. I think in fairness to MTC—and I do not hold a brief for them; I am trying to be as objective and fair-minded as possible—that in 2018 there were some good things about Rainsbrook and some poor things about Rainsbrook, and, indeed, that was the approach that led forward. Unfortunately, we got to the point in December when they dropped the ball. We can see that, and that then followed through. It is not the case that MTC in and of itself was institutionally failing. I do not think that is a fair assessment at all. If I may, I am going to invite Jo Farrar to come in.

**Dr Farrar:** I hope we have sorted out our IT problems now so that you can see us individually. Apologies for that.

I want to come back on the point as to whether we should have spotted this between December and the hearing with you and then the second UN from Ofsted. Yes, we did spot it. We were working very closely with Ofsted. We had quarterly contractual meetings. We had a monthly UN board. We had weekly progress meetings. We had a progress monitor on site. We saw the progress that Ofsted saw, so in January/February we were seeing progress. You should remember that in December/January there had been a Covid outbreak in Rainsbrook, so we were seeing improvement even through a time when they were struggling.

However, in May we had worries. We spotted some deterioration. We discussed that informally with Ofsted. Ofsted obviously choose when to inspect, but they carried out a full inspection at the beginning of June. They were very complimentary in the UN notice about the monitoring that we had done, and about the contact we had had with them. We were able to work really quickly to decant children because we were already thinking about the future of children at Rainsbrook, and when we received the informal notice from Ofsted about safety, we were able to move quickly. At the time, we did not know that it was going to be a UN, and that would have meant we had to wait some months for Ofsted feedback. We did not want to do that, so we acted immediately for the safety of the children there.

Q37 **Andy Slaughter:** Ms Swidenbank, do you want to add anything?



## HOUSE OF COMMONS

**Helga Swidenbank:** I want to go back to the point in relation to the letting of the Rainsbrook contract. That took place between 2014 and 2016. It was let through the regular MOJ processes, including agreement through the Treasury. Those processes are well established and I think went through all the right governance procedures.

**Andy Slaughter:** My point is that there had been warning signs along the road over a period of five years-plus in relation to MTC and on the way that these contracts can go wrong with STCs. If I were in your position, I think I would be extremely annoyed by the way you have been left with the additional burdens that have been put on to your Department and your estate, and the consequences for those young people in those STCs. I just do not see that, and I hope that in negotiating to get our money back from MTC you will take a more robust line.

Thank you, Chair.

Q38 **Chair:** Can our witnesses help me about a separate matter? It is not so much about the future arrangements with MTC, because you have heard what Mr Slaughter said. It is probably best if you answer, Dr Farrar, because you may have some knowledge. Ms Swidenbank has very properly declared her previous connection with MTC. Can you help me? How many other senior staff at the MOJ have previously worked for MTC, or how many MOJ staff moved to STC over the duration of this contract? Can you help me?

**Dr Farrar:** I do not know the exact numbers, but we have a register of all interests. We have been very careful to make sure that we have a register of interests and we built that into the negotiations with MTC so that we have the appropriate declarations. That is being dealt with by the standards officer in the MOJ.

Two of the senior staff have worked for the MOJ, one of whom, Ian Mulholland, you met at your last hearing. I believe he formally declared at the hearing, and has certainly declared separately, that he previously worked for the MOJ. Similarly, David Hood has worked for the MOJ, so a number of people in the MOJ have been colleagues. But we have followed the civil service code. We have recorded every interest, and the negotiations with MTC are being led by the commercial side of the MOJ and not by Helga, who used to work for MTC, as she declared earlier.

**Chair:** I am not suggesting anything improper about these staff movements, but it might be helpful in terms of transparency if you are able to check your records and let the Committee know, just for the sake of completeness. Thank you.

Q39 **Dr Mullan:** To some extent we might end up rehearsing old ground, but I am not sure we have the clarity that I think it is reasonable to ask for at this point. I appreciate that the detail and the ins and outs of any outcomes from the contract negotiations will be sensitive, but I am not



## HOUSE OF COMMONS

quite clear why you can't tell us what your intention is. Are you seeking to continue to have MTC involved? Are you seeking to continue to run it as a site? What are the Government's aims in that regard?

**Alex Chalk:** The position at the moment is that we can accommodate children, as we have already discussed, without having to use Rainsbrook, so that is one option. We could do that. There is a question mark about whether that is a good idea going forward, because to have flexibility and capacity is a sensible move. One very proper alternative to consider is whether it should be brought in-house, and that is under active consideration. Then, as Mr Slaughter referred to before, there is a question mark about whether it could become a secure school. You will appreciate what we have said about secure schools. It may be that you will want to discuss that again in due course.

The decision as to which way we go is necessarily contingent on how this ends up. A material consideration is how the negotiations end. We need to get ourselves into a position where this can be properly concluded, and we would like to conclude it in a way that does not disadvantage the taxpayer. You are absolutely right: there are a number of options under consideration, and bringing it in-house is definitely very much in our thinking at the moment.

That is a very material possibility, but I cannot give you absolute clarity because there is inevitably an element of seeing how the negotiations play out, and considering other aspects. We have the SR coming up. To what extent are there going to be resources in respect of secure schools? In September, we will have the final shape of precisely what the architectural structure will need to be of a secure school, because every time we go round Medway we find other things that need to be sorted out. What is the cost of that going to be? There are a number of moving parts. When you factor in the complex negotiation, it is inevitable that there has to be an element of discretion. You cannot pre-ordain your decisions. It would be reckless to take that approach.

Q40 **Dr Mullan:** I understand why you cannot guarantee the outcome, but I am not clear why an ongoing negotiation with one particular provider, at a particular centre, at a point in time, precludes you from having a preference about what will be happening in six months' time. You must have a preference.

**Alex Chalk:** Clearly, we are not going to go back to the situation as before. That much is clear, isn't it? We are not going to go back to a situation where, this having failed, we are going to carry on as before. That is not going to happen. Whether it gets closed down, whether we bring it in-house, or whether it becomes a secure school, that is where the areas of discretion are.

Q41 **Dr Mullan:** Is it fair to say that you perhaps have not decided yet? You have not made any decisions.



## HOUSE OF COMMONS

**Alex Chalk:** That is exactly what I am saying. We have not made any firm decisions on it. That is precisely right. Forgive me if I have not made that clear. That is exactly right. It could become a secure school, it could be closed down altogether, or it could be brought in-house.

Q42 **Dr Mullan:** We cannot realistically expect, if you have not even decided, anything significant to happen over the next six months. I cannot see how it is going to be brought back into use or used for any other purpose if you have not even decided yet what you want to do with it.

**Alex Chalk:** I would not necessarily conclude that, because we could potentially bring it in-house in that time. I do not think that is impossible. I am sorry if that is unhelpful, but it just happens that the timing of this meeting is precisely at the thick end of the discussion with MTC, and that inevitably constrains me a little on the extent to which I can give you full clarity on that point.

Q43 **Dr Mullan:** My colleagues have covered the history, so to speak, across the STC estate. I want to pick up on Oakhill, for example. Is it under consideration that you might repurpose it before the end of the existing contract in 2029, or will you allow that contract to play out, at the very least?

**Alex Chalk:** I think it is likely that it will play out its contract. One of the issues about secure schools is that there is a relatively long glide path to get to that point, because, if the experience of Medway teaches us anything, it is that issues such as planning and ensuring compliance and ensuring that regulatory agreements are put in place are difficult. You have, as I say, a number of moving parts. This will be a gradual migration, if indeed that is where we end up. The situation with Oakhill is that there are certainly no plans to close it, and, as you rightly say, there is a contract in place. I think the likelihood is that that contract would be expected to run its course.

Q44 **Dr Mullan:** Going back to the MTC contract—sorry to jump around slightly—being new to the Committee perhaps I do not understand the complexities of this issue, but is it possible that, while the inspector may have taken a view on the quality of provision and you have acted on those considerations, MTC could, separately, ask a court to take a different view as to whether the contract itself has been breached? Is that the tension?

**Alex Chalk:** I am not here to answer for MTC, but they may take a view as to whether they agree with what Ofsted said. Forgive the expression, we do not have a dog in the fight there. That is not our issue. Our issue is that the inspector went around, having noted, incidentally, in February that significant additional resources had gone in to supervise Rainsbrook, and notwithstanding that, the report, in its opening remarks, said that the STC was unsafe for children and staff. That really is the alpha and omega of it, from our point of view. They went round and they said that.



## HOUSE OF COMMONS

And on the Friday that they concluded their report, by the way, before they had actually published the letter, we made the decision to decant.

Q45 **Dr Mullan:** I guess what I am trying to understand is that, from a lay person's point of view, they would want you to be able to say there are no circumstances in which this provider is going to be given any money and, if anything, they are going to be penalised because, as far as the inspector is concerned, they have failed to deliver.

**Alex Chalk:** Who are "they"?

Q46 **Dr Mullan:** The provider, the contract holder—MTC obviously. I would be very concerned if they were to get any money for having provided services that you have decided should be taken away from them. I get the feeling that you can't actually say that just on the basis of the fact that the inspectors found them to be unsuitable to be providing that service.

**Alex Chalk:** Our stance in respect of the contractual obligation, and who owes what to whom, is that an absolutely material consideration has to be what the inspector found. Bluntly, we had a situation where we had, as the contracting party, imposed improvement notices that were themselves predicated on what had been found in the first UN. In other words, "This was the action plan. This now becomes a term of your contract. Please complete that contract." The second UN showed that had not happened. As far as we are concerned, that is, how can I put it, an extremely germane consideration, we would say?

Q47 **Dr Mullan:** What I am trying to understand is, who is the ultimate arbiter of that?

**Alex Chalk:** The courts—the High Court of England and Wales.

Q48 **Dr Mullan:** I understand. Thank you for clarifying that. It is for the courts, so you are limited in the sense that, ultimately, you could be challenged, and the court would have to decide whether the inspector was right or the provider was right.

**Alex Chalk:** Who knows? I suspect it would be more likely to be about whether we were entitled to take the course with MTC. That is the point. As to the precise role and whether there is satellite litigation, I do not want to get involved in all that, but you are absolutely right—there is a potential context and risk.

Q49 **Dr Mullan:** On the programme more generally, in the ambition to move to a whole secure schools estate, do you envisage that STCs will be at the top of the queue for that provision, over YOIs, for example? Is there a strategic approach to how you will lead the transition to secure schools?

**Alex Chalk:** It was, I think, Ms Eagle who noted at the beginning as part of the context that there had been the issue with Medway and, as you know, we are now in the position of trying to repurpose Medway. That



was a former secure training centre that we want to become a secure school.

It is very much more complicated than simply turning the lights on and saying, "There you go, it's a secure school. Off you go." There is a huge amount that needs to take place because, as you will appreciate, Ofsted needs to be satisfied that from an architectural point of view it qualifies as a secure children's home, which is materially different from a secure training centre, and there need to be all the paraphernalia of a children's home—new fire standards and goodness knows what.

The short answer is that we want to see how we get on with Medway and, as I say, we have a number of hoops to go through before then, not least that the PCSC Bill has to get on to the statute book. In September, we are going to have a final spec, if you like, for what it needs to look like, and therefore the final cost. What I can tell you is that the cost is not going down. It is a very expensive undertaking—very, very expensive indeed. We will have to see how that goes. We have a plan to roll it out.

I have already indicated in response to one of your colleagues—forgive me, I think it was to you—in respect of Oakhill and whether we would see that serving out its contract, that I think we would. We will have to look at the estate in the round and see where we go. It is very difficult at the moment, given that we have not yet road-tested the Oasis site to be absolutely prescriptive about how we are going to deal with this, not least, as experience has shown, that it is a fantastically expensive thing to do.

**Dr Mullan:** Thank you.

Q50 **Chair:** Minister, I appreciate the constraints, and Dr Mullan makes the points clearly. I take it that the Department has no reason to challenge any of the factual findings of the inspector's reports that gave rise to the UN.

**Alex Chalk:** No, we accept them without demur.

**Chair:** I imagine they have the same doctrine of fundamental breach of contract in the United States as in the United Kingdom. Perhaps we can move to Janet Daby.

Q51 **Janet Daby:** Good afternoon, everybody. My questions are around the difference between secure schools and secure training centres. Minister, you have already embarked on talking about those differences from the architectural point of view. Could you tell me a bit more about the main differences between a secure school and a secure training centre, and, in particular, how the young person will experience it?

**Alex Chalk:** That is a really important point. As you know, secure schools were really the brainchild of Charlie Taylor who is currently HMIP but previously had a strong background in education, as you are aware. The first point is one I have already adverted to, namely, that it has to



satisfy different criteria. It has to be able to be classified as a children's home and that is a really important difference. Also, it has to be a school that happens to be secure, as opposed to a home that happens to do some education in it.

On the precise education regime, Jo is probably best placed to give timetabling detail. The simple idea is that you are moving away from its essentially being somewhere people graduate from a sentence point of view into the adult estate. We should never forget that the majority of children in the youth estate end up going into the adult estate. We want to make sure that they have a solid educational footing and that they are in an environment that is conducive to that, because one day these children will come out as adults, and we want to make sure that they have some prospect of reintegrating into society. Even though we recognise that this is a difficult cohort, some of whom have committed some unspeakably awful crimes, we want them ultimately to be contributing members of society, and we think that it is definitely worth the powder and shot to try the secure schools model. If you are content, Ms Daby, I am going to invite Jo Farrar to speak a little more about the detail of the regime.

**Janet Daby:** Sure.

**Dr Farrar:** Secure schools, as the Minister said, are built to children's home standards. They have smaller living units. They provide better opportunities for relationship-building and trust. They have a model of integrated education, health and care. Providers will run all of that in-house, and there will be 24-hour learning and care support. There will also be—

Q52 **Janet Daby:** Dr Farrar, sorry to interrupt you. Could you say what differs in the actual secure school compared with the secure training centre, just the difference, rather than an explanation of what it will involve? Is that okay?

**Dr Farrar:** It is less institutional, I would say. As the Minister said, it is much more like an academy, so it is built on the premise of a 16 to 19-year-old academy. It will be far more similar to that, but with security. The 24-hour learning support is really important, and it will have a charitable provider, which is the first time we have had that, with much more focus on trauma—understanding the impact of trauma on the behaviour of children. Those are what we see as the main differences. As we get further into the secure schools model, I am sure you will want to invite Oasis, who will be the provider, to talk to you about their specific model. We are very excited about it, and we think it will really benefit the children.

Q53 **Janet Daby:** When you speak about trauma, is that the trauma-informed approach? Is that what it is? I see some nodding, so I am sure it is.

**Dr Farrar:** Yes.



Q54 **Janet Daby:** There has been some conversation about Medway being repurposed for the first secure school. How is the environment being improved? There have been wide criticisms around its not being a suitable site. What is being done there?

**Dr Farrar:** If the Minister is happy, I will start off. A huge amount is being done at Medway. We have been working really closely with the construction team, with Ofsted, and with the Care Quality Commission to make sure that it meets the standards that we want. It is being fully modernised. All the buildings are being refurbished. We are making sure that the buildings are suitable and improving their BREEAM standards so that they are much more environmentally friendly.

It is a more homely approach, as I said, with smaller units. It is a complete refurbishment. I think it will be almost unrecognisable from the original Medway site. As the Minister said, in September we should have the exact specification, so we will be able to share more detail with the Committee then.

**Alex Chalk:** Ms Daby, with the Chair's leave, may I come in briefly?

**Janet Daby:** Sure.

**Alex Chalk:** When I became Minister I heard the expression "trauma informed" and I confess I was a little sceptical. It sounded like gobbledegook to me. But when I went round the women's estate and they said, "Here you go, Minister, here actually is a trauma-informed building," in layman's terms, it means you go in and your spirits lift rather than sink through the floor. In other words, it is not dark dank bars everywhere where you sit and drift into despair.

There is more breakout space, so people can associate. There are wider corridors and there is less use of bars. It is a more homely and positive environment. By the way, the thing that prison officers told me when I have been round is that the environment really does matter, because it gives you a sense of hope, or despair. The fact that Oasis are in the business of education first and foremost, and that combination, which changes the culture and the atmosphere, is so significantly different.

**Janet Daby:** Thank you.

Q55 **Rob Butler:** Continuing on the theme of secure schools, if I may, Minister, do you think that secure schools and the secure school model will be able to accommodate all convicted children? In particular, will they be appropriate for those convicted of the most serious offences, such as murder, rape or terrorism?

**Alex Chalk:** The first thing to say is that they are secure. There is a wire. We are not talking about the open estate we have in the adult estate, so technically, yes, it is possible that even people who have been convicted of the most serious crimes could be safely accommodated, so far as the



public is concerned, in that environment, and they suffer the loss of their liberty.

I want to be absolutely candid. We need to take this in stages. We are going to have the example of Medway, which is a new departure. I absolutely accept that just as the second aircraft carrier, even though it is exactly the same type as the first one, is better, because you learn as you go, this first one is difficult; it is not straightforward. As I said, every time they go round Medway, they seem to find something else that needs doing. It is expensive to refit. It is also very complex, from the point of view of planning, to find suitable sites. That is an issue.

The short answer to your question is technically yes, it is possible, but I think it would be hasty to give you any guarantees and to say, "Look, no problem at all, this is clearly the future; within 10 years, they are all going to be secure schools," because I do not think we are yet in a place to be able to say so. We will have to see how we get on, and it may be that there is a blend of provision for a little while yet.

**Q56 Rob Butler:** Indeed, is it not the case that there may some children or young people who need a different type of provision from the general pattern that has been described by Dr Farrar and previously by Ms Swidenbank?

**Alex Chalk:** The inconvenient truth is that some of these young people, and I speak as somebody who has defended young people convicted of very serious crimes as well as prosecuted them, are, in the jargon, very, very hard to reach. They may be young people who have not only been excluded from school but excluded from what we used to call a pupil referral unit, and they have been extremely disruptive. There may be very, very good extenuating and mitigating circumstances—difficult backgrounds and so on—but they are very, very volatile and hard to teach in a conventional educational environment. We cannot be naive about that.

Although we will be studiously humane, we will be relentless in our attempts to turn lives around and to get people on to the straight and narrow. We also have to recognise that some of that now very small cohort are extremely difficult, and have done some very, very bad things. We are going to need to ensure for some time yet that there is a blend of provision, so that all types can be accommodated. In the early stages, the people going into the secure school will be those who are most likely to get the most benefit out of the secure school. We have to keep our wits about us a little. We are talking about 550 of the most complex children anywhere in the United Kingdom, and we want to make sure that there is an estate that reflects that complexity.

**Q57 Rob Butler:** You talked earlier about Feltham and the way you see Feltham has improved. I know Feltham very well, as does Ms Swidenbank; we have both been involved with it. It is not a particularly welcoming building, it is quite harsh, and yet still very good work is



## HOUSE OF COMMONS

capable of being done there, as you have described.

When we all have to bear in mind budgets as well, I wonder whether an alternative model might be to create bespoke children's units staffed with people who are really good at dealing with children and children's problems, but potentially within a bigger site, an existing prison site, of which there are more around the country. That would mean that children were closer to home, and potentially therefore better able to have family visits, and you would not have associated with the secure school all of the massive capital cost of providing security—the wire as you put it. You could benefit from the infrastructure already in place and create on that ground a fantastic young person-suitable environment, which would surely be a win-win for everybody.

**Alex Chalk:** I mean this very sincerely. The thought, experience and expertise that you bring to this area means that anything you suggest along those lines we will think about very carefully.

The only observation that I would make is that we already have, necessarily, fragmented provision. That is a pejorative word, but you know what I mean. We have slightly disparate provision with YOIs, secure training centres, secure children's homes, and we are soon going to have a secure school. To have yet another type of provision might be difficult. I appreciate that what you are suggesting is a wholesale transfer. As you know, we already have in Parc the closest to what you envisage. I would certainly be happy to discuss it with you, but I think the direction of travel at the moment is for us to get the secure school, see how that goes, and indeed see what emerges from the SR, and so on.

We are going to have a blended provision for a while, which I personally think is very much a strength, for the reasons that you adverted to in your earlier remarks. We have a blend of need, and one size does not fit all. We are going to have a suite of provision that I think will give us some flexibility and an ability to respond most directly to the needs of young people. What happens in the long long term is something I would be very happy to discuss further with you and, indeed, the Committee.

**Rob Butler:** Thank you, Minister.

**Chair:** Thank you very much to all our witnesses, Minister, Dr Farrar and Ms Swidenbank. We are grateful for your time and for your evidence. I am grateful to all members of the Committee. Let us hope that this is a saga we do not have to return to, for the sake of everybody, not least the children and others involved in this matter. We are grateful for your time and for your evidence. The session is concluded.