

Justice Committee

Oral evidence: [Urgent Notifications: Rainsbrook and Oakhill STCs](#), HC 841

Wednesday 24 November 2021

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Members present: Sir Robert Neill (Chair); Rob Butler; Angela Crawley; Maria Eagle; Kate Hollern; Paul Maynard.

Questions 1 - 71

Witnesses

I: Victoria Atkins MP, Minister of State for Prisons and Minister for Afghan Resettlement; Helga Swidenbank, Executive Director, Youth Custody Service; and Jo Farrar, Chief Executive Officer, HMPPS and Second Permanent Secretary, Ministry of Justice.



Examination of witnesses

Witnesses: Victoria Atkins, Helga Swidenbank and Jo Farrar.

Chair: Good morning. Welcome to this session of the Justice Committee. This is a one-off session to inquire into the urgent notification procedures that have been invoked in relation to Oakhill and Rainsbrook secure training centres. I am grateful to the Minister and her two officials for coming to see us today. We will come to the witness introductions in just a moment. Members must declare their interests to start with. I am a non-practising barrister and formerly a consultant to a law firm.

Maria Eagle: I am a non-practising solicitor.

Rob Butler: Prior to my election, I was a non-executive director of HMPPS and consequently worked with both Dr Farrar and Ms Swidenbank while there.

Paul Maynard: I am a former Minister but I had nothing to do with this.

Q1 **Chair:** Indeed. Welcome to the Minister of State for Prisons, Victoria Atkins. It is good to see you. Welcome also to Helga Swidenbank, executive director of youth custody, and Jo Farrar, chief executive of HMPPS. Ms Swidenbank, are there any declarations from you?

Helga Swidenbank: Good morning. I was employed by MTC between November 2015 and June 2018 as director of probation for London CRC.

Q2 **Chair:** Thank you. MTC has the contract in relation to one of the centres.

Victoria Atkins: I am a non-practising barrister.

Q3 **Chair:** Indeed. Minister, let us kick off straightaway. I am sure you will bring in your officials as and when necessary.

We now have a situation where there were only two secure training centres left after Medway was closed. Both of them have been subject to comparatively recent urgent notifications, and have had utterly dire reports. Are secure training centres viable any more?

Victoria Atkins: Sir Bob, thank you for that very succinct summary of where we are at with secure training centres. I assure the Committee that within two days of setting foot in the Ministry of Justice I hauled in the managing director of G4S to explain to me what was happening at Oakhill, so troubled was I by the briefings I had received from officials. Last week, I went to visit Oakhill myself to see what is going on there.

On the viability of secure training centres, the Deputy Prime Minister and I are looking at all aspects of the Department's work. As I hope the Committee will understand, we are casting a fresh eye over not just secure training centres but across our portfolios to assure ourselves that we are satisfied with what has happened across the Department and what the future holds. This is part of that review and we are looking at it



urgently. I appreciate that that is perhaps not in time for today's meeting, but we are looking at it urgently because we need to ensure that the secure estate for young people addresses not just the fact that they have been sent to custody because of crimes they have committed, or have been remanded there awaiting trial, but so that while they are in our care they are rehabilitated and cared for and have a decent, safe experience within the secure estate. That is very much what we are focusing on with these two training centres.

There are three main options in the secure estate for placement: secure children's homes, secure training centres and young offenders institutions. There are different rules as to who can go where, and different rules within those institutions. For the time being, we will have the secure training centre model in the middle, if you like, but it must be much improved from where it is at this point in time.

Q4 Chair: Both notification procedures produced not dissimilar pictures: poor quality of staff; inexperienced staff; turnover of staff; senior management not being able to get a grip, frankly; high levels of violence and force; and a small but challenging cohort of young people often locked up for the better part of 19 hours a day. That is a pattern that we seem to see in the STCs in particular, which makes me question whether or not the STCs are salvageable.

Victoria Atkins: We are developing Medway into a secure school. Rainsbrook has been closed down, and we have reduced the number of children in Oakhill. The contract is for 80 places. I believe that as of this morning we have 32 there. Apart from the safeguarding, wellbeing and rehabilitation elements that I know the Committee is very concerned about, there is also a point about taxpayers' money, because if we are paying for a contract I would like that contract to be fulfilled.

Q5 Chair: At the moment, I assume we are paying out to MTC for an empty building.

Victoria Atkins: We are in the middle of negotiations with MTC. In a moment, I will look to Jo for the details of that because there are ongoing negotiations. At Oakhill, we stopped to talk to every child we saw. Jo and I asked one child, "If you could have anything in the world within these four walls, what would you like?" He said, "I'd like it to be cleaned."

Q6 Chair: Basic stuff, isn't it?

Victoria Atkins: Against that background, it gives cause for progress and hope. We were shown around parts of the estate that had been redecorated and cleaned up. They are in a much better position than the older parts of the estate, which I am told and assured are at the moment being redecorated and brought up to standard. We have also brought in a YCS team to monitor the staff and how situations are dealt with. I saw for myself a workshop that officers were taking part in to learn how to de-escalate situations, which is a vital part of safeguarding and the general safety of the estate. There is some progress.



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We await the next Ofsted inspection to see what its conclusions are, but in the meantime YCS is taking real steps to try to bring standards up to what we all, both as taxpayers but also importantly as the public, expect from our secure estate looking after young people.

Jo Farrar: If I may go back to the question about MTC, Sir Bob, you are absolutely right. We are covering the costs as we are required to under the contract. We are not paying as much as we were when we had children there. There are some obvious savings—for example, on the staff we would put in to monitor the contract. Over 80 staff are now working with the Home Office and we are not covering the cost of those staff. We are keen to bring the negotiations at Rainsbrook to a close. We are very near the end of those negotiations.

Chair: We will come back to Rainsbrook later.

Q7 **Kate Hollern:** I want to ask about the contract. If these organisations have failed to meet the requirements of the contract, why are we still paying them?

Jo Farrar: The nature of the contract means that you cannot exit it. There are a number of options available to us, and we are in the middle of commercial discussions at the moment. It is very hard to give any more detail while we are in the middle of those discussions.

Q8 **Kate Hollern:** I think that was what you said last time. G4S had a contract and lost it to MTC, and now G4S has the contract. We have contracts that we are paying for to organisations that have been deemed to be failing since 2016.

Helga Swidenbank: For clarification, the Rainsbrook contract was previously held by G4S and relet to MTC as part of wider competition. The Oakhill contract is a PFI contract, so it is different from the Rainsbrook contract. It is a 25-year contract. It is old and has another eight years to run. They are two quite distinct contracts, albeit for the same type of service.

Q9 **Chair:** The PFI locks you in.

Helga Swidenbank: Yes.

Q10 **Chair:** It is a bit like a 25-year mortgage, as opposed to a normal contract which you can terminate if you are prepared to push the point.

Victoria Atkins: I would hope we never sign another contract like that.

Q11 **Chair:** I understand. I want to go back to Oakhill before returning to Rainsbrook in a minute. We know that since February 2017 Oakhill has been inspected six times. On the important matrix of overall experience and the progress of children, it has never done better than “requires improvement to be good”. In effect, it has been substandard at every inspection. How long do you let these things run before you realise that the place is not fit for purpose? Why did it take so long?



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Victoria Atkins: I can answer for the last month and a half, if you like.

Q12 **Chair:** You are recently in post.

Victoria Atkins: Jo will be able to help a little more with the history, but I can assure the Committee that the Deputy Prime Minister and I are looking at all contractual obligations and options—all.

Q13 **Chair:** I understand that, and I am grateful to you for that because we think it is necessary. Ms Farrar, you have been director of the service responsible. How many chances do you give them?

Jo Farrar: I think Oakhill is in a very different situation from Rainsbrook. Oakhill is one that we have been concerned about for a while. You will remember that in November 2020 it had a reasonable Ofsted inspection, but by January 2021 when it had its first large Covid outbreak we started to see an unpredictable regime. Ofsted came back in in March and again found a mixed picture, but we were so concerned at that point that we paused new admissions and started a shadow UN process, essentially having monthly monitoring meetings. Since then we have issued four rectification notices and the Secretary of State invited Ofsted back, so concerned were we about the performance. I feel that in the case of Oakhill we really stretched and did everything we could under the contract, and then worked with Ofsted because we were very concerned about children at Oakhill.

Q14 **Chair:** We were told in July that there would be additional support and resource put into Oakhill. Can you help me as to exactly what that additional support and resource was?

Jo Farrar: G4S put in some additional resource and support. It has drawn resources from other establishments—for example, from Parc. When we went last week, we met a range of staff from different establishments who are very experienced in working with children. We have enhanced our own monitoring team. When we went there last week, we had a team of six monitoring performance, but we have also brought in an experienced governor, who has governed other prisons, to oversee performance under the contract. That is providing us with real-time information about performance from a very experienced person.

Q15 **Chair:** Are there any lessons that you can take more generally on what sort of support needs to be given, or are the STCs perhaps so special in terms of their cohort and the nature of what they do that you cannot read across the levels of support to other institutions that are struggling? We know that there are other secure environments that are struggling.

Jo Farrar: We do read across. Helga might want to come in on this, but we definitely read across. This is why we have introduced the youth justice worker and are providing specialist training for people to work across the estate. In the youth custody estate in the public sector, we often move people around the estate if there are particular pressures. We



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learned a number of lessons from Rainsbrook, which is why we were able to act so quickly and take a different approach with Oakhill.

Q16 **Chair:** Do you want to add anything, Ms Swidenbank?

Helga Swidenbank: A traditional approach to managing oversight of a private contract is contract management. What we have done at Oakhill, absolutely drawing on lessons learned from Rainsbrook, is to manage the contract, oversee it and make sure it is compliant, also ensuring that the monitoring team spend quality time with children, having conversations and doing welfare-type checks. Those are some of the lessons we have learned explicitly from the Rainsbrook experience.

In addition to the measures Jo has just outlined, we have enhanced the contracted advocacy service that Barnardo's provides. We bought 26% extra time. They are present on site Monday to Friday, every other weekend and one evening a week. We are doing everything we can to ensure that children have people other than G4S staff to speak to about their worries and concerns, if they have them.

Q17 **Maria Eagle:** There were three STCs in total, and all of them have had problems like this. Apart from the maximum of 40 at Oakhill, the rest have effectively closed, so there is no STC estate any more, is there?

Victoria Atkins: As you say, two have closed for the time being. Medway is being converted into a secure school and Oakhill is still operating, albeit at half its capacity.

Q18 **Maria Eagle:** You are hoping to convert it into a secure school, but there is no secure school at present—let's be clear about that—and there are delays in its becoming a secure school. It was meant to be open by now and it is not open. I appreciate that you hope and wish it to be a secure school, but it really is not at the moment, nor is it obvious to me what the difference is between a secure training centre and a secure school concept. That is perhaps for another day. If you wish to comment on that, please do so.

Victoria Atkins: I think the nub of it is that building design is critical. Jo has been closely involved in this and will be able to assist with details on building regs and so on, but in lay person's language I think the buildings are designed to be more homely.

Q19 **Maria Eagle:** In which case, why are you using the old buildings, which are not homely, to put the secure school in?

Victoria Atkins: We are converting them. It is because we have a site there. Do you see?

Q20 **Maria Eagle:** You have to have a site with buildings. Are you knocking down all the old buildings?

Jo Farrar: You are absolutely right; the secure school has taken longer than we hoped, mainly to ensure that it would get registration as a



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secure children's home and an academy. It was not worth starting the work and then finding that we had not designed it in the right way. We have spent a long time with architects, Ofsted and other partners to make sure that we get it right. I am pleased to say that enabling works are now taking place on the site. We have people on site starting the work on the secure home.

Q21 **Maria Eagle:** Are you knocking down the old buildings?

Jo Farrar: No, we are not, but we are doing significant reconversion of the old buildings, which is really complex in a secure site. For example, to knock down walls or change the fire system is difficult for us. There is only a limited number of providers.

Q22 **Maria Eagle:** Perhaps it would have been a better idea to build a new one from scratch.

Jo Farrar: That is certainly what we would look at with future secure schools, but this is still more cost-effective. Even though it has taken longer, in terms of resources it still costs less than building one from scratch, and it is in a good location.

Q23 **Maria Eagle:** It is in a location that has a reputation for being a secure training centre that was closed because it was not good enough.

Jo Farrar: We have a provider, Oasis, and they have started to recruit their senior team. I think they will be very committed to working with us to make sure that people see this as a very different model. Once it is open, I am sure the Committee will want to visit it.

Q24 **Maria Eagle:** We will be keeping an eye on that. Absolutely.

Victoria Atkins: The provider is the critical difference. The buildings are important, but we think the fact that it will be run by an educational trust will bring a real change and shift in culture within the structure itself, so that the children are not seeing education as three hours a day, five hours a day, or whatever it is, and they go or do not go as they see fit. The whole ethos of the structure is to educate these children, get them out of trouble, get them out of the secure estate and rehabilitate their lives for the future.

Q25 **Maria Eagle:** I am sure we will be interested to see how all of that works when it is open. None the less, secure training centres, effectively, do not exist apart from the maximum of 40 at Oakhill. That is correct, isn't it?

Victoria Atkins: At the moment, yes. I would not want the Committee to think we have closed our eyes or minds to re-instigating Rainsbrook under different leadership or whatever. At the moment, we have 32 children in a secure training centre, but please don't think that means that in future there will not be more children in an STC while we are waiting for secure schools to open.

Q26 **Maria Eagle:** Have any of the children had to be moved from Oakhill as a



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consequence of the urgent notification?

Victoria Atkins: No. The pause or slowing down of children being referred to Oakhill went on for many months before the final decision was taken in July, and the reduction in children at Oakhill is because of their sentences coming to an end or their otherwise being released.

Q27 **Maria Eagle:** The current capacity of Oakhill is 40. At the time of the urgent notification, 46 children were resident there. Are you now telling me that there are 32?

Victoria Atkins: As of this morning.

Q28 **Maria Eagle:** Have any of those children been moved as a consequence of the urgent notification?

Jo Farrar: No. Children have moved because children move around the estate or, as the Minister said, some have been released. We have put on an operational cap of 40 at the moment because we feel that that protects the safeguarding of those children and there are sufficient staff to look after them, and it gave G4S time to increase its staffing levels. Obviously, we will keep that under review. We still have capacity for 80. There will be an Ofsted inspection shortly and if G4S is providing a safe service with sufficient staff, we can review that, but at the moment we have an operational cap of 40.

Q29 **Maria Eagle:** Nobody has been moved from there as a consequence of what happened in terms of the urgent notification, the conditions and the situation that has been found there.

Jo Farrar: No.

Q30 **Maria Eagle:** Is it the case that, because of the agreed reduction in the cap, those who might have been placed there have been placed elsewhere instead?

Helga Swidenbank: Every child who comes to court is referred to my placements team, which will make a judgment on the appropriateness of a placement for that child, whether it is to a secure children's home, an STC or a YOI, based on that child's needs, risks and vulnerabilities and various other things. A very small number of children have been placed in Oakhill; others have been placed in secure children's homes and YOIs.

Q31 **Maria Eagle:** So you are still accepting new placements at Oakhill.

Helga Swidenbank: Based on a very thorough risk assessment and an assessment of whether the child's needs will be met at Oakhill.

Q32 **Maria Eagle:** I understand there are always risk assessments when deciding where to place someone. None the less, you are telling me that children are still being placed at Oakhill. It is not that nobody is going there.



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Helga Swidenbank: No. We paused placements to ensure that the establishment was stabilised and to reassure ourselves about some of the safeguarding concerns that we had, as did Ofsted. When we had reassured ourselves, we stopped that pause and we are placing to a capacity of 40.

Q33 **Maria Eagle:** Before the urgent notification, when Oakhill was open and there were 80 places—perhaps when the others were open, too—if your placement team had decided it was an appropriate place to put somebody, they would have been put there. Where are those children being placed now instead? Are they going to the YOIs? Where are they going instead?

Helga Swidenbank: It is a combination. Very few are going to Oakhill; some are going to secure children's homes and some to YOIs.

Jo Farrar: We should add that we have a small number of children in custody at the moment. In 2008, when we had a range of provision, we had 3,000 children in custody. I believe that this week we unlocked 404 boys and 17 girls, so it is a much smaller population than we have seen before. At the moment, we feel happy that we can adequately place children and look after their safety and needs.

Q34 **Maria Eagle:** That is helpful. Thank you. Why has it taken the urgent notification process at Oakhill to increase the time that children spend out of their rooms? From July 2021, children were spending 19 hours, in some cases 23 hours, locked in their room. We now read that they are spending at least 12 hours outside their room. Why did it take the urgent notification? To put the question in another way, it is not rocket science to understand that vulnerable young children should not be locked up in their room for 23 hours. Why did it take the urgent notification process for that to be done?

Jo Farrar: It did not take the urgent notification. This was something we had been worrying about, as I said earlier. We had a rectification notice put in place in May 2021 in terms of staffing to make sure that Oakhill had sufficient staff to give the right regime for children. Such was our concern that that was one of the reasons why the Secretary of State invited Ofsted to come in and have a look at Oakhill. When the Minister, Helga and I visited last week, we were assured that children are now out of their rooms for 13 hours a day, 12 at weekends, so the situation has improved quite significantly, but it was not the urgent notification that led to that; it was all of the action that we took jointly.

Q35 **Maria Eagle:** I understand from the briefing we have received that from July 2021 children were spending 19 hours, in some cases 23 hours, locked in their rooms, but you appear to be saying that was not the case. Could we be clear about whether what we have been told is accurate?

Jo Farrar: I was not saying that was not the case. I was saying it was something we were very concerned about. That was why we issued the rectification notice and paused placements, to make sure that G4S could



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stabilise their staffing position. It was their staffing position. I believe they had two outbreaks. A number of staff were not in work. They were struggling with retention. That was why we were so concerned and paused the placements, and it was one of the reasons why we asked Ofsted to visit. It has been a gradual process to help G4S ensure that they are able to have children out of their rooms for a lot longer.

Q36 **Maria Eagle:** It was nothing to do with the urgent notification process.

Jo Farrar: That is just one of the actions that has been taken since we first started to have concerns in January 2021. It was only one of the things that led to improvements.

Q37 **Maria Eagle:** At what point did children stop being locked up for 19 or 23 hours a day?

Helga Swidenbank: On the sequencing, children were on average being unlocked for 12 hours a day from 12 September this year. The Ofsted report makes reference to regimes in June and July that we were also concerned about. As Jo said, we issued rectification notices on staffing, safety and regime in May, July and September. Ofsted came and did its full inspection in October. The UN was issued on the basis of that full inspection in October, but children had been out of their rooms for at least 12 hours a day from mid-September.

Q38 **Rob Butler:** In advance of the meeting we heard that a full refurbishment plan for Oakhill is being developed by the end of this year. Ms Swidenbank has referred to some redecoration being under way. Can you give us an idea of what you mean by full refurbishment? Does it mean a reconfiguration as well, hinting at a move towards the secure school style of building, or not?

Helga Swidenbank: For Oakhill, the refurbishment extends to redecoration and some work on the shower units and cooling systems. There isn't a plan for extensive reconfiguration of the Oakhill site at this stage.

Q39 **Rob Butler:** Is full refurbishment really a bit of sprucing up?

Helga Swidenbank: And some work on plant—for example, the cooling systems referred to in the inspection report.

Q40 **Rob Butler:** Who is paying for that? G4S or the taxpayer?

Helga Swidenbank: That is being paid for through the contract. The PFI contract—the SPV—is paying for that.

Q41 **Rob Butler:** No extra contribution from the MOJ is required for that. We know that buildings are important in creating the right atmosphere and environment for people to develop, but just as important—possibly more important—are the staff in those buildings and the culture of the staff in those buildings. What is being done to address the concerns about staffing, and how confident are you about that? Telling us that you have



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six monitors when there are only 32 children strikes me as quite alarming.

Jo Farrar: You are absolutely right, and this is the one of the reasons why we have been so keen on having the youth justice qualification for public sector institutions. The director who is there at the moment has put a lot of emphasis on culture. The Minister mentioned some of the training that staff and leaders were having on values, culture and providing the right environment for children. We saw evidence of that when we visited, and Ofsted will be interested in that when it makes its repeat visit. We have also seen staff coming from other establishments who have a good reputation for having the right culture—for example, Parc. We saw a mix of staff and investment in staff helping other staff to make sure that they had the right values.

Victoria Atkins: Mr Butler, you are right. My concern coming out of this is the sustainability of what is happening at the moment. G4S has in place a temporary director who struck me as very qualified and experienced. I think he is there until mid-December and the new permanent director is coming in then. I, and I hope the Committee, will keep a very close eye on how that works out because, if we do not have sustainability and leadership, it doesn't matter what colour the walls are. The fact is that the ethos and culture within the building will not be what we expect.

Q42 **Rob Butler:** That is a really important point. There has been a lot of churn of directors of STCs across the piece going back many years, including when I was on the Youth Justice Board almost 10 years ago. Every time we have a session like this we are promised a new director who will solve everything, and the new director has gone in four or five months.

Victoria Atkins: It is the middle management as well as who is at the top. Every organisation, private or public, should be looking at the succession plan. If, God forbid, something happens to the director, who can step into their shoes to take over the next day?

Q43 **Rob Butler:** That leads to a broader concern within HMPPS about leadership pipelines. One contrast that strikes me very frequently is that Parc, which has been mentioned several times, is also run by G4S. As far as young people are concerned, there are only 60 under-18s on the site of an adult prison of 1,600, so it is completely counter to all the normal suggestions of the best way to run a youth custody establishment. Yet Parc consistently—forgive the pun—knocks it out of the park in inspection reports; it scores really well and you would not expect it to. What can we learn from the Parc experience, where I note there has been a director—I think they are called a director, because it is a private prison—in place for a very long time?

Jo Farrar: That is a good comparison. Parc runs some good services and has had a director in place for a long time. There is also a good



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succession plan there. What we notice at Parc is that there is real strength in the senior leadership team, and if the director is not there other people are able to step up. They run the whole place as a team, so there is a lot we can learn from that.

In the public estate, we are looking at how we train our leaders and make sure that we have a cohort of future governors. In January, we are launching a programme to allow people to come in and be fast-tracked to senior leadership in the justice system. Leadership is something we are keen on, and are looking at. You are absolutely right. Sustainability, the strength of the senior team and the ability for people to move up is important.

Q44 **Rob Butler:** Isn't it baffling that G4S can do it well at Parc but they cannot do it at Oakhill? Is there something geographic about that, or do you think some other issue is at stake?

Helga Swidenbank: I think there is something geographic. The staff team at Parc is relatively static and it is an area of high unemployment, so staff join and stay. The site is also big enough that if staff are not suitable for the children's unit, for example, they are able to go off and do something else on the site. Parc benefits from a stable and static leadership team and a stable and static staff team. If you compare that with Milton Keynes, where Oakhill is, it has a high employment area with rapid turnover, so the employment landscape is an important factor.

Q45 **Paul Maynard:** I was not on the Committee when it looked at Rainsbrook, but I am sure we heard many of the same answers we have heard today with regard to Oakhill. I cannot claim that I am any more reassured from what I have heard today.

Ms Farrar rightly made the point that the number of young people in custody has plummeted from 3,000 to about 400, but surely that makes it all the more astounding that with only 400—indeed only 46 in Oakhill at the time of the inspection—children were still accessing adult channels; there was still a failure to challenge low-level misbehaviour and an over-reliance on restraint when faced with violence. G4S seems to suggest that the answer is a lick of paint. I am amazed that, notwithstanding their success at Parc, time and time again G4S crops up in this Committee and other Whitehall Departments and keeps getting bad reviews but keeps getting Government contracts. When is the Ministry going to stop having G4S, and indeed MTC, as a default partner? We seem to be relying on people who are setting us up to fail.

Jo Farrar: If I may make a correction, I think I said 504 boys.

Q46 **Paul Maynard:** It is far, far less.

Jo Farrar: It is, but I want to make sure the Committee has the right information, so I apologise.



Victoria Atkins: The challenge that you put, Mr Maynard, is a very fair one, and it was one that I put to the managing director of G4S. I would say that the reputational damage to that business is significant if this goes wrong. That is why, as I said, the Deputy Prime Minister and I are looking at all contractual options. Sadly, I cannot speak for other Whitehall Departments, but the contract signed back in the early 2000s is incredibly complicated. There are several parties to it. G4S is the deliverer; we have something called SPV in the middle. I cannot remember what those initials stand for.

Chair: Special purpose vehicle.

Victoria Atkins: Exactly. Goodness knows what it does, frankly, and then there is a bank. Those are the parties to it. It is a very complicated legal situation. We will have at the forefront of our mind the safety and wellbeing of children at Oakhill and elsewhere, but also value for money for the taxpayer. Today, all I can say to the Committee is that we are looking at our options, but in the longer term the reason we are looking to secure schools and so on is to see whether there are better ways of providing these services.

Last week, I sat in a room with Jo and Helga and four young men. I sent out all the G4S staff. All of those young men were there on the most serious charges. Two had been convicted of murder and one of manslaughter, and the other one was awaiting trial for murder. We should not lose sight of who everyone in our estate has to care for if they are in an STC or young offenders institution. Having said that, we spent time talking to those lads, who were incredibly articulate and engaged. At the very end of the conversation, one of them said to me, "Miss, you're the Prisons Minister. You go round these institutions. Will you remember us?"

To me, that crystallised the tragedy of the situation of those young men in that institution—the terrible crimes they had committed and the tragedies of the families who had lost their beloved sons and daughters, but also the tragedy of their own lives. One of the young men will spend the next 15 years of his life behind bars; he will spend his 20s behind bars. The culture is almost about energising our very best leaders to understand that, while these people are in our care, not only do we have to look after them physically; we must also give them something to do with their lives and give them hope when they leave, because if they lose hope, it will have ramifications for their behaviour across the youth and adult estates. That is something I am very focused on with this and other contracts.

Q47 **Paul Maynard:** I wholly endorse your understanding that the state has a duty of care. Your medium-term vision, you claim, is secure schools. I share some of Maria's scepticism about this. Charlie Taylor's report came out in 2016 and we are six years on. You now appear to be looking at what colour the curtains should be for maximum peace and tranquillity in a secure school. That six-year period suggests a high degree of dubious



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attitudes on the part of the Ministry as to whether this is the appropriate path to go down. It would appear that no one has gripped this in the Ministry; otherwise, we would not be sitting here six years later still umming and ahing and not being quite sure when the first one will appear and not sure how it will be built.

I do not get a sense that politicians either in your ministerial cohort or previous ones are convinced this is the way to go, yet you keep sleepwalking and zig-zagging towards it as a destination. Either the Ministry is not convinced or the politicians are not convinced, and you are both talking past each other.

Victoria Atkins: Mr Maynard, I have been in post for only a couple of months, but the idea behind secure schools, as recommended by the now inspector of prisons, is really exciting. There have been problems. I think the principle of it is one we should be excited by. The idea is that the people running the show are educationalists, rather than the “lock ‘em up” vision of the youth estate that many people have. While that has its place, I think that putting education at the heart of it is how we continue to help these children to have the hope I was talking about only moments ago.

As for the delivery, I have asked many questions as to why it has taken so long. I am told that there have been significant issues with Ofsted approving building and cell design. One example is that apparently we are not allowed stairs because they do not fit with Ofsted’s requirements. I think it is fair to say that there has been a learning exercise for the Department in dealing with Ofsted. We have also had input from the Charity Commission, which required us to change the law to allow an educational trust to run these premises. Indeed, that is one of the many features of the Police, Crime, Sentencing and Courts Bill. We are putting that in to try to alleviate that. Perhaps Jo could give us a rundown of the build of this secure institution.

Jo Farrar: For context, having been a local authority chief executive, I should say that it takes three to four years to open a new academy, and that is without the absolute secure features that we need, such as reinforced concrete, glass and a specialised fire safety system. I absolutely accept that it has taken longer than we would have wanted. It is a new and innovative concept. Essentially, it is giving a school to children who have committed very serious offences, and trying to make it feel much more like a school so that the kids have a much more normalised experience, but with security. That is quite complex.

We have worked hard with Ofsted and our health partners to get a building that works. It has taken a lot longer than any of us envisaged at the beginning. Since I have been here, I have made it a real focus to try to make sure that we can move through some of the Ofsted and Charity Commission complexities for Ministers so that we are able to open the first secure school. My role as chief executive is to make sure that these programmes are managed well.



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I am delighted that we now have people on site doing the enabling works and that you will be able to see progress. I am also delighted that the Bill is now going through Parliament, so that we will be able to make firm plans with Oasis, but I accept that it has taken much longer than any of us would have wanted.

Q48 Paul Maynard: Let's hope that you are not hiring Lulu Lytle to do the interior design, that's all I can say.

Minister, this is a personal question for you. When this Committee was looking at Rainsbrook, it issued a short report. The Government's response was so poor that the Committee declined to publish it. I gather that the Committee may be publishing a short report in response to this today. When it appears in your box, can you commit not just to tick it and put it to one side—in the box and out of the box—but to send a response that you will be proud of as a Minister and that you are confident the Committee will be able to publish? I do not want a second occasion when the Government's response on such an important issue is so dismissive that we cannot publish it.

Victoria Atkins: The fatigued look of my private office will assure you that there is no document that goes into my box in which I do not take a very close interest. Sadly, that may be why sometimes I am a little late in responding to correspondence, because I do not think it is up to scratch, or to PQ answers because they do not actually answer the question posed by parliamentarians. I give that assurance.

May I put in just one caveat? If the report lands while we are in the middle of commercial negotiations and/or are considering our contractual options, I may have to put that in as a holding line, but we will come back when we have news, if that is the case.

Chair: That is fair enough. I welcome that. Thank you very much, Minister.

Q49 Kate Hollern: This is obviously a very difficult situation, and it has taken a number of years to accept the problems that were there. I am rather confused. When Rainsbrook was inspected in 2016 and Oakhill in 2017, Oakhill was much worse than Rainsbrook. I wonder why you would move children from a failed provider and a failed place to another failed provider and failed place. Like Paul, I am concerned that we just keep moving things around rather than addressing them. I must say that you have given me a bit more confidence that these issues will be addressed. Alex Chalk promised us decisions and some information on Rainsbrook. Can you tell us where that site is up to?

Jo Farrar: As you know, we are in the middle of some complex negotiations with MTC, so there is very little we can say about that, but we are hopeful that we are nearing the end of those negotiations. As soon as we get there we will be able to come back to the Committee with further information.



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Q50 **Kate Hollern:** Are you saying that commercial interests are holding it up?

Jo Farrar: We are in the middle of commercial negotiations with MTC. Those negotiations are confidential, and we are unable to share the details with the Committee.

Q51 **Kate Hollern:** I think that is what you said the last time you were here.

Jo Farrar: And that was the case, but we are nearing the end of those negotiations, so hopefully we will be able to come back to the Committee very soon with more detail. I know the Committee has been keen to have that.

Q52 **Kate Hollern:** While discussions have been ongoing, what have the MTC staff employed to work at Rainsbrook been doing?

Jo Farrar: I will probably hand over to Helga in a minute, but as I mentioned earlier, 84 of those staff are working for the Home Office. The Home Office has taken 84 staff, but Helga might want to add to that.

Q53 **Kate Hollern:** Doing what?

Maria Eagle: What are they doing?

Chair: What are they actually doing there?

Helga Swidenbank: They are helping to support the Home Office with some of the immigration contracts.

Q54 **Chair:** How has that come about?

Helga Swidenbank: That is a contract with the Home Office. We are not paying for those staff; the Home Office is paying for those staff.

Q55 **Chair:** We have chaos in this building, so the contractors have moved some people to fulfil a separate contract that they had with a separate Government Department.

Jo Farrar: That was a separate negotiation with the Home Office. Eighty-four staff are working on an immigration contract. That will be looked at to make sure that it is run properly by the Home Office. They are currently not working in Rainsbrook, so we do not cover the cost of those staff at the moment.

Q56 **Chair:** It is just a different budget and the taxpayer pays for them.

Jo Farrar: They are working in a service that is open.

Victoria Atkins: If I have understood this correctly, it means that rather than having those staff sitting idly by and being paid, the MOJ has taken that cost out of the contract and those staff are being redeployed by MTC.

Chair: That makes perfectly good sense.



Q57 **Kate Hollern:** It still does not make sense to me. We have a failed organisation that has been moved into possibly another failed contract with another Government Department and all the time the taxpayer is paying for it.

Victoria Atkins: Ms Hollern, so that we do not mischaracterise it, Rainsbrook has been decanted and there are no children staying there at the moment. Eighty-four of the members of staff who would have been working at Rainsbrook if there were still children there have been redeployed by MTC to work at another institution.

What that means from our perspective in terms of the value of the contract is that we are not paying 84 salaries for those staff to do nothing; they are being paid by the Home Office to do another job while Rainsbrook sits empty. I think that is the point. I do not pretend for a moment that it is as we would wish it, but at least those 84 people are doing a job, albeit for the Home Office in another area, and we have been able to extract that cost from the contract while Rainsbrook remains closed at the moment.

Jo Farrar: There was a range of reasons for failure at Rainsbrook. We should not make certain comments about all the staff. There were some good staff at Rainsbrook, but there is a range of reasons for the failure at Rainsbrook, as Ofsted quite rightly set out, and which we have all been very concerned about.

Q58 **Kate Hollern:** I am not saying that all staff were failures; I am not saying that, but we cannot deny that there were serious failures. Children were being abused by staff. You have to question the levels of staff there and the training the staff had.

It is not only at Rainsbrook; it is reflected in the report on Oakhill as well. In my opinion, this is very serious. Huge amounts of money are being paid to contracts that have failed; a move from G4S to MTC; and then a move back to G4S. These are children. I am pleased that we recognise the seriousness of the offences, but prison is about rehabilitation as well as punishment. If very young children have been treated in this way by people in authority, how do we expect them to come through at the other end with respect for authority? It is about keeping a balance.

In my opinion, those staff have failed the children; they failed the Minister. It is important that we accept that. Unless we accept the failures, we can never address them in future, so your options in future must include full acceptance of the failures there and making sure that there is a plan to improve that. On Paul's point, time and time again these contracts have been shown to have failed, so there needs to be reconsideration going forward.

Chair: That is perhaps a point rather than a question, but do you take that on board?



Victoria Atkins: Most certainly. Although I have not had the pleasure of signing off any contracts in the Ministry of Justice thus far, I have responsibility for one major contract in the Home Office. The efforts we made both to secure internal, and importantly, external oversight of the contract as it was being drafted is something I plan to replicate in any contracts I may have in this Department. My approach will be to ask not just officials but those who might be on the legal team on the other side to show me where the loopholes are, so that we try to cover them. Humanity being as humanity is, I cannot guarantee that we will reach every single loophole, but we can certainly do a damn sight better than these contracts have been historically.

Kate Hollern: I am pleased to hear that.

Q59 **Chair:** We noted in our previous report that the extension of the contract for Rainsbrook was not signed off by a Minister; it was signed off by officials. Can I take it that will change?

Victoria Atkins: Sir Bob, I was not aware of that. I am very happy to say that I would not expect the same again. Knowing Jo and Helga as I do, I suspect that would not be the case.

Q60 **Chair:** It is our view that it should not be. You take responsibility.

Victoria Atkins: We are accountable before Parliament, rightly so.

Q61 **Chair:** Quite right. I welcome that comment, Minister. That is absolutely right.

Perhaps the final thing on this before I move to Maria is that because the staff are not being employed for MOJ purposes—they are at the Home Office—I assume there has been a reduction in the payments we make under the contract. Is there any ballpark figure for that reduction? If you do not have it to hand, perhaps you can write to us and let us know.

Jo Farrar: In terms of reduced costs, we believe we are saving about £200,000 a month for staff and other reasons.

Chair: That is a sensible redeployment.

Q62 **Maria Eagle:** Given that the youth offenders institutions are not equipped to hold girls, but there has always been a small number of girls in STCs, how has provision been specifically tailored to meet their needs in other settings? How many of them are in the YOIs, and what support is being given to them?

Victoria Atkins: The most recent published monthly figures I have show that there were 14 girls as of the end of September in the secure estate. The majority are in secure children's homes. Oakhill is for boys only. I am told that I am not allowed to give precise figures because to do so risks identifying individuals. There were under five, as the phrasing goes, transferred to what is known as the Keppel unit at Wetherby.



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My challenge to officials has been that girls at that unit should not be disadvantaged because they are having to be housed in a young offenders institution rather than where they should be, in the STC. Great changes have been made. There are still some areas where I would like us to go further, but I want that experience to be as near as possible to the low-security experience they should have, within the restrictions of the site at Wetherby.

Jo Farrar: I spoke to the governor at Wetherby specifically about girls who are placed in the Keppel unit to reassure myself that it is appropriate provision. We have had some positive feedback from girls who were placed in the Keppel unit about their treatment, rehabilitation and particularly the support for their health, including mental health, so that is very encouraging. At the Keppel unit, we have brought in a new team to work with girls. They have ability or previous experience working in the women's estate, so they understand how to work differently on the basis of gender. At the moment, we are encouraged by the progress and are undertaking a full refurbishment of the girls' part of the Keppel unit to make sure that it continues to meet their needs. It is something we are keeping under review because it is a new provision for us, and we want to make sure that it is the right provision for girls.

Q63 **Maria Eagle:** I accept that the numbers are small, but it is a fundamental policy shift to hold girls in a YOI. It has not been done before, as far as I am aware. Do you see it as temporary or do you intend it to be a long-term solution?

Jo Farrar: The Keppel unit is very discrete, albeit based within a YOI. It is not our policy to move girls into the YOI estate. We are looking at whether units like the Keppel can provide good provision for girls and whether they can give the all-round support that children need. We will continue to keep that under review. We will publish a girls' strategy early next year, and our considerations will feature as part of that strategy, so the Committee will have a clearer idea of how we intend to house girls in the secure estate in future.

Q64 **Maria Eagle:** Is that, "I won't tell you yet", or "I don't know yet"?

Jo Farrar: We are still developing the strategy. In October, we published the "Out of Sight" report, which was commissioned jointly with the NHS and the Ministry of Justice. It was undertaken by the Centre for Mental Health. There are some very interesting findings in it. We are considering it and building it into our strategy, and we hope early next year to publish a strategy that will look at the future for girls.

Q65 **Maria Eagle:** The Keppel unit is part of the YOI. The vast majority of staff at Wetherby deal with young men. That is right, isn't it? Do you have completely separate staff for the bit of the Keppel unit that holds girls?

I am interested in the ethos. We have not held girls in YOIs before. They may be in the Keppel unit, and it may be discrete, but you are holding



girls in a YOI and that has not been done before, for good reasons I think. I would have concerns if, all of a sudden, you began to refer to units like the Keppel. There are no other units like the Keppel unit, or there certainly were not when I was involved. What is the policy now? Are you saying that you have not quite decided because you have this strategy coming and this is temporary until you decide? What is the status of it, Minister?

Victoria Atkins: The girls were moved in over the summer. I have asked why they are there and whether they could be accommodated in children's homes, but I am told that their behaviour and needs are such that they have not been able to be accommodated in children's homes. I see this as a temporary measure.

As I have said throughout my dealings with this, it is not the girls' fault that Rainsbrook is not open, so we must do what we can within the confines of that unit and the wider YOI to make sure that their experience is as close to an STC as possible. We are getting there with the buildings and so on. I think the staff point is a fair one because looking after troubled young men can be very different from looking after troubled young women, but I very much want this to be a temporary measure until Rainsbrook, or elsewhere, opens up.

Q66 **Angela Crawley:** I have two questions. I appreciate that the Minister has been in her position for a relatively brief period of time, but if money were no object, how much could be done to ensure that the services and support received particularly by young girls in young offenders institutions is as it should be, and what is your ambition? I am sure that you are ambitious, as always, to achieve great things in your role. Secondly, how much of the current allocation of the budget is being placed into diversionary and other forms of preventive spending on young offending?

Victoria Atkins: Ms Crawley, you have almost provided my answer to the first question. In reality, this starts not behind prison walls but at the beginning of a child's life—adverse childhood experiences, domestic abuse, substance abuse by parents and so on—and then the life path of that child up to the moment they are arrested, charged and convicted. I see this very much as cross-government work to beat crime. We published recently the Beating Crime plan, and there is a great deal of work going on in relation to tackling drugs, which is part of it, from the county lines or drug-trafficking perspective as well.

As for ambitions for the future, we are still formulating policy for girls in particular. I draw the attention of the Committee to my evidence in relation to the adult female estate a couple of weeks ago. For the tiny number of girls who are caught in this system, where we can, and where behaviour and so on permit it, I would want them to be looked after in secure children's homes, but where we cannot do that we must get this middle ground for girls whose behaviour cannot be contained within children's homes.



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As for budget, off the top of my head I do not have the figure from the spending review that we are allocating in our Department to crime prevention. I am sure we can write to the Committee about that in due course. In any event, it is work with the Department of Health and the Home Office and it is very much, as I see it, a cross-government response to try to prevent these crimes from happening. I have just been handed a note. We are in the process of finalising the spending review allocations—

Q67 **Chair:** If there is anything else to add, we would be happy to have it.

Victoria Atkins: Helga is the one at the coalface for much of this.

Helga Swidenbank: There is an allocation for diversion intervention in the spending review. I do not have the sum at the top my mind. Policy colleagues are working with the YJB and others to think about how we might use that to develop early intervention schemes to prevent children from coming into the estate, which is what we all want.

Jo Farrar: The figure has not yet been allocated because we are still going through those discussions, but, as Helga says, there has been money for rehabilitation and reducing reoffending, and there is some for the youth estate. We are hoping to be able to do some positive work with that.

Chair: Perhaps we can be notified once it is allocated. That would be extremely helpful. We have covered quite a lot of ground. Do people have any remaining questions? I know Mr Butler has one. Kate?

Kate Hollern: No, I am conscious of the time. I am sure there are a lot of questions still to be answered at a future date.

Chair: We have covered a fair bit.

Q68 **Rob Butler:** Broadly, on STCs, I was checking a moment ago, and I think the first one opened back in 1998, so we are getting close to 25 years ago. They would have been planned under a very different ethos, because we have heard how long these things take to come to fruition. As we have also heard from Dr Farrar, it was a time when the youth custody population was much bigger.

We know that Medway is closed and Rainsbrook is temporarily closed; we know that Oakhill has only about 30 children in it. Is the STC a model that is in any way appropriate in the 2020s, or could young people be perfectly well looked after—I do not mean just adequately—in YOIs and SCHs until the secure school model is fully developed? Bluntly, should we still be bothering with the STCs or should we accept that they have had their time? That has been and gone, so now let's just get out of the contracts as quickly as we can.

Victoria Atkins: Mr Butler, there was a smile playing around my lips when you asked that question. That is precisely the question the Deputy



Prime Minister and I are asking ourselves. Give us a bit of time to finish reviewing the landscape and I can come back to you with an answer. There are arguments for and against. We have to make an assessment as to where the best judgment falls.

Q69 **Chair:** That is fair enough. I understand that.

This is the last topic. The urgent notification procedure itself is intended to be a last resort. I accept, as I think you told us, that it is not the only tool in the sense that there will be interventions before it comes to pass; additional resources will have been put in and so forth, but you had two UNs at Rainsbrook within six months. Is there anything we can take away from this in looking at the effectiveness of the urgent notification procedure itself? It was something the Committee welcomed when it was introduced by the inspectorate. I think it has proved to be useful, but is there any refinement to the procedure that you are looking at to ensure that the interventions come as quickly as possible, or is it too early?

Jo Farrar: As the Minister said, she has been here for only a few months. It is obviously something she will want to look at. The UN process for Ofsted is relatively new; Ofsted has not used it before. The Secretary of State asked Ofsted to visit, so it is a tool that can be used to help to improve some of the contracts. We have talked about the contracts. In this case, I think it has been very helpful in identifying the specific problems and giving G4S a focus.

Victoria Atkins: I think UNs serve a vital role in shining a light on practices not just in the youth estate but in the adult estate as well. I know the seriousness with which the Deputy Prime Minister and I take these notices. Sadly, a few of them have come across my desk in the last two months, but we take them very seriously. I genuinely think they can be a way of helping us understand what is happening. A team of inspectors are coming in with an objective, open eye to what is happening in an institution, and that gives us the power to make changes. One of the problems with this particular process is that we are confined by the levers available to us within the contract. It goes back to the point about the terms of the contract. There are many lessons to be learned for future contract drafting.

Q70 **Kate Hollern:** For five years, we have known that G4S has been failing. Are you saying that action has been delayed because we are limited by the contract? There has not been an improvement. Oakhill was inspected at a worse rate than Rainsbrook. Are you suggesting that because of the way the contract was written we are limited in the action that can be taken?

Victoria Atkins: There is a limited range of levers that we have to pull within the Oakhill contract. Rainsbrook is different, but there is a limited range of levers. I think that would be very much a lesson for future contracts. As you would in a commercial setting—take the state out of it—if it was a contract of employment there would be various mechanisms



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for review, appeal and so on. There are limits within this contract as to what we can do.

Q71 **Kate Hollern:** Obviously, performance management is not a very strong point. My main concern is that this contract with G4S runs until 2029.

Victoria Atkins: We are looking at all contractual options.

Chair: I am glad to hear that. Having been a Minister myself who inherited a PFI, I am conscious of the difficulty. I am glad that you are looking at the options in that respect.

Minister, I am very grateful to you and your officials for your time and evidence today. We are much obliged to you. We will follow up and I am sure that, as you told us, you will respond to us very fully. The session is concluded.