



Justice Committee

Oral evidence: [Prisons: planning and policies](#), HC 309

Monday 24 November 2014

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Written evidence from witnesses:

- Standing Committee for Youth Justice [PPP 26](#)

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Members present: Sir Alan Beith (Chair); Nick de Bois; Andy McDonald; and John McDonnell

Questions 301-332

Witnesses: **Lin Hinnigan**, Chief Executive, Youth Justice Board, **Gareth Jones**, Chair, Association of Youth Offending Team Managers, **Joyce Moseley OBE**, Chair, Transition to Adulthood Alliance, and **Penelope Gibbs**, Chair, Standing Committee for Youth Justice, gave evidence.

Chair: Welcome. Penelope Gibbs, you chair the Standing Committee for Youth Justice. Lin Hinnigan is the chief executive of the Youth Justice Board. Gareth Jones chairs the Association of Youth Offending Team Managers and Joyce Moseley chairs the Transition to Adulthood Alliance. We are glad to have your help this afternoon. We have just had a very interesting session, which we deliberately did not hold in public, with ex-offenders talking about their experiences. We found that extremely helpful and informative.

Q301 Nick de Bois: I would like to kick off by talking about the reducing size of the secure estate. Ms Hinnigan, how do you respond to the Standing Committee on Youth Justice's view that the decisions made about the decommissioning of the youth custodial institutions have been haphazard?

Lin Hinnigan: First of all, I would start by saying that it is very welcome that we have an ever-decreasing number of young people in custody. I looked at today's figures, which were 1,058 under-18-year-olds, and we have now had 32 months in a row where the number has been less than it was in the equivalent month the year before. It is a really good news story, but it brings its own challenge.

In terms of how we have responded in the estate as those numbers have gone down, we have very clear process and criteria for looking at where we should decommission. For instance this autumn, a month or so ago, we were looking at the figures which were showing us less than 80% occupancy. As a public body we were commissioning places in the secure estate that were empty. Clearly we have a duty to make the best use of public money so we needed to address that situation. We do that by looking across the piece at the demand, including the regional demand; the supply around the type and location of places; the costs associated with savings—where you can take numbers out, what sort of savings that delivers and/or what costs it might have for coming out of contracts on something like that—the issues around educational provision and quality of provision, health care provision and so on.

We have a very clear set of criteria. The estate has grown historically, so I might argue that the estate is somewhat haphazard. We had YOIs and then we had secure training centres, which was one particular direction; then we had secure children's centres. The geographical positioning of them has certainly historically grown up and is not necessarily where we would want them. For instance, we are very short of secure children's homes in the south of the country. When we ask for people to offer us places, they don't because they do not have any.

Whilst the estate itself may not be as coherent as one might have liked at this point in time, we do have a very clear set of criteria that we sit down and look against in terms of making the decommissioning. We do that with colleagues from NOMS, from NHS England and so on. I would not say that the decisions around decommissioning are haphazard. There is a very clear set of criteria that we use.

Q302 Nick de Bois: In that context, what impact have the needs of the adult estate had on the decisions that have been made?

Lin Hinnigan: That was one element. As I said, one element is financial when we come out of a young offender institute. For instance, we came out of Ashfield in the south-west last year and there were some significant costs around that, whereas when we were looking at decommissioning this year, we looked at Hindley YOI, partly because it had very low rates of occupancy—about 59% occupancy. That is an issue for us. Alongside that we were conscious that Hindley was a split site, and the YJB has typically not been terribly content with having under-18s and over-18s on the same site. We also knew that there was accommodation there that could be used for adults. Therefore, in terms of finances for the MOJ, it would potentially save them building adult house blocks. That is one element.

Q303 Chair: Were you saying, “We will close that one because that's the one they are prepared to take”?

Lin Hinnigan: The financial costs are one element, and therefore that was one element, but that is by no means the only criterion. As I said, we start with supply and demand, but

obviously if, alongside that and having looked at all the other criteria, we vacate an establishment that is of use to the adult estate, then that is one factor, yes.

Q304 Nick de Bois: Thank you, Chair; we were going in the same direction. Perhaps I could turn now to Mr Jones. In your opinion have the Youth Justice Board taken the opportunity of shrinking the custodial estate to reconfigure it in the best way to meet the needs of children? It is a loaded question.

Gareth Jones: It is very loaded and I will give a very straightforward answer, and that is no. I think the reasons that have been put forward for shrinking the estate are welcome—we are all pleased to see fewer young people in custody—but the savings that that has realised have not gone into what we would suggest is a much better way of dealing with young people whom you need to incarcerate.

Nick de Bois: In estate terms.

Gareth Jones: In estate terms, what we see are still moves towards big establishments. They are now geographically even more challenging. In my area, in the north-west, the closure of Hindley means that the chances of families, friends and links to local communities being maintained while the child—they are under 18; they are children—is in Wetherby is going to be much more difficult.

We have another issue in Wetherby, or we will from April. We may well see young people from the cities of Leeds, Liverpool, Manchester, Preston, possibly Birmingham and some of the overspill from other areas and young people from London, all in Wetherby. As we all know, the young people who are left in the secure estate are the complex ones. There are issues of gangs and territory. If you have a young person from Chester, for instance, who has committed a serious offence and is not gang affiliated, by the time they come out of Wetherby they will be. At the moment, the reductions in where they can go may be saving money, but our major concern from the association is that in terms of positive resettlement—the resettlement consortia were all set up on the idea that you would reinvest what you saved—those savings are disappearing to the Ministry of Justice; they are coming back to the centre. There seems to be an assumption that the numbers of young people in the secure estate will continue to reduce. We would suggest that actually some of the reoffending rates for young people in the secure estate will go up.

Q305 Nick de Bois: Would you like to comment on that, Ms Gibbs?

Penelope Gibbs: I would like to comment on the haphazard nature, and particularly on the situation in London and the situation of secure children's home places. There are 309 children in the secure estate from London at the moment but only 142 beds in the London area. That problem has been around for the last 10 years, so it is one that has not been resolved by any design of decommissioning or whatever. There is a huge problem particularly with secure children's homes. We would argue that all children should go to them, but some children who are vulnerable definitely need to go to them. London and the south-east have no secure children's home beds. The nearest ones are in Southampton, where there are only about four. It is even worse for a particularly vulnerable child to be a

very long way from home. There was a secure children's home in London—admittedly, it was agreed that it was not of high quality—but it was closed without replacing the secure children's home beds in London.

Q306 Nick de Bois: Ms Hinnigan, I think it would be right to say that this Committee advocated the smaller custodial units in a report in 2013. It is an obvious question, but why has the number of places in secure children homes continued to reduce? What has driven that?

Lin Hinnigan: The reducing numbers in the estate. The proportion of children who are in secure children's homes has remained about 79% over the last few years; there has not been any change in that. If I can just pick up the point, I would love to have some secure children's homes in the south. There aren't any. We re-competed the secure children's home earlier this year and re-let the contracts in April. We were very keen to engage anybody else, but we can only contract with people who are already licensed by local authorities—local authorities run their children's homes and we can only contract with those providers who are already there. There are some secure children's homes that run only for welfare and don't take justice places. We tried very hard to reach out to them and say, "Please would you like to come into the competition to take some justice places?" but if they are not there we cannot contract with them. I would certainly love to have more places in the south of England. It is a major issue for us when we are re-competing.

Penelope Gibbs: Our fear is that the YJB is reducing the usage of secure children's homes in order to cut the places. In January 2013, the occupancy rate of secure children's homes was 87%, whereas in YOIs it was 58%. In the last figures we have, the occupancy of secure children's homes is 60%, and of secure training centres 82%.

Q307 Nick de Bois: That does not necessarily tally with the overall reduction in numbers of offenders.

Penelope Gibbs: No. It means that they are not using places in secure children's homes that they have actually bought. This would be a very cunning plan if they wanted to reduce still further the number of places in secure children's homes. They could say that the occupancy is very low, therefore we do not need them; but in fact, they could use up all those places.

Q308 Nick de Bois: You are saying you would see one shift to the other.

Penelope Gibbs: There has definitely been a shift between January 2013 and—

Q309 Nick de Bois: What I am saying is that you would see people going from young offender institutes into secure children's homes.

Penelope Gibbs: Secure children's homes are happy and willing to take children from 10 to 17.

Q310 Nick de Bois: Is it that it is not financially viable to do that?

Lin Hinnigan: No, the placements for every individual child are made by the placement team on the basis of the needs of that individual child. It depends who comes to them and what the needs are. Cost does not in any way drive placement decisions. The varying occupancy is simply a reflection of the children who are remanded or sentenced by the courts, and we place them in the place that is best suited to their needs.

Q311 Nick de Bois: I am a bit ignorant here, so forgive me for interrupting. Is it just that you are considering that that individual is not suitable for a secure children's home?

Lin Hinnigan: Yes.

Q312 Nick de Bois: That is to say they will not benefit from it?

Lin Hinnigan: Yes, or it is not the best place to put them. It is interesting because secure children's homes are the only establishments who will turn away a child when we ask them to take them; others will not. There is some justification: sometimes we have very challenging young people and they do not want to mix an older, more challenging person with some of the younger children.

Q313 Nick de Bois: Who is making this decision? Is it the court? Is it probation?

Lin Hinnigan: The YJB makes the individual placement decision. The court makes the decision simply to remand or sentence that young person to custody. That is a single order to remand or sentence to custody. We then get a report from the youth offending team, which is the largest base—the most information we get. We have other information as well but that is one of the things that very clearly drives us—the report from the youth offending team about the particular needs and risks for that individual young person.

Gareth Jones: I was going to make that point. The actual assessment of vulnerability is conducted by colleagues from youth offending teams across the country who advise the YJB. I am aware of occasions when there has been a difference of opinion. Usually what happens is that colleagues of mine will escalate that all the way up to the deputy chief executive of the YJB. I am unaware, when that has happened, that the definition of vulnerability as defined by the YOT colleague has been ignored. As Lin says, there are very clearly issues when sometimes a secure children's home will say, "Actually, although that child is extremely vulnerable, they are also extremely dangerous to the other children that we have and therefore we will decline to take them," but that is a different argument.

Q314 Andy McDonald: I want to turn to the issue of secure colleges. Perhaps I could direct this question to Ms Gibbs. Why do you believe secure colleges are an inadequate replacement for existing provisions?

Penelope Gibbs: Of existing provisions, we are very supportive of secure children's homes and we are supportive of the Government's desire to take children out of YOIs. Our chief concern with secure colleges is that the size of the establishment means that we do not think those children are going to have their needs best met. Our understanding of the evidence base, and our support for secure children's homes from looking abroad at places like the Missouri model, is that smaller establishments have better outcomes, but this is to have a 300-plus establishment. The other thing is that inevitably, in a total population of 1,000, it means that huge numbers of children will be very far from home.

Our other concern about the secure college is that one of the starting points appears to be, not a holistic needs assessment of these children, but an assumption that education is the only answer. Another thing is that, in terms of mental health and so on, we are assured that those needs are going to be met, but cost is another issue: we are concerned that, in all the justification for the secure college, saving costs come quite high. We would say that you are already saving huge amounts by the population reducing. If you look at the costs for dealing with vulnerable children—I would like to make a comparison with residential children's homes—it costs a lot to deal properly and therapeutically with vulnerable children, so we are concerned that one of the biggest drivers for this is about cost reduction.

Q315 Andy McDonald: Ms Hinnigan, what would happen to the rest of the estate with the introduction of secure colleges? What would be the consequence? Obviously people cannot go to two places, but what are the consequences for the rest of the estate?

Lin Hinnigan: Clearly if a secure college pathfinder opens, there will be some withdrawal from existing provision because it is bound to replace existing provision, but it is quite hard to know exactly. There are no specific plans as to exactly what that might look like. The expectation is that it would take children and young people largely from YOIs and STCs, and perhaps a very small number of young people who might currently be considered suitable for secure children's homes. We would need to look at it in exactly the same way as I described the decommissioning process.

It is important to stress that the proposal that the Government has at the moment is for a pathfinder. To a large extent it depends on how that develops and works, and whether or not that pattern is then rolled out across the rest of the estate. It is too early to tell exactly what it would look like, but clearly it will involve taking places out elsewhere if you are building new provision.

Q316 Andy McDonald: Perhaps Mr Jones and Ms Gibbs might answer this question. What further detail would you like to see about secure colleges to assuage any fears that you may have?

Gareth Jones: Aside from the fact that we are looking at 350 children in a single place, there are some of the details that are already coming out which we think are absolutely ridiculous. There is the concept of being able to address some of the issues with the numbers of children in one place. Just because you call something a college does not mean it is an educational establishment. We have seen some other suggestions, which in essence may or may not be accurate. Are the teachers going to be qualified teachers? How are the staff going to maintain order? We have some real concerns about that.

Taking on my previous point, we know that if we have a much reduced secure estate in terms of locations, which this would inevitably mean, the concept of young people who need to be kept apart because of gang affiliations and so on is going to be even more difficult to do. Staff will probably spend far more of their time trying to maintain good order than they will on the very worthwhile attributes of improving educational attainment, speech/language issues and communication. We know so much about the needs of the young people in the secure estate, and I do not think a huge super-prison for children will necessarily respond to that.

Penelope Gibbs: Echoing Gareth, we would want details about the training of staff. One of the key problems in YOIs is that the staff get just a few weeks' training specifically in dealing with children. Staff ratios are crucial, and we are particularly worried about them given the driver about cost. We would like to know much more about the provision for families. Is there going to be a residential unit where families could stay overnight? They are going to have to make huge journeys. We are also very concerned about the inclusion at the moment of girls and younger children in this establishment. We would like further details of how they are going to be protected, safeguarded and given a good regime there.

Q317 Andy McDonald: Connected with that, your committee's written evidence said, "In our view, the Government's plans provide insufficient detail to ensure that secure colleges do not replicate past mistakes." What do you think those past mistakes were, and what should the MOJ do to prevent them?

Penelope Gibbs: In terms of past mistakes, there has not been much change apart from the introduction of STCs in the last 20 years. The main mistake for us is that it has not started with an assessment of need and an assessment worldwide of what makes the best outcomes for children who have to be kept in a secure place. YOIs are the ones with the worst reports at the moment, and they are big. Are we not replicating that? It is something that obviously is not a YOI, but that size issue, to us, was a mistake.

Q318 Chair: Ms Moseley, did you want to come in at that point? You were looking in my direction.

Joyce Moseley: Obviously our interest is the older age group from 17 to 25, but what is happening in the juvenile estate knocks on considerably. We are seeing a slight reduction in the numbers of 18-year-olds transferring, but a much higher proportion of young people at 18 are transferring; 50% of youngsters in the youth estate now transfer into the adult

estate. How they transfer, and the stage they transfer into, obviously has an effect on the adult estate.

In our report on custody for young adults, we refer to the notion of secure colleges, taking evidence from across Europe. In some ways the term “college” is a misnomer. It cannot just focus on education and training, because the young people who are now coming into custody, because of the terrific reduction that has been achieved by the YJB and the YOTs, are much more disturbed and have much more complex needs, and the way they need to be dealt with has equally to be more complex and multidisciplinary and so on.

Given the terrific reduction, our position would support the view that it seems a strange time to invest in a completely new system which does not have any evidence backing it up to say that the outcomes are going to be improved. We have a lot of evidence to know how to improve the outcomes for both young offenders and young adults. If there is money to invest, it would make far more sense to invest it in keeping them out of custody with the YOTs and giving them more therapeutic and educational inputs there, and in custody having therapeutic regimes with much better trained staff in the youth estate.

Q319 John McDonnell: Why has there been an increase in the use of restraint of young people in the secure estate? Is it an indicator of the system having problems?

Lin Hinnigan: I think it is an indication of the challenging nature and the more complex needs of the young people we now have. We have far fewer young people and therefore they are those young people who have very complex and challenging needs. The number of incidents of restraint have of course gone down because there are less of them, but per 100 it has gone up—although it is only 2% over the last two years. I am surprised it is as little as that.

John McDonnell: It is 45% since 2009.

Lin Hinnigan: It is 2% over the last two years. The one thing I would say is that the data is not very robust. We are not necessarily comparing apples and pears. What you count as a restraint is very variable. Once we have our MMPR—minimising and managing physical restraint—regime rolled out, we will be in a lot better position to understand what is happening, for many reasons. One of the lowest levels of restraint is the guiding hand; it is quite possible that in some places that does not get counted, but in others it does. The data is not very robust.

What is really positive is MMPR, which is a system that has been developed through the independent restraint advisory panels, with advice from lots of experts, including medical experts, psychiatrists and others who advised us on developing this new approach, for which the emphasis is on the first “M”—minimising. The staff have a week’s training on it and a lot of the training is about how you de-escalate, minimise and avoid the need for restraint.

I am very optimistic about that as we get it rolled out. Indeed the first establishment has 13 months of data, and that showed a significant drop in the second six months from the first six months. It is very early days, and the next three establishments have only had it for a few months each, so it is really too early to tell in relation to the de-escalation approach

and the safe use of restraint where necessary, trying to avoid it wherever necessary and using the minimal level, and a great deal around the governance and control of that. There are teams in every place that oversee and look at recorded incidents of restraint; quite a lot of them come into the national team for analysis and debriefing, and then we are doing a lot of work back with the establishments. It is an area where we are putting in a lot of effort. I have to say that there is quite a culture change in that and there is a lot of work to be done to shift that around.

Q320 John McDonnell: Will it be applied in the secure colleges?

Lin Hinnigan: We do not know, but it would be our hope. Just going back briefly, if I may, I endorse an awful lot of what Penny has said. We would like to see a holistic approach. Staff training is absolutely key; quality of staff is really key to what happens in a secure college. We would certainly hope that any restraint had MMPR as the basis of it, because that is about de-escalation.

Q321 John McDonnell: Have you been consulted on the use of that system within the secure colleges?

Lin Hinnigan: The consultation is now out. It is a public consultation. We have advised and helped to inform that, working with the Ministry of Justice. It is a Ministry of Justice consultation, but we have tried to feed in our knowledge of what works and what we have learned. MMPR is certainly something that we strongly advocated.

Q322 John McDonnell: You will be responding on that basis?

Lin Hinnigan: We will advocate that, yes.

Q323 Chair: I want to clarify what you see as your likely role in the commissioning, the regulation or the setting of standards for the secure college.

Lin Hinnigan: The regulation is the Ministry of Justice's. That will be in secondary legislation so it is a legislative matter, a matter for the Ministry of Justice. We will be the commissioners once an establishment and the legal framework for it are established. It is our job to commission from them. Clearly we want, and we are trying as hard as we can, to influence such that it is an establishment where we will want to commission places and where we believe that the places will be of good quality. That is our interest and that is how we have been trying to feed in the whole time to the work of the Ministry of Justice: to tell them what we believe and know from our own experience, and to try to support what we believe will be good practice.

Q324 Chair: But as the commissioner you must surely have the power to say, “We are not satisfied that what we require in terms of standards for a secure college is met, and therefore we cannot give you the contract”?

Lin Hinnigan: We do not have a contract at the moment, but in a sense it is a bit like the way we commission from YOIs and from NOMS at the moment. We work very hard with NOMS to try to improve the quality, but in a sense we are only able to commission what is there.

In that context, one big part—for me almost the most important part—of the transforming youth custody programme that is going on at the moment is around YOI reform. We have an improved operating specification for YOIs for NOMS that we have put out to them, and we have just had a response back. We are definitely looking at changing what goes on in YOIs within the constraints of the physical environment, which is not good and is not where we want to be. We are trying to improve the quality of psychological intervention, staff training and so on. There is a lot of work going on to try to improve the quality of what is offered at the moment in YOIs.

Q325 John McDonnell: It would be more interesting to have your role defined with regard to the secure colleges, given the criticisms about the whole concept of them.

I want to go back to the issue of restraint. So that we are absolutely clear, on the figures we have, what we understand is that between 2009-10 and 2012-13 the increase was 45%. I accept there was a 2% increase in 2012, but 45% is still a significant increase. Again I would welcome other people’s views on that increase, and also on the MMPR system.

Penelope Gibbs: One issue I would like to bring up is that the staff to child ratio has changed in YOIs from 10:1 to 12:1. There are fewer staff to manage the children there. We would question why that was necessary in a situation where the population was reducing so much.

The secure college rules are out for consultation. We are extremely concerned by what they say about the use of force and restraint. We would say that they are both confusing and illegal. They allow the use of force for good order and discipline and to create a safe and secure environment, which we would say does not accord with the UN convention on the rights of the child and other human rights legislation. This issue has been subject to case law in the past, so we are really surprised about that. In addition, it has a very odd thing; it says that this MMPR, which has been at least assessed, should be used most of the time, but there are other cases, which are not delineated very carefully, where it says that other ways of using restraint could be used. It does not really sort out what those differences are. We think this would leave the poor staff in the institutions confused and possibly liable to do something which is illegal.

Chair: I will move on, if I may, because there is obviously a consultation.

Lin Hinnigan: May I just come back on the incidence of restraint? There has been a 45% increase since 2009-10. In terms of the numbers per 100 young people, we need to question the nature of the numbers, because in secure children’s homes there were 62.2 incidents per 100 young people, whereas in YOIs there were only 20.9. That is clearly not

related to staffing ratios, because they are much higher, but equally it might well be related to what is being recorded. It would be spurious to try to draw conclusions from that data.

Chair: You might want to write to us when you have had a look at the figures, and possibly even talk to each other and see if you can agree.

John McDonnell: We have to draw conclusions from the data that we have.

Q326 Andy McDonald: What savings, if any, have been made in the running costs of the youth custodial estate, putting aside the reductions related to the number of places commissioned? What impact have those savings had?

Lin Hinnigan: Besides decommissioning, which has obviously led to very significant savings—I think it is £317 million over this spending review period—we have also delivered some efficiency savings. In the re-competing of the secure children’s homes contract there were savings of £6.9 million per annum, partly due to bed number reductions but also due to the average bed price coming down from £209,000 to £202,000.

In extending the secure training centre contracts, we have some significant savings. The Rainsbrook contract has been extended, and the Medway first extension, both of which gave about 20% savings. Some of that is because the PFI element—they were set up with PFIs—has dropped out, but some of it is also around efficiency. We have efficiency savings by renegotiating the contracts that we have, particularly the commercial contracts.

In terms of the NOMS spend with the public prison estate on YOIs, that has not been an area for savings. There has been some underspend, both last year and this year, particularly because of the difficulties they have had with staffing. I would much rather be spending it and having the staff there, but we have used the underspend this year to try to progress some of the reforms around YOIs. We have invested in some of the physical changes that will help with some of the safeguarding work and so on. We are also accelerating more training for staff on restorative justice and getting more psychologists recruited. Where we have an underspend with NOMS, we have tried to invest it in improving the quality of what is available there.

Q327 Andy McDonald: What are your observations on the impact of the so-called “lights out” policy on young offenders?

Lin Hinnigan: Interestingly enough, having a consistent bedtime is something which we would support in principle. Many of the young people have very chaotic lifestyles, and putting some routine and expectations around order and orderly routine is something we would support. The way in which it was implemented in our YOIs was very sensible. It was done in consultation with governors and very carefully implemented. The feedback from the YOIs has been that there have not been problems with it.

Our big concern was that there should be some flexibility. Particularly if you have a vulnerable young person for whom keeping the radio on or whatever might be important because they are feeling distressed, that should be possible and that has been possible.

Governors are able to use discretion where there is an individual for whom they think there are safeguarding risks around them feeling particularly upset or distressed and so on, and they have done that. Apart from that it has gone very well, and the feedback is that it has not caused issues.

Gareth Jones: Certainly some of my colleagues have advised in exactly the way Lin described it: for some young people having a structure is extremely positive. I think 9 o'clock is open to all sorts of discussions about how we are treating some of our young people. I have a seven-year-old and getting him to bed before nine o'clock can sometimes be a struggle, but I am sure that other people would say, "My seven-year-old is in bed at seven o'clock." It is very emotive—I think that is probably the phrase. If we had access to staff in a much more comprehensive way within the secure estate, the 9 o'clock bit would not be too problematic, but when young people are being locked up some of them are feeling forgotten about at 9 o'clock and questioning whether the lights out policy is there for the staff or for the support of young people. We hear comments that young people who are expressing their fear are told to "man up"—that is a phrase that we heard from a particular young person in my own YOT who addressed the entire staff team about his experiences in custody. He essentially feigned a suicide risk to make sure that people protected him. When those sorts of things are happening, the 9 o'clock lights out policy seems to me to be pretty immaterial and insignificant. That young person—

Chair: You seem to be giving a single answer which is conflicting internally. You said that the structure is good.

Gareth Jones: For some young people. That is taking Lin's point about the vulnerability of some young people. It feels that the 9 o'clock policy, from the viewpoint of young people that speak to us, is plucked out of the air. "Where did that come from?" That is how they feel. I am sure that some of the young people you spoke to earlier on would have told you exactly what they thought about that. In terms of young people feeling safe, if you feel that the lights are out at 9 o'clock and so is everything else, "Don't bother us," that is a recipe for disaster.

Penelope Gibbs: The Prison Reform Trust has a writing competition. A 17-year-old won one of their prizes, and he did it about lights off. He said, "You are away from your family and friends and just have yourself for company. Sometimes negative thoughts can creep inside your head. Other people won't stop shouting out of their windows. The only thing you have to distract you is your TV in your cell. It's your best friend and now someone who sits behind a desk, and has most likely never worked in a prison, has made a decision to turn off the TVs."

Chair: That is a different issue. That is turning off television in prison, not lights out.

Penelope Gibbs: It is part of the same kind of regime. If you have lights off, then you also have to turn your TV off at a certain time. It just makes the point that actually it can be incredibly anxiety-making for some children because the shouting outside—I don't know if you have ever heard it yourselves.

Chair: Yes.

Penelope Gibbs: If you read the stories of suicides, a lot of them involved shouting outside. I think the answer is discretion on the part of staff.

Q328 Andy McDonald: Ms Moseley, do you have any observations about the impact that, first, the IEP scheme and, secondly, benchmarking in public sector prisons is having on young adults in prison?

Joyce Moseley: Yes. Could I just add something on lights out? The problem with any rules, if applied in a blanket way, is that they can lead to problems. Our concern is that if staff are not trained sufficiently to understand the emotional and mental health needs of young people, you are leading to problems.

On incentives and earned privileges, T2A comes to it from the fact that the basis is about trying to understand the process of maturation of young adults. All the research from neuroscience, from criminology and so on shows that young men in particular do not fully mature until their mid-20s. I know that you are aware of our work and so on. The part that is the last to develop is the ability to think ahead, to plan and to think through consequences; they act impulsively and so on. If you see that as young men writ large really by the ones who end up in prison—they have added problems on top of just the maturation process—the fact that they are immediately told, “You start at the bottom and you have to earn,” rather than, “We trust you. We respect you. You start here and if you do something wrong you lose,” is a subtle but important difference. We have heard young adults saying, “Well, they think we’re rubbish. They don’t give us anything. Therefore why bother?” It is that sort of attitude, which is a part of that lack of maturity and not being able to think through, “If I behave I’ll get this.” Again that blanket system is not appropriate when you are talking about very volatile and immature young people who do not think in that way.

Q329 Andy McDonald: Why is it that a significant proportion of young offenders and young adult offenders continue to feel unsafe in custody?

Gareth Jones: We have talked about one of the reasons already: if you feel that the staff are there to maintain good order, and their definition of good order is different from your definition. We have this example of a young man who was threatened by other people on the wing and the staff basically told him to toughen up. When you have that level of machismo environment, it is hardly surprising that people are not encouraged to share some information. We know that suicides come from levels of despair, despondency, alienation and disengagement. There are all sorts of things. Larger institutions are going to feed far more into that climate of fear that a lot of our young people feel.

The chief inspector of prisons can give you a much better response than I can on that question. I can only say what some of our young people have told their case managers; that information they expected to have been shared with staff, from a YOT perspective, has gone. The prison staff have not used it, so the young person has felt, “I am on my own here.” If you feel on your own in a fairly intimidating institution, you are going to feel afraid.

Q330 Andy McDonald: So critical information about that young person and their vulnerabilities is not transmitted to the staff—is that what you are saying?

Gareth Jones: I am saying that the young person may not know that it has been transmitted to the staff. Frequently—this is a problem for professionals working with young people anyway—we are very content to speak to each other and sometimes forget that the most important person who needs to know some of this stuff is the young person as well. It is very easy for staff to talk to each other but not let the young person know that, actually, yes, these lines of communication are taking place.

Lin Hinnigan: I am very concerned about Gareth's example of the sort of messages that this young person was getting. That is very worrying. Certainly the measuring the quality of prison life survey which HMIP do for us with young people does show that approximately a third of young people have felt unsafe at some time during their stay in a young persons' institution. That is worrying and certainly is something we ought to be doing something about. Largely the sources of feeling unsafe are reported by young people to be around the behaviour of other young people. It is the reality of being in an environment with a lot of other young people who have a lot of their own needs, and a lot of them have been in there for violent crimes and so on. It is not surprising, in a sense, that they feel it is unsafe. That is absolutely our top priority and we are trying to do something about that, but I think it is about being in that environment with other young people who have challenging needs. Our top priority is to try to address that environment and make it a better environment, where we address the issues of violence and so on.

Penelope Gibbs: HMIP does not go into secure children's homes, but I am absolutely sure that if you asked the same question of children in secure children's homes you would not get the same levels of children saying that they had felt unsafe at some point. It is a different atmosphere and a different culture. Crucially, the staff are highly trained, as opposed to YOI staff.

Lin Hinnigan: It is a different population of young people as well, though.

Q331 Chair: That leads me to raise with Ms Moseley the Transition to Adulthood Alliance's report on young adult offenders. One of the things that we have become particularly aware of is that, where you have a significant number of young adult offenders coming into the prison system, the amount of violence tends to increase. Other prisoners say that these young people are very violent. What do you have to say about that?

Joyce Moseley: To acknowledge that it is real and that the staff have to face some extremely difficult situations, but I think there is evidence around about how you manage that level of violence and violent interactions between young people. It is difficult to explain but it is the overall culture of the regime. It is about trying to reduce the machismo that Gareth talked about, and reduce the level of aggression and confrontation. It is done partly through very simple things like getting them to be doing things more—if you are being locked up in your cell for a long time, that can be incredibly frustrating, and we know that is happening more. One of the ways that staff are trying to handle the levels of

violence and aggression is by resorting to security measures, rather than relationship interaction methods—trying to get them engaged with other things and so on. The staff and the activities are reducing, as we know, so it has been very difficult to do that. I do not think the managing of who goes where and trying to understand and learn from colleagues in the community about the gangs in communities and how they can get translated into custody is done enough.

Q332 Chair: Did you get much response from the Ministry to your report?

Joyce Moseley: Do you want a quick answer?

Chair: Yes.

Joyce Moseley: Not much. We have had some meetings, and people have spoken highly of it. Obviously we are working with the Harris review—I think our report will certainly be of interest to the work of his committee. In terms of any of the definite recommendations, though, not as yet—other than, I suppose, some of the statements that have come out from a couple of the political parties that they are interested in looking at extending the remit of the YJB to 21. That would address some of the things that came up in that report about trying to use the good practice that the YJB have promulgated over the years for that older age group, which is what we think is needed, but as yet there has been nothing definite. I am pleased to hear Lin saying that they are trying to look at the YOIs and improve some of the regimes within them, because they are certainly not addressing the needs of that age group at all.

Chair: Thank you very much indeed. We are very grateful to all four of you for your help this afternoon.