

Justice Committee

Oral evidence: Young adults in the criminal justice system and youth custodial estate, HC 419

Tuesday 7 November 2017

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Members present: Robert Neill (Chair); Mrs Kemi Badenoch; Ruth Cadbury; Bambos Charalambous; David Hanson; John Howell; Gavin Newlands; Laura Pidcock; Victoria Prentis; Ellie Reeves.

Questions 1 - 88

Witnesses

I: Dr Phillip Lee MP, Parliamentary Under-Secretary of State, Ministry of Justice; Michael Spurr, Chief Executive Officer, HM Prison and Probation Service; and Clare Toogood, Director of Youth Justice Policy, Ministry of Justice.



Examination of witnesses

Witnesses: Dr Phillip Lee, Michael Spurr and Clare Toogood.

Q1 **Chair:** Good morning to our witnesses. Minister, Mr Spurr and Ms Toogood, thank you very much for coming. It is very good to see you all, and nice to see you again in particular, Minister. You will appreciate that we have had some discussion about this in the past. In the previous Parliament this Committee produced quite a lengthy report in relation to the way we deal with young adults.

Dr Lee: I have read it.

Chair: I am sure you have. Why then have you ducked the key issue?

Dr Lee: I am not so sure that we have.

Chair: There is no joined-up strategy, is there, Minister?

Dr Lee: Good morning everybody, and thank you for inviting me. The central thrust of that report was around having respect for maturity and the assessment of it. I think the Department accepts that that is a key part of dealing with people aged between 18 and 25.

Q2 **Chair:** I appreciate that in the response there was a specific reference to a better understanding of maturity, but understanding is not much use unless you actually do something with that understanding. What is the Department now specifically doing to reflect maturity, in the two ends of the estate with which the two witnesses with you deal?

Dr Lee: I will give you two and hand over to officials for more. There is the developing maturity tool to assess the maturity of new inmates. Secondly, we are concentrating on trying to reduce the number of inmates per officer to 6:1. We recognise that young adults require additional support and assessment, and understanding of how to communicate, how to reward and how to sanction. All of that has to respond to their level of maturity.

Q3 **Chair:** It is recognised that the evidence suggests that maturity continues with young adults up to about 25, in ballpark terms.

Dr Lee: Yes; but primarily men.

Q4 **Chair:** I accept that. They are, of course, by far the bulk.

Dr Lee: Arguably it continues beyond 25 for men, I suspect.

Q5 **Chair:** That is possibly true, too. Given that we all recognise that the evidence base seems clear and that they then fall way from offending, isn't that yet further reason for a distinct strategy? I accept the specific interventions that you told us about, but should there not be a more joined-up and comprehensive strategy to deal with the whole of that cohort?



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Dr Lee: If you take into account that there is a practical need to structure the custodial estate in a way that is both practical and affordable, which is something that has happened over decades—it is not a particular challenge for this Government; all Governments have that challenge—I am surprised at how much diversity there is in the custodial estate. As you know, I am not responsible for people over 18, but I can tell you that in the youth estate, choices are made on where people under 18 are placed. We have secure children's home places, we have youth offender institute places and we have secure treatment centre places. Where we place people in that situation, particularly girls, is based on their ability and what is best suited to them.

Indeed, if they move into the adult estate at 18, we still have three institutions that look after 18 to 21-year-olds exclusively, and there are a number of institutions where they are mixed. When we think about managing 90,000 people and looking after both their needs and the security of the wider populace, I am surprised at how much diversity there is.

Q6 Chair: That reflects one of our concerns. It is precisely that your responsibility ends at 18, which all the evidence suggests is an arbitrary age. Similarly, Mr Spurr, your responsibility within the prison service largely starts at 18 and not before. Ms Toogood, yours is in a different place as well. It does not seem very joined up.

Michael Spurr: I have responsibility now, Chair, for those in custody under 18 as well. Those we place in secure children's homes are then the responsibility of local authorities, secure training centres and the youth custody service that was created in April.

Q7 Chair: Can you give us a sense as to what the governance arrangements are now, to try to get that more developmentally appropriate system through?

Michael Spurr: We tried to take a lot of the things that your report said and turn them into effective practice. You made, rightly, a strong point about transition arrangements. We now have transition arrangements in place and operating across the custodial estate. There are over 2,000 movements of young people under 18 across services within the community, or in custody, or into the adult system. We have worked very hard to make sure that the transition arrangements are stronger and support individuals into that system.

As you know, we were developing a maturity tool. That is now operating in four establishments: Aylesbury, Forest Bank, Swinfen Hall and Nottingham. Our plan is that after six months, when we have taken the learning from that, we will roll that out, so that we are actually looking at the individual needs of younger people.

We are developing an offender management in custody model that puts more probation officers into the adult system to look after the particularly



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challenging, higher-risk offenders. In line with the changes that have been made with the Children and Social Work Act, we are going to extend the provision to all those who are looked-after children, up to the age of 26, to have a probation officer looking after their case whatever their background has been, on the basis that that reflects what the Act says.

Your report made a very strong point about not understanding the issue of the development of the brain—brain injuries, and so on. We are grant-funding the Disabilities Trust to work with us in four establishments, a Welsh prison and a Welsh approved premises to look at how we can develop better training and understanding for staff in those places.

Q8 Chair: Ms Toogood, how does your stream of work and your responsibility fit into what Mr Spurr has just described to us?

Clare Toogood: Michael has responsibility for the operations of the youth custody service and the Prison and Probation Service nationally as the youth justice policy director. That means I have responsibility for the youth justice reform programme, the commissioning of youth justice services and the youth justice policy, which are the community elements of youth justice—prevention and diversion.

Q9 Chair: In terms of where we take the overlap or transition, what is your stream of work doing to assist with what Mr Spurr has just been telling us about?

Clare Toogood: Michael talked about the transition from the youth estate to the adult estate and ensuring that, as somebody reaches their 18th birthday, a proper plan is put in place for their transition to the adult estate, understanding how far they are into their sentence and whether they should conclude their sentence, if it is nearing its end, potentially by staying in a youth establishment for under-18s—we may keep them if that is the best thing for that individual—or whether they should transfer to an adult estate prison. We would then work with the National Probation Service representative, their YOT worker and the establishment where they are currently placed to make sure that the transition works effectively, and there is an IT system in place to support that.

Q10 Victoria Prentis: Is there sufficient slack in the system to make those decisions with the future of the child in mind, or do you often find that decisions are being made on the placement of children transitioning, or indeed young adults going straight into prison, purely on the basis of location?

Clare Toogood: The transfer of 17-year-olds to the adult estate is done on an individual case basis. In terms of capacity in the system to take them, Michael is probably better placed to talk about the operational capacity issues.

Michael Spurr: It varies. It is a small estate now, which is a good thing. As you know, the number of young people under 18 in custody has reduced from over 3,000 to fewer than 1,000, which is a good thing. We



still try to make individual decisions. There are 84 18-year-olds still being held in the youth custody estate, rather than transferring to the adult estate, which they could do, precisely because we have tried to take individual decisions that they are better managed still in that estate.

Of course you are right that if there was a sudden and unexpected rise in the numbers, we would have to reflect it, because we have to keep under-18 children separated from the older populations. We are inevitably juggling the number of spaces we have, and there is a balance to be managed. We try to take individual decisions, and the 84 young people who are 18 and still in the youth custody estate demonstrate that.

- Q11 Victoria Prentis:** Could you remind us of the split in the 18 to 25 age group? How many are in special institutions designed for them and how many are in with the adult population?

Michael Spurr: There are now three dedicated young offender establishments holding only 18 to 21-year-olds: Aylesbury, Deerbolt—we are looking at whether we might extend to 22 or 23 in that establishment—and half of Feltham. The other young people aged 18 to 21 are held in 49 dual-designated establishments across the country. They hold both 18 to 21-year-olds and adults older than 21.

- Q12 Victoria Prentis:** Where do you personally stand on the debate as to which is better for people of that age?

Michael Spurr: I stand in the middle. There is an interesting point about maturity. When I was governor of Aylesbury 20 years ago, we took 15 to 21-year-olds. I felt that worked for that age group. Today, of course, you would not hold a 15 or 16-year-old with a 19 or 20-year-old. There is a point about where you actually draw the line. In practical terms, frankly I think that what we are doing at the moment, with the estate we have and the resources we have, is in the best interests of the young people. It reflects the fact that we have to provide a load of specialist services. If we had to replicate those for an under-25 population, it would be significantly more expensive for us to be able to do. We are trying to use the resources we have in the best way to meet the needs of individuals.

To take the youth custody estate, we have fewer people in custody but they are serving longer. That is true in the adult estate as well. A lot of young people are in the higher security estate because they have very long sentences. We have sexual offenders and people with particular drug needs. We try to accommodate them across the estate as a whole.

- Q13 Victoria Prentis:** To what extent do you look at their family location? We know how important families are in rehabilitation, particularly for young people.

Michael Spurr: It is important. Again, it is a factor that argues for having more options for young people across the estate rather than having a discrete smaller estate. Obviously we keep women separated,



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but it is the same issue—a smaller number of women in the estate and a smaller number of establishments.

Q14 Victoria Prentis: Minister, do you agree?

Dr Lee: Building on what Michael is saying, when I started in the job in July 2016 I commissioned two maps, because I was responsible for women and for youth. One was where our youth justice establishments were, and where they would be if you mapped where the people were from. I did the same for women. It is quite interesting that for legacy reasons—decisions made over many years—we have ended up with a concentration of institutions in areas where perhaps we would not ideally have them.

When I commissioned the two secure schools we are bringing forward, I stipulated that one of them must be in the north-west of England because there was not an institution for young people there. Indeed, young lads from Liverpool and Manchester often end up in Wetherby, across the Pennines in Yorkshire. We are conscious of the need to try to develop future institutions that fit in where there is a need to keep people closer to their families.

Q15 Victoria Prentis: In an ideal world, would you have YOIs or would you keep 18 to 25-year-olds in with the adult population?

Dr Lee: Anything to do with setting an age for anything is always going to be arbitrary. When I see patients as a doctor, I can see a 14-year-old girl who appears to be 21, and I can see a 21-year-old man who appears to be a 14-year-old boy. Maturity is complex. It is often to do with social deprivation early on; we all know that brain development is reduced in infants who are subject to physical or emotional abuse, and so on.

Personally, I think where we are is defensible. We could go to 21, but wherever we draw the line we would still have problems with some people. Ultimately, if we live in an age where people can vote at 18 and get married at 18, it strikes me that 18 is where society has placed where you can take decisions for yourself. Therefore, if you are making a decision to commit a crime, you should take responsibility for that.

Q16 Ruth Cadbury: Minister, I understand that statement, but all the work in the previous report of this Committee was around research about the maturity of young adults, particularly young men. That is why we have a particular work stream around young adults in the criminal justice system. We know that the reality about maturity is that it is not 18 but later, between 18 and 25. Where is that acceptance and policy drive within the MOJ at the moment?

Dr Lee: It is all very well to take the criminal justice system in isolation from everything else in life, but fundamentally the country believes that at 18 you are an adult. It defines that in lots of different ways. I think the system is remarkably responsive to the challenges around maturity in considering that. We could draw it at 25, but I would argue if I was going



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to be intellectually coherent that I would then start raising the age for voting and for when you can get married. I am not advocating that. My point is that the Department has to recognise that society broadly thinks that at 18 you can make decisions for which you take responsibility.

When it comes to managing those individuals once they are in, the MOJ is very conscious of the fact that, because of individuals' brain maturation, they respond to reward and punitive action in different ways depending on their maturity. We all recognise that, but to try to suggest that we should completely change our approach in terms of where the age range starts and finishes, and do that in isolation for the criminal justice system, is to have a situation where a 13-year-old girl can come to see me for contraception and I have to make a decision on whether she is Fraser competent or not. I think that is intellectually incoherent, personally.

Q17 David Hanson: Can we turn to some of the issues on safety in establishments? I know you will have seen and read the reports from HM inspectorate of prisons and the youth custody improvement board that have shown that on every measure—self-harm, assaults, records of insecurity, discrimination and bullying—they are all in the wrong direction. Do you share those concerns?

Dr Lee: Yes.

Q18 David Hanson: What plans are you putting in place to make sure that our children are safe in custody?

Dr Lee: It is an important question. When I came into the job, it was off the back of Medway and the "Panorama" programme. I was immediately conscious of the fact that the youth custodial estate is stressed. That is well documented. The violence levels, for example, are 10 times those in the adult estate. I have made no attempt to hide that at Justice questions or any time I have been asked; I have been quite straightforward about it. In immediate response, we made decisions on bringing forward special youth justice workers, and we will start recruiting next year. We have invested £64 million. That is the immediate response.

We are conscious that some institutions are more stressed than others. Believe me, we keep a close eye on it on a daily and weekly basis. These individuals are very difficult to manage, and I have the utmost respect for the staff who have to manage them. I have visited virtually every institution and they are very challenging. If you look at the admirable decision to reduce the number of people being held in the youth justice estate, which I think took place when you were a Minister in the Department, the problem was that I do not think decisions were made to anticipate the type of institutions you would need to look after very troubled individuals, of whom we have about 900 to 1,000 at any one time.



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Perhaps belatedly, we have recognised that. That is where the secure school concept has come from in response. It is a longer-term solution and I am hopeful that the work we are doing on the concept of secure schools will be successful. In answer to the questions about YOIs, if they are successful, I hope and expect that over the next 10 years or so, because it will take time, we will replace everything with secure schools.

Q19 David Hanson: Let us look at Medway secure training centre in particular. You have directly taken over control of that, yet nine months afterwards we still have an inspector's report saying that the conditions are not improving and are still challenging.

Dr Lee: It has been tough.

Q20 David Hanson: Why is it still continuing and what are you intending to do about Medway in particular?

Dr Lee: It has been really challenging, and I make no secret of it. The reports say that. The legacy there was extremely difficult around the staff. I keep going back to the type of children we are looking after. In most cases, they are profoundly damaged.

Q21 David Hanson: On staffing, the leadership issue was one of the particular criticisms by the inspector. What are the plans in relation to leadership? What is your long-term plan for Medway? Is it going to be maintained by yourself or by another private sector provider?

Dr Lee: Before I hand over to Clare, my strong belief is that we are not looking for another private sector provider when it comes to youth justice.

Clare Toogood: Michael is probably better placed, as he is responsible for running Medway.

Michael Spurr: On Medway itself, what the Minister says is right. When we went into Medway, we recognised that there were considerable issues around how the institution had been operating. There was a significant issue around the staff. A number of staff left the institution, and we had been running well below the number of staff we required there. We engaged in a significant training programme for the staff we inherited there. That is taking time.

I am absolutely certain that what is going on at Medway is significantly better than what was there previously. Charlie Taylor has been visiting independently to do that, and I think he would verify that that is the position. We have put an experienced governor into Medway—he had previously been at Cookham Wood and achieved a good inspection outcome there—to drive leadership, with a range of others, including education specialists, to support him. We have Nacro working on providing the education provision. We are looking at working with schools external to Medway to bring a better education focus for the needs of the young people there.



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The wider safety issues are a massive priority for us. We need to improve safety in all our young people's establishments. It has been well documented, and it is absolutely the case, that the young people we have are significantly challenging in terms of the levels of violence that they perpetrate among each other. We need to work with them to address that. Ahead of the new secure schools policy, we are developing strategies internally to try to address that, including creating smaller units for the young people within the estate. Keppel unit in Wetherby is a good example and had a good safety rating when the inspectorate was there. We are just opening an enhanced support unit at Feltham, so that we can try to work with the most challenging young people with greater resource and smaller numbers.

Q22 Chair: When was the inspection at Wetherby that got a good safety rating?

Michael Spurr: The Keppel unit did. Wider Wetherby had issues. When the chief inspector looked at Keppel in particular, it was better, because it is a smaller unit. The establishment as a whole was regarded as not sufficiently good for safety.

Q23 Chair: The inspector said in February that not a single one of the establishments he had inspected was good for safety.

Michael Spurr: To be fair, that was true in February. Werrington got a good inspection report subsequent to when they visited in February. Werrington was doing reasonably well on safety following the chief inspector's comments.

Q24 David Hanson: We have shovelled millions of pounds at G4S in relation to Medway and Oakhill. According to Charlie Taylor's report, we are also supposed to have detailed contracts and performance measures, yet we have seen Medway underperform and Oakhill is on the edge at the moment. There has been some discussion about that. What is the contractual arrangement now with G4S for both those centres?

Dr Lee: They originally had all three secure treatment centres. Rainsbrook was handed over to MTCnovo before my time; I think it was shortly before I joined. Medway is now the responsibility of Michael and HMPPS. Oakhill still has a 25-year—

Q25 David Hanson: What is the contractual relationship? What penalties have G4S had for the loss of control of Medway and/or the failure of detailed contractor performance measures that have been set by the Department for its performance?

Michael Spurr: What happened at Medway was that there was a recontracting at the same time as those issues came to light, so the contract was not renewed at Medway for G4S. We, from HMPPS, took responsibility for Medway.

Q26 David Hanson: But we have still shovelled millions of pounds at G4S



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over many years and they have underperformed, which is why you have taken the contract off them. Have there been any penalties to G4S for that underperformance over those years?

Michael Spurr: I do not believe so for previous years, other than through the normal contractual mechanism where they failed to hit contractual requirements. At the point that the "Panorama" programme came out, there was a retendering programme—

Q27 **David Hanson:** Is it possible, Mr Spurr, to provide the Committee with what the contract value was—in confidence, if need be—for G4S, and what the contract value ended up being, and whether there was any return from G4S to the Government for that contract value?

Michael Spurr: I am sure we can write to you about the position regarding G4S and Medway.

Q28 **David Hanson:** Can we look at Oakhill now? To be honest, Oakhill was in the last chance saloon when I was the Minister, and that was eight years ago. Yet it has run for the last eight years, and now they have obviously decided themselves that they want to exit the market because they are not performing very well. What is happening with the sale, and who is going to take over the service?

Dr Lee: It is not currently for sale.

Q29 **David Hanson:** As I understand it, G4S are looking to move out of the youth custodial market.

Dr Lee: They made an attempt to sell and were not successful. Now they are back in, and in my dealings with them they are determined to continue to deliver a service.

Q30 **David Hanson:** As I say, they were in the last chance saloon eight years ago when I was the Minister. Are they performing now to a contractual level with which you are satisfied in Oakhill?

Dr Lee: Currently they are.

Q31 **David Hanson:** Again, just so I am clear, if G4S were saying to the public initially that they want to exit the market and they are now continuing in the market because they cannot find a seller, and they are underperforming according to every measure that has been taken so far from HMP and others, and indeed on your own performance measures, are you continually happy to say that you are happy for G4S to continue with the Oakhill STC contract?

Dr Lee: What I am happy to say is that, if there is any doubt about their ability to fulfil that contract, I do not rule anything out.

Q32 **David Hanson:** When I was the Minister eight years ago, they were in the last chance saloon. Have they improved in those eight years?



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Dr Lee: As I say, I do not rule out anything if they are found to be in breach of their contract.

Q33 **David Hanson:** How long in their contract is left now, Minister?

Dr Lee: In 2004, a 25-year contract was signed with the SPV. Their contract is actually with them and not directly with us, as I understand it.

Q34 **David Hanson:** Are you expecting them to continue to want to exit this market or not?

Dr Lee: In the dealings I have had with G4S, and in the meetings I have had, they have led me to believe that they are passionate about doing a good job at Oakhill.

Q35 **David Hanson:** But why did they want to exit the market in the first place?

Dr Lee: You would have to put those questions to G4S.

Q36 **David Hanson:** Are you satisfied that G4S, in wanting to exit the market and saying, "We do not want to do this any more," are now up to the standard you would expect for them to do it?

Dr Lee: Subject to contracts signed by previous Governments, my responsibility is the care of those individuals in a safe and secure environment. If there is any evidence that it is not safe and secure, I do not rule out any decisions.

Q37 **Ruth Cadbury:** Moving forward, and given your concern for the care of young people in the justice system and the secure estate, when you commission providers to deliver services in those institutions, what qualitative indicators are there in the contracts that link to the welfare of young people?

Dr Lee: I have never commissioned anybody so it is probably best that Michael takes that question.

Michael Spurr: There is a range of provisions required in the contracts, including issues around education provision, maintaining activity and time out of cell; a whole range of intervention requirements are set out in the contracts. We measure how those are delivered in terms of the actual process of delivery—is it happening or not?—and of course we have annual inspections of quality, which in STCs come through Ofsted, with the inspectorate of prisons supporting the Ofsted inspection.

Q38 **John Howell:** I want to take you on to the Charlie Taylor review. Charlie Taylor said to an all-party parliamentary group that what he has done is to return the Youth Justice Board to its original functions—to provide independent guidance and scrutiny. How is the restructuring of youth custody intended to improve performance?

Clare Toogood: In terms of the creation of one single organisation that has responsibility for the delivery of all custodial services in the secure



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estate for under-18s, responsibility now sits with Michael with the youth custody service. There is one focused organisation responsible for that whole provision. The Youth Justice Board has oversight of all those functions, with a performance review and advisory element for Ministers, and then the MOJ itself in terms of policy and commissioning responsibilities.

Q39 John Howell: What I cannot see in the structure you have just described is who has the leverage to respond to poor performance and to deliver better performance.

Michael Spurr: I am responsible for what is being delivered across the youth custody estate, now in secure training centres, which we took responsibility for in April, and in the YOIs. The secure children's homes are run by local authorities, and we place young people in them. I have responsibility for ensuring contractual compliance through the secure training centres and improving performance. I am responsible directly to the Minister across the whole estate.

I have appointed a director with specific responsibility only for the young people's estate, and we are strengthening the arrangements within that director's group so that we can focus specifically on what the Minister said—the needs and safety of the young people. That cuts out some administrative engagement that we had previously with the Youth Justice Board and gives us absolute clarity about where our focus is.

We are now working with the Youth Justice Board in a different way. As I mentioned, Charlie Taylor and the Youth Justice Board are providing expertise, scrutiny, oversight and support independent of the responsibility for delivery, which is clearly mine.

Dr Lee: You are getting to the nub of the issue. When I turned up, there was a lack of clarity about the person I spoke to if there was an operational difficulty. I now know who it is.

Q40 John Howell: If it does not reach its performance, we can blame you.

Michael Spurr: I am responsible for performance in the youth custody service; yes.

Q41 John Howell: How has that responded to Charlie Taylor's comments about the lack of accountability and the cost-shunting that was taking place between local authorities and the Ministry of Justice?

Michael Spurr: Are you talking about the remand population?

Q42 John Howell: Yes; start with that.

Michael Spurr: At the moment, the one part of the budget local authorities are responsible for funding is for those who come into any form of secure custody on remand. The rationale for that was around the ownership of young people's services, which sits with local authorities,



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and the fact that effectively if young people end up being remanded prior to going to court they would pay for that.

You are right about their interest in the quality of service they get for that. We are publishing what our performance is across the piece, but at the moment the mechanism is straightforwardly that they are charged for specific places in the custodial estate for those who are pre-trial. The aim is to try to provide options outside the custodial estate for young people who are pre-trial.

Q43 John Howell: How would you now characterise the role of the Youth Justice Board, particularly in looking after safety and the behaviour of those in prison?

Michael Spurr: Their responsibility is to look at the whole system and to advise Ministers directly and independently on the operation of the whole system. They have access to custodial provision. They have data that we share with them. They still have responsibility for engagement with YOTs in the community. What has effectively occurred is a separation from their previous responsibilities for direct oversight of delivery—for example, with STCs, which the YJB were previously managing directly—and for the commissioning of services, which has now moved directly to the Department. They are purely independent and able to comment freely on the operation of the whole system, and provide frank, clear advice to Ministers without the responsibility for the delivery aspects that they previously had.

Q44 John Howell: Doesn't that leave them as a bit of a toothless organisation?

Dr Lee: Not at all. They are rather like the House of Lords to the House of Commons. They point out when there are real issues with legislation and push it back and say, "Are you aware of this? Have you thought this through?" It is an incredibly valuable position.

Q45 Gavin Newlands: Moving on to the number of children in custody, is the fall in the number of children a success story, bearing in mind that the number of BAME boys has barely fallen in comparison? How do you explain the proportion of BAME boys in the system?

Dr Lee: With reference to the Lammy review and the race audit that has recently been published, we recognise that there are some challenges with regard to the proportion. The fall in the youth population in custody has been a remarkable success by any measure. In part, it is to do with the Youth Justice Board and youth offending teams, and in part it is to do with the way in which the police operate in terms of who they charge and who they do not. There has been a series of stages along the path. Yes, we recognise that there are some issues around the over-representation of BAME and the Department will respond to Lammy in due course.

Q46 Gavin Newlands: Are you intending to work with the police, education, social workers and so on to improve the situation?



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Dr Lee: I think we have already agreed four recommendations in the Lammy review. The full response will come, but it is pretty obvious in the data that there are some issues at different stages in the criminal justice system. I have met David Lammy on a number of occasions and well recognise this. Some of those institutions sit within the MOJ and some sit under the purview of another Department.

Q47 Gavin Newlands: I look forward to the response, and I suspect the Committee will want to scrutinise it. There is undeniable evidence that youth offender institutions are far worse for children than secure training centres and secure homes. Are there plans to move more children out of institutions and into other facilities?

Dr Lee: Yes. We must be careful extrapolating around the success of institutions. The decisions that have been made in the past about where children should be held, and that continue to be made, are quite difficult. Sometimes, individuals who are more disruptive and more violent tend to be held in a particular institution. Some institutions have a really tough wicket to play. It is not always fair to compare when the cohorts are different.

As I said earlier, our longer-term desire is for the secure schools model to work, and then we will be in the territory of closing institutions and creating more secure schools. We are not yet there, because I am a passionate believer in an audit cycle. It is something the Department is getting better at. If we are going to have a pilot, which is essentially what the secure schools idea is—that is why I insisted on there being two, so that we can compare and contrast different staffing arrangements, different environments and different cohorts of young people—and if it is proven to be a success, I would argue and advocate that it should be rolled out across the country.

Q48 Gavin Newlands: I welcome the goal of trying to close some institutions. Do you have a timescale in mind of when you would like to do that?

Dr Lee: For the secure schools, we are aiming for the end of the decade/the earlier part of the next decade for both of them to be operational. I keep agitating for earlier and earlier, trust me. I guess we probably need to give it at least a year, if not a couple of years, before we can actually conclude that they are successful. After that, it will be for my successor, or my successor's successor—depending on how politics goes—to make a decision on rolling them out.

I am passionate about the Department's strategy that it should be as future-proofed as possible. This also applies to the women's strategy, which will be published shortly. There should be some underpinning strategy for where we would like to end up. To be blunt, there has been too much make do and mend in approaches in the past, which is why we have ended up with the legacy of a concentration of institutions in particular parts of the country. Things always tack left and right as you



go through, but what I am trying to do, both in youth and indeed in the Ministry of Justice, is to end up with a broad outline of where we want to be in terms of where our institutions should be located. I firmly believe, particularly with young people, although it applies to others as well, that if you can be as close to your family as possible when you are serving your sentence, it is better for outcomes around recidivism and the like.

Q49 Gavin Newlands: On a point of clarity for the Committee, can you explain the difference between a secure school and a secure training centre?

Dr Lee: We are still in the early stages of clearly defining what the model of the secure school is. If you want my own view, when I have been to various youth institutions, I think they spend too much time indoors. There should be more time spent outdoors. I have commissioned a review of the use of sport in the criminal justice system, both in the community and in custody. That will report in the new year. I firmly believe, particularly in view of the fact that we are talking predominantly about young men—there are relatively few young women in the system—that we need to use physical activity more, in particular sport, in a typical day in a youth custody institution.

I encourage the Committee to look at some of the data around recidivism in the small pilots being run by Saracens rugby club, at Feltham for instance, where their recidivism rate is 8%, as opposed to our current recidivism rate of 69% for people who have a sentence in the youth estate. Fight for Peace is a particularly interesting organisation doing work in the community, as well as StreetGames. Their figures are very encouraging.

My vision for the secure school is that, yes, it is a place of learning. We have to give these people a chance in life, but fundamentally you are dealing with very damaged young people who need the basic building blocks of life in place before they move on to doing GCSEs. Do not underestimate how challenged and, indeed, how immature—to use the word around maturity—these individuals are. We need to start building them up. Personally, I think that sport can play a significant part in that.

Q50 Gavin Newlands: Obviously the fall in the number of children in the system is welcome, but that in itself will bring some challenges. What are the challenges and what are you doing to overcome them?

Michael Spurr: You are right; one of the things that secure training centres have struggled with to some degree is the change in population mix from when they were originally contracted and designed. At the moment, 95% of young people who are in secure care of all types, including secure children's homes, are aged 15 to 17; and over half of them are 17 years old. That means that the vast majority of young people in secure training centres and YOIs are at the upper end of the children's age bracket. The types of offences for which we are looking after young people have become more serious. People are sentenced for



longer. We are importing violence to some degree; there is engagement with loose gang affiliations in the community. These are all factors that have impacted on the care for the young people that we look after over the last few years.

We are trying to address that in the ways I described earlier. We need to provide much more support for our staff. The Government strategy for professionalising the workforce is absolutely right. I have 178 staff at the moment on a justice foundation degree at Suffolk University, to provide them with additional skills. We are looking to develop and introduce the new youth justice worker model, which will require higher skill levels for our staff, because the complexities they are trying to manage are much greater. Most of the staff who work in young offender institutions or in secure training centres, effectively, had basic prison officer training. They need much more in-depth training now to look after young people and the complexities that they face, and we are doing that.

We are recruiting more staff; 123 more staff are being recruited for the YOIs. That is important. The ratios need to be better, and we are doing that. As I mentioned earlier, I am looking to break up units so that we have more dedicated support for the most challenging young people, within the constraints of the estate that we have at the moment.

Dr Lee: I have one small follow-on point. There has been a small uptake in sexual crimes in young people. We had an 11-year-old who committed a rape last year. This is quite concerning. We are at the early stages, but I have encouraged the Department to start thinking ahead in terms of whether we need a special unit for children like that. It is a very small number, but the crimes are quite dark and very troubling. That is also in the mix of how we foresee the structure of the future youth custody estate.

Q51 **Victoria Prentis:** On that point, have you seen evidence that gang culture is using sex as a form of violence? It is something we picked up as a Committee.

Dr Lee: I am not sure if it has been detected in the system so much.

Michael Spurr: We are aware of it as an issue in the community. Obviously, we have separated institutions, so it has not been such an issue in custody. There has certainly been a change over recent years. If you talk to people who are working with young people, they say identity is very important. Separation even for the smallest thing, and being on a different unit, creates its own issue about forming loose affiliations that become a means and a potential for conflict. Getting underneath how we have got into this sort of state—some of it is inevitably imported from how people operate in wider communities—is incredibly difficult to tackle. Again, trying to tackle that obviously involves a lot of individual engagement with the young people, ideally out of rooms and cells. It is not a great way to handle people, but I confess that sometimes we have separated and held people separately, because the risks of young people



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hurting each other have been such that we have not been able to manage that without a degree of separation.

Chair: You will know that both Ms Prentis and I have an interest as non-practising barristers, and we are involved with some prisoners in the criminal justice system. Ms Cadbury has an interest in relation to the Barrow Cadbury trust.

Q52 **Ruth Cadbury:** Yes. I was a trustee until 2015 of the Barrow Cadbury trust. That was more around young adults, but I have a couple of questions about the children's estate. Picking up the questions from Mr Newlands on the plans for secure schools, what work have you done with the Department for Education and with local authorities on plans for secure schools?

Clare Toogood: We have a joint team with the Department for Education working on the development of secure schools. We are working very closely with the DFE on the youth justice reform programme generally. We have a cross-government programme board with the Department for Health, NHS England, the Welsh Government, the Home Office and the Department for Education. We are working closely across government on the youth justice reform agenda generally, and more specifically for secure schools. We are working with the free schools group in terms of understanding their learning from creating new schools in the free school process, and with academies to help us develop proposals for secure schools.

Q53 **Ruth Cadbury:** Will secure schools replace all the estate for under-18s or just a proportion?

Dr Lee: If they work, with the possible exception around some of the more difficult crimes, yes.

Q54 **Ruth Cadbury:** While they are getting up to speed, the Government response to the Charlie Taylor recommendation said, "we will develop a pre-apprenticeship training pathway that will start in custody and ensure that all children and young people are in education, training or employment on release." But the annual report of the chief inspector of prisons pointed out that there was a large number of teachers and classrooms doing nothing, because of issues around getting youngsters to education. What impact do those problems within the current estate have on children's outcomes in education and training?

Dr Lee: There are challenges around staffing, which Michael has already alluded to, but we are addressing them by recruiting more staff. That has led to some difficulties in getting to lessons and the like, and actually getting out of the cells. It is all publicly documented. The recidivism rate at 69% suggests to me that we have fundamentally to change the environment in which these young people are being held. I do not think there is any disagreement with that.



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I always put in the caveat that they are very difficult individuals. It is only when you actually visit the institutions that you see how profoundly difficult they are to deal with. They are invariably children who have not played any part in or attended school very much in their lives prior to coming there. To get them to sit down for 20 or 25 hours a week in a classroom is possibly the wrong approach. What you need to build first is rapport. You need to understand where they are coming from, and you need to burn off some energy, aggression and frustration.

I was quite struck when I went to an alternative school provision based in West London. It is secure, but they are not in custody. They were using sparring pads in the classroom. They were actually boxing with sparring pads before they sat down to do their lessons. I was quite struck by that. I said, "Why are you doing this?" They said, "Well, we realised that if we don't do this at the start of the day, they don't learn anything."

Q55 Ruth Cadbury: The work around identifying young adults, 18 to 25-year-olds, in the criminal justice system as a distinct group with specific needs, particularly around maturity, started from the concern about recidivism. What is the Department's target rate for recidivism?

Dr Lee: It would be zero, wouldn't it? That is a statement of the obvious. We want to reduce it. We do not have a fixed target because we recognise how challenging it is. As I alluded to earlier, we have a little pilot with a rugby club going into Feltham. They have got it down to 8%. Part of it is that they have engaged with the individuals. There is an element of the macho quality of rugby, so they feel they want to participate. But then when they are about to leave they are given a mentor. They are given a suit—

Q56 Ruth Cadbury: I understand the concept. I just wondered what your target was.

Dr Lee: As I have already said, I passionately believe that these types of organisations can play a significant part in reducing recidivism. Do I think we can get down to zero? No, I do not. Let's be realistic; there are always going to be a few bad eggs who keep repeating crime. But we can do a lot better than 69%.

Q57 Ruth Cadbury: What I am asking is, will that perspective roll out into the culture of the Department, both for children in the criminal justice system and the 18 to 25-year-olds?

Dr Lee: That is my intention, yes.

Q58 Laura Pidcock: You have mentioned the Lammy review quite a few times. It has been three years since Baroness Young reported on ways to improve outcomes for young black and Muslim men, and the stark disproportionality is in the Lammy review, too. What action was taken in that time to improve the outcome for BAME men, and how have the outcomes improved as a result of that action in the three years?



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Dr Lee: What you are referring to, and the genesis of these problems, actually sits outside the Department. This is something I have tried to address since I have been in the role. I have been having more meetings with other Departments, and we continue to try to build momentum within Government to recognise that if we are going to properly address reoffending, it is a cross-departmental challenge. The MOJ suffers from being done to, to a certain extent; it is at the bottom of the food chain. In reference to secure schools, and particularly with reference to mental health—I also hold the brief for offender health across the entire custodial estate—I have impressed on colleagues and officials in other Departments that their decisions have a direct and, in some cases, adverse impact on the ability of this Department to function.

I think this is something that is now widely recognised. It is actually one of the positive benefits of the Lammy review. We know that there is a problem, but a lot of the problems are quite deep-seated in certain communities and are the creation of broader society. We can argue whether it is the state, a breakdown in community or a lack of male role models in certain communities. It is complex, but there is now recognition within Government that the challenge of reoffending is something we all share.

Q59 **Laura Pidcock:** I am clearly concerned about reoffending, but I am also concerned about the experience of black, Asian and other minority groups within your institutions. We know that lots of things are done to your Department, and lots of things are outside your control. We also know that inequalities can be exacerbated within the system. What are you doing, considering that inequalities can be exacerbated by the treatment of those young people in your care?

Michael Spurr: We have continued to work with Baroness Young. Indeed, one of my directors was at her committee only a fortnight ago. We are trying some specific initiatives. For example, Isis prison has a lot of young men from London, many of whom are black; they are bringing in groups specifically with experience to be able to work with those younger men and support them. In terms of through-the-gate arrangements, we have engaged with community rehabilitation companies on the back of Baroness Young's recommendations to reinforce the importance of trying to have specific support for individuals going back through the gate. We are working in Feltham with the Zahid Mubarek Trust trying to address the specific issues that come from BAME, for black young men in particular, and about the feeling of alienation in, effectively, a process that does not recognise and support their particular experience.

We have been working with the Department for Health, for example, on the STAIR programme, which is about trying to look at the specific experiences young people have had, particularly the type of trauma that many young people have been through, and we are providing staff training and support to be able to understand that background better. We



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have done that not just with young people but across the female estate in particular. All female establishments have had staff training on trauma to be able to try to understand and address individual needs better.

Having said all that, I do not think it has made the sea change that any of us would want, but I would not want you to think that we have not been trying to do things in response to Baroness Young's very good report.

Q60 Laura Pidcock: That is what I was going to ask, because it is quite historical, although fairly recent. Do you have a direct strategy, or are you going to start working on a direct strategy, in relation to David Lammy's review and those recommendations?

Dr Lee: As I said, the formal response from the Government to the Lammy review is yet to be published. There is work ongoing.

Q61 Laura Pidcock: I want to move on a little bit. Are you confident that care leavers in prison and on probation are now receiving the support to which they are entitled?

Dr Lee: Care leavers?

Q62 Laura Pidcock: People who are within your care and your prison. Are they receiving the support to which they are entitled when they leave?

Dr Lee: I think we can do better in that area. The recidivism rate says so. I am trying to support any pilot where there is mentoring and a sense of hand-holding out of the institution into the wider world. It is difficult work getting employers to be enthusiastic about taking young people into work. It is not there as much as perhaps it is later; Timpson's age threshold is 25. There are some employers who are keener to get involved. A lot of good work is going on with a very challenging community. Could we do more? Yes.

Michael Spurr: It may be helpful if I add that we are much better at identifying individuals who have been through the care system. We have a requirement, as people come into custody, to ask questions and record the background, with the aim of encouraging people to be open about that. Working with Catch22, we have engagement with local authorities, so that we can access the support they are required to give care leavers up to the age of 25, if they are in education, soon to be extended to the age of 26 for all young people who have been care leavers. I addressed a conference in care leavers week in October, where we brought together local authorities, prison and charitable groups to try to promote the whole agenda around accessing the support that local authorities are required to put in place for that group.

Q63 Mrs Badenoch: My questions are around needs assessments and guidance for young adults. The Department has been reviewing what works best when managing 18 to 25-year-olds in the community and in custody settings with the National Probation Service. What is the



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outcome of that review?

Dr Lee: Is that a question to me?

Q64 **Mrs Badenoch:** It is just a general question. It is the What Works review.

Michael Spurr: The responsibility for overall commissioning is now a departmental responsibility. We set up a whole range of work to look at what works best with younger people. We have published some outcomes of that in our commissioning intentions for young people. Many of the things they need are consistent with an older age group, but not unsurprisingly one of the biggest issues for them was access to employment and understanding employment. It is an issue for everybody but it is particularly poignant for young adults. If they do not get into a work environment when they are leaving, it is a bigger issue.

Our focus has been practically on how you change that into something that is going to work or that fits the wider Government reform agenda around how we promote employment. We made a mistake, I think, in taking employment and accommodation out of the vision of governors, when they went to the responsibility of the CRCs to support people in those areas. We are putting that back under the governor empowerment agenda, to make it clear that governors need to take an interest specifically in what they are doing to support people into employment.

We are working with external groups such as the New Futures Network, which came out of recent work with the Royal Society of Arts, to provide support and advice to governors about employment availability in their localities, and supporting employers, with a particular emphasis on taking younger adults into employment. It is building on work such as Timpson's and others that is going on across the country.

Q65 **Mrs Badenoch:** You have answered my next question, which was about local employment and health services. You committed to providing effective community sentences that would enable those and said that you would set out some plans. Could you elaborate on how community sentencing integrates with accessing those local services?

Michael Spurr: We have a community sentencing framework that is set out, with community sentences having rehabilitation orders linked to them. The responsibility for delivering those orders is either with community rehabilitation companies or the National Probation Service.

Again, the focus has been on the companies working with individuals to reduce reoffending. We have provided clear evidence about the impact of reoffending by young people. Different companies have tackled it in different ways. There was an attempt in London at one point to work through cohorts of people rather than in geographical areas. That did not prove to be successful and was rightly switched, I think, to geographical area, showing the complexity of trying to deal with this. The idea was whether to take all young people and try to deal with them as a group, or



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to take people in a locality and try to work with them in the locality. I think the locality proved to be the better option.

There is work that has been going on. Again, it is well documented that the through-the-gate outcomes—through the community rehabilitation company work—are not where we want them to be at this minute. The Government are looking at how we work with those providers to improve those outcomes.

Q66 Mrs Badenoch: Thank you. My next question is about maturity and pre-sentence reports. What proportion of 18 to 25-year-olds now receive a pre-sentence report? What impact is the inclusion of maturity having on sentencing?

Michael Spurr: I do not have the figure for the proportion; I am sorry. There has been a significant change in the way that sentencing is taking place, with many more on-the-day reports now received by the courts. That has speeded up justice and has had a positive impact in many ways. A significant proportion of reports to court is now done in a speedy fashion on the day. I do not know whether we have figures for 18 to 25 pre-sentence reports. I am happy to take that away and give you what information we have on that.

Q67 Mrs Badenoch: My final question is about the guidance that was published by the National Offender Management Service about better outcomes for young adult men. What is your assessment of the impact of the guidance on achieving those better outcomes? Has anything happened?

Michael Spurr: It is work in progress. As has been well documented and you are well aware, the reality is that we have been going through some challenges over the last couple of years in prisons. We are absolutely committed to developing a rehabilitative culture, and there is some good work in taking that forward in a number of establishments.

Within that is built a specific aim to have targeted interventions for the different cohorts of offenders that we have, young people being part of that. We will strengthen arrangements through the new offender management in custody model that will put probation officers into training establishments to support sentence planning and management. In many centres, we have more detailed understanding and knowledge of individual needs. We have clarity about the direction we want to go in. Is that being delivered everywhere across the estate at the moment? No, it is not, but we are working towards it.

Q68 Bambos Charalambous: I declare my interest as a solicitor. My questions are about screening for maturity. The first question is about the screening tool for measuring psychosexual maturity. What does that include and what is the cost? Previously, it was assumed that the cost of it would be prohibitive.



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Michael Spurr: This is the specific screening tool that we are trialling in Aylesbury. I confess that I do not have detailed knowledge of what is in the tool. I have been involved in risk assessment tools previously, but I have not personally gone into what that tool involves. Again, of course, I am happy to give you an explanation, and ask my colleagues who have done specific detailed work on that to set it out and write to you.

Q69 **Bambos Charalambous:** Could you tell us what the screening tells you about the different cohorts?

Michael Spurr: As I say, we have rolled it out in four establishments. I do not have the data with me at this moment in terms of what that is currently telling us.

Q70 **Chair:** How long has it been going on?

Michael Spurr: I am not sure entirely. I know we have it operating, but forgive me for not having the answer.

Q71 **Chair:** It is your baby in a sense, isn't it?

Michael Spurr: It is, and we have been working on it. I knew we had rolled it out but I have not come to this Committee with that detail; my apologies.

Chair: Perhaps we can have that, Mr Spurr.

Michael Spurr: Yes.

Q72 **Bambos Charalambous:** On the topic of how prison can best support offenders with brain injuries, through things like the linkworker schemes and workforce development, how is that progressing and working?

Michael Spurr: We have made some progress. It is patchy because only a few establishments have engaged in it. As I mentioned before, we are now going to grant-fund the Disability Trust specifically to take that work forward and evaluate it in four English prisons and two establishments in Wales.

Q73 **Bambos Charalambous:** If that goes well, would you think about investing further in it?

Michael Spurr: Obviously we would look at that. We will have to look at what the value of that is against other priorities across the system. I have met some of the groups involved in it, particularly from Aylesbury and Leeds. I can see the value. As your report makes clear, there is evidence around the issues of brain development and trauma that we should try to take on board.

Chair: Thank you very much, Mr Charalambous. Ms Reeves, for the record, is a non-practising barrister.

Q74 **Ellie Reeves:** That is right; thank you.

The latest report of the chief inspector of prisons identified that prisoners



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should be unlocked for 10 hours a day. My understanding is that that is only happening for around 7% of young offenders. Of course, extra prison staff were announced in the White Paper last year. Are those prison staff helping to reverse the time spent out of cells?

Dr Lee: That is the plan. My belief, as I said earlier, is that there is too much time inside. They need to be moved around. Sometimes, there are internal security issues and people have to be moved at different times, particularly when there are gang affiliations within institutions. Fundamentally, yes, I want to see people not in their cells for as long as they are.

Q75 **Ellie Reeves:** Has any progress already been made with that?

Dr Lee: I am not sure if we have the latest update.

Michael Spurr: Yes, I think it is better than when the chief inspector reported, but again, to be frank, we have significant difficulties in maintaining staffing numbers in the south-east. Some of our establishments, such as Feltham, Cookham Wood, Medway and Oakhill, are all in the south-east from a geographical perspective. That has proved very difficult in terms of both recruiting and retaining individuals. We have taken a number of actions to address that.

I was at Feltham in August. I am absolutely certain that there is more time out of cell and more education than the last time the inspectorate was there. I know that to be the case, so there has been improvement, but it is not yet where we would want it to be.

Q76 **Ellie Reeves:** When you say you know that to be the case, what sort of things are you doing to measure it? What sort of things do you have in place to measure the amount of time that people spend in education, employment or other purposeful activities? What are your measures and your indicators?

Michael Spurr: We record the time that young people spend in activities, including education, for each centre. We have the data and we check that with the contracted estate for the private sector provision. We have on-site monitors to make sure that we are getting that recorded properly and accurately. Obviously, we have the independent inspections and a whole set of audit-checking to make sure that the data are accurate. We have that data.

When I went to Feltham, I walked round for the day and I actually saw physically what was happening. When I go to establishments, that is exactly what my colleagues and I do. We also have a range of management information that comes from regular visits from more senior managers from outside the establishment to complement the data that we routinely get. We then have independent scrutiny from the inspectorate, and of course the independent monitoring boards who are present in establishments.



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Q77 Ellie Reeves: When do you think the target of 10 hours a day being unlocked is likely to be achieved?

Michael Spurr: That is dependent on when we get full staffing in all our establishments. I cannot say. We are aiming to achieve that as quickly as possible. The other thing is that particularly in some of our places—Feltham being one—there is an issue around managing the dynamic that happens between groups in prisons. I want to have 10 hours out of cell. If it was eight hours out of cell and people were held more safely and more productively, it is not ideal, but it is better than 10 hours out of cell when people are engaged in conflict. We have to work that through very carefully, which is why I think moving towards smaller units where we can do that, and which enable us to have people out much more, with better supervision for the more challenging young people and providing more scope for others to be out of cell with less conflict, is part of the approach to try to address that.

Q78 Ellie Reeves: The previous Committee found that the Ministry had not been actively seeking to understand the best interventions to use with young offenders. My understanding is that the Government responded to that report, saying that they would collate further data in relation to the future evaluation of the Identity Matters programme and an evaluation of other accredited programmes. Has that been done? If so, what has that exercise told you?

Michael Spurr: The responsibility for the commissioning and evaluation has moved to the Department, so I am not entirely up to speed. Clare may know more. I do not think it has been concluded yet. I have not seen the outcome of the evaluation that we were doing of Identity Matters. There is a wider review of our use of accredited programmes, which commissioning colleagues in the centre of the Department have been taking forward. I do not have that data yet. Evaluations generally take some time, because you are looking at both the implementation of the practice and then potentially an outcome. It tends to be a longer timeframe, to be able to get that data. I do not think it has been concluded.

Clare Toogood: I am sorry, I do not have the detail today. I will have to write to you.

Ellie Reeves: It would be useful to get some information on when that is likely to be concluded. Thank you.

Q79 Chair: We will write a list at the end of various matters. A similar point arises because in response to the previous report, Minister, the Department said that you were going to collect further information about the effectiveness of detention in young offender institutions, a distinct sentence for 18 to 20-year-olds, and the effectiveness or otherwise of the dual-designated parts of the estate. What has happened as far as that is concerned?

Dr Lee: Forgive me, I am not the Minister responsible.



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Q80 **Chair:** Is it Mr Gyimah? Understood, but it is part of the problem.

Dr Lee: I will answer with a broader statement. There has been an issue around proper audit of interventions. There has been an issue around the collection of data and the proper assessment and use of it. I think that has improved immeasurably in the last year or so.

Q81 **Chair:** Mr Spurr, can you help at all with any more of the detail?

Michael Spurr: No. I am very conscious of the fact that we have a range of dual-designated establishments. My focus has been on trying to make them work as well as we can. I accept that the Department said we would look at the position. It is a very difficult evaluation and analysis to bring together. I am not sure where we are in that work. I know there has been a range of competing issues for the analytical side of the Department to take forward, but I am not sure where that is.

Q82 **Chair:** Perhaps you could come back to us with that. When you do that, can you let us know if anything has been learned, as far as you know, about the four dual-designated reform prisons? Do you have any learning that you can share with us about that?

Michael Spurr: Do I have any learning about it? I think we have learned a number of things about how the reform prisons operate, which we are trying to build into improving performance across the system. I do not think there is specific learning about the 18 to 25-year-olds in those dual-designated sites.

Q83 **Chair:** Perhaps we can pursue that elsewhere, if need be. Are there plans, Minister, to take a decision as to whether or not we are going to continue with detention in young offender institutions as a separate sentence? Is it time we looked at that again?

Dr Lee: Again, that is not me.

Chair: Is there discussion within the Department or within the ministerial team?

Dr Lee: I have not participated in that.

Chair: You have not been party to any discussion.

Dr Lee: No.

Chair: We will take it up elsewhere. I imagine that if there was discussion you would be party to it, wouldn't you?

Dr Lee: I would hope to be, yes.

Chair: Equally, I do not know if you could have helped me because it sits between Departments. I understand; it is a continuing problem.

Dr Lee: That is the problem with age thresholds.

Q84 **Chair:** I totally get that. This is a different sort of issue. It relates to the



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whole question of the guidance that was issued to the CPS as part of the raft of measures in the Ministry's response to our previous report. One of the initiatives being taken was advice to the CPS around maturity and around charging decisions. I appreciate that it is not directly under your control, but can you help as to what engagement there has been between the Ministry, the CPS and the Sentencing Council around those areas?

Dr Lee: I cannot.

Clare Toogood: I understand that the CPS have delivered some training to their prosecutors, and all prosecutors have been reminded about the need to take maturity into account in their decision making. I do not have details of the exact training that was delivered to them, but we have been working with the CPS to deliver that.

Q85 Chair: We have the DPP coming to give evidence, so I might raise that with her as well. Was there any involvement between the Ministry and the Courts and Tribunal Service in the establishment of young adult court pilots?

Dr Lee: I will answer that by saying that I requested that an official with responsibility for that be here today. We were not granted permission to have that person here. I recognised that it was a potential blind spot on the panel in advance, and I asked for somebody.

Chair: I am grateful to you for doing that. Out of interest, when was that decision on whether or not the official would be available made, Minister?

Dr Lee: I wanted that person to be here on the panel today, but I was told it was not possible.

Chair: I think it was at about four o'clock in the afternoon or something; we had a problem, but perhaps we can return to that issue in another format, if you are happy to check.

Dr Lee: I want to make these sessions as productive as possible.

Chair: I understand and I am grateful to you for that. That is useful to know.

Q86 Victoria Prentis: I want to ask about banning the box. The last time you came to give evidence you said that you wanted to give as many children as possible a second chance. I recognise it is not quite your responsibility, but do you share the view that young adults need the same second chance?

Dr Lee: Personally, I do. I think that the Department is in the process of banning the box itself, but maybe the officials will answer.

Q87 Victoria Prentis: Could you share with us what specific research is going on at the moment about the young adult cohort and the effect that not banning the box has on them?



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Clare Toogood: I do not have any specific details in relation to that particular cohort. I think the Minister is referring to the civil service approach to ban the box, in terms of its own recruitment processes, rather than any specific research about the impact, which I think was your question.

Victoria Prentis: Yes. As far as you know, no specific work is being done on this.

Clare Toogood: Again, I can check. I am sorry.

Chair: There are a number of issues. I am grateful to you for the evidence.

Dr Lee: I am doing my best, Chair.

Q88 **Chair:** I have never doubted that at all, Dr Lee. I am grateful to you and your two officials for the assistance you have given us. These are complex areas and I appreciate that.

The final thing I want to ask is this. Are you satisfied that structurally we really have the right arrangements in place in government to deal with these complex issues, which, as you have rightly observed, run across a number of Departments?

Dr Lee: As I alluded to earlier—I forget who asked the question—there is growing belief within Government that we need a cross-government approach on reoffending, because it is complex. In some cases, the causes of people's offending behaviour can be tracked back to when they were very young—four, five or six, and indeed possibly earlier. In answer directly to your question, I am not sure that we are there yet in terms of addressing it.

What I am very much aware of is that the Department is engaging more with other Departments on a whole raft of issues much better than perhaps it did in the past. I have a particular interest in the mental health space. There is clearly an issue in the provision of mental health care, the proper diagnosis of mental health problems and the subsequent treatment and appropriate location of people once they have been diagnosed. I know the Prime Minister is passionate about the mental health area and all these issues feed in. I have been feeding in actively, via the Department, that I think it is an area where we can do better, but I recognise that other Departments have their own pressures and their own challenges. Fundamentally, if we address that issue—I would ally to it addiction and the appropriate treatment of addiction—we will go some way to improving our recidivism rates.

Furthermore, to close on a positive note, I think the management of the area for which I am responsible—the under-18-year-olds—is extremely difficult. Governments of all political colours have done some good work in terms of reducing the numbers of people we are holding. But we have been left with a very challenging cohort of individuals, and the



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Department recognises that. We have put in place over the last year a much more coherent command structure around who is responsible. We were speaking about that earlier. There is some extremely good work going forward to try to develop the type of institutions that everybody knows we need, to try to give these young people a second chance in life.

Chair: On that note, Minister, Mr Spurr and Ms Toogood, thank you for your evidence. I think we all agree that it is a difficult area of policy. We are grateful for your time and your evidence today. The session is concluded.