



HOUSES OF PARLIAMENT

Joint Committee on Human Rights

Oral evidence: [Youth detention: solitary confinement and restraint](#), HC 994

Wednesday 10 October

Written evidence from witnesses:

- [Children's Commissioner for England](#)
- [HM Inspectorate of Prisons](#)

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Members present: Members present: Ms Harriet Harman (Chair); Fiona Bruce; Ms Karen Buck; Baroness Hamwee; Baroness Lawrence of Clarendon; Baroness Nicholson of Winterbourne; Baroness Prosser; Lord Trimble; Lord Woolf.

Questions 49–58

Witness[es]: **Anne Longfield OBE**, Children's Commissioner for England; **Angus Mulready-Jones**, Children in Detention, HM Inspectorate of Prisons.

Q49 **Chair:** Thank you very much for joining us this afternoon, Anne and Angus. As you know, we are the Joint Committee on Human Rights, which means that half of us are from the House of Commons and half from the House of Lords, and our concern is human rights. In this inquiry, we are looking at the human rights of those who are in detention, who are not there voluntarily and, in particular, the human rights of children who are in detention. We are very appreciative of your bringing the very direct expertise of your organisations to tell us what is going on in the different settings in which young people are detained.

Could I start by thanking Anne for her report, which has put some very striking findings into the public domain? Rather than commenting on them, perhaps I can ask you to say what is going on. Could you present your findings to us? What is driving the changes that you have identified? Are you concerned about it or should we be completely chilled about it, and what can be done

about it? We would also like to hear from Angus in those terms. Anne, would you like to start?

Anne Longfield: Absolutely. Thank you so much for inviting me here today. This is an area of life where we are not talking about the greatest number of children, but we are certainly talking about some of the most vulnerable children in the country.

As a starting point to saying anything about the different places where children are and the different ways in which they are treated, when I visit children who are in detention there is no doubt in my mind that these are the most vulnerable children in the country. They have often suffered huge amounts of trauma and all have a range of adverse experiences in childhood. Often they have not had a positive experience with the state in the past; they have no meaningful intervention in their lives that has made a difference. There are high levels of mental health problems and often very poor communication.

These children end up in various regimes, which are all slightly different, and get different treatment. Sometimes it is pot luck; you might have children in a mental health institution, a secure children's home or in a youth offending institution. They will get very different treatment wherever they are, and I believe that their life chances will be impacted differently depending on where they are. Some places will be very child-centred and some will be much more—I am generalising—about punishment. Those same children could have ended up in any of those different places, and I believe that there is a responsibility for us, as the adults and the state, to help them to recover and to have the best life chances they can once they leave whatever institution it is.

We could talk about the detail of those various places over the period, but there is just no consistency about how we treat those vulnerable children and no real recognition that there are vulnerabilities that run through them all.

Through my office I am responsible for promoting and protecting children's rights—all children's rights, although about 80% of our time is spent on vulnerable children. We have a particular theme, which we call "children behind closed doors" because they are completely dependent on the state in their situation. I visit children who are in young offender institutions and the other areas of custody. I do not inspect—it is Angus's team that does that—but I have a power of entry as part of my powers that enables me to enter anywhere where children are away from home to talk to them about their well-being. What I do when I visit is not prescriptive. I ask to talk to the young people there. I look at places and where they are detained. I get a feel for the atmosphere—you get a feel for whether it is safe or not; all those things—and I follow it up.

There has been a big focus on restraint in some of these institutions in recent years, partly because of media interest, but there has not been the same kind of focus on the segregation of children—when they are locked

away by themselves. When I have visited these places over the last few months—it is just a rolling programme—so often, children will talk to me about how often they are locked in their cells. They will tell me that they are locked up, or locked down as they say, very early on a Sunday, and I get shown round where children are segregated if there is a particular unit, and it is always quite a shocking experience. It is usually stark and very basic. Sometimes there will be adult-style cells, sometimes they share with adults, and adult prisons. There might be graffiti on the wall, a hard bed, an open loo, and often it will be cold, other than in the summer when it is boiling hot, and the kids will have a radio and a book perhaps, at best. I wanted to shine a light on that to try to get a better grip on how long children were spending in what I would see as intolerable conditions that are breeding and furthering a very negative regime.

Under my powers to get data, we put in a data request from the youth custody institutions and asked them about the number of segregation episodes, average times and the like. We did something similar three or four years ago. We found quite a significant increase in the number of times children and young people were segregated, even though the number of kids who are in there has dropped dramatically. We now have only about a third of the number of young people in custody that we had a few years ago—Angus can give the exact numbers—but there has been a 43% increase in the number of times children are segregated.

The same is true in the secure training centres, where they do not have segregation in the same way but there has been a real increase. The average length of time is up, at 16 days, but some young people spend weeks and weeks in isolation. Any of us thinking about spending our time in a small box with no real light and absolutely nothing there would find it intolerable, but you are talking about young people here with high levels of mental health difficulties, who are often there because there are not the mental health beds that can help them in the proper way. I know that you had young people here talking about the impact of that and what that meant for them. We had one example of a young person being in one of these segregated areas for 100 days. That means that if they were put into segregation today, when we are tucking into our Christmas pudding in a few weeks' time they would still be there and they would still have two more weeks to go.

It is a significant amount of time for young people who are already very vulnerable, highly affected by their environment, probably scared stiff, no matter how much they portray the opposite to the outside world, possibly not the right place, no one having an overview of that, and very sketchy details for anyone to look and hold anyone to account over that.

It is an area that we felt needed to have a light shone on it. As a result of that, there is a whole range of recommendations there: having greater transparency; a default away from segregation rather than a default to it, which it feels there is in some institutions; and a much greater focus on accountability on the part of government and its agencies, both in getting

consistency and in getting staff to have the ability to de-escalate difficulties when they arise and not go for what feels like the relatively easy option of putting children into segregation because there have been difficulties.

It should also be acknowledged that some children will want to self-isolate because they are very worried about their environment. The questions there would be: how many there are of those, what happens when you think that is the case; whether there is an investigation; and whether those children should be left in that situation if they are so highly vulnerable. There are a number of things that are driving it, including staffing—not only the numbers but the kind of staff. Is there a mix of staff that can help children to get over the difficulties that they have had and flourish? Are the numbers of staff there at all times who can encourage good, positive behaviours? We know that weekends are a trigger to really bad levels of violence on Monday and Tuesday because the kids are locked up in their rooms from two or three in the afternoon. They literally wind each other up shouting at each other through the windows for 12 hours and that all spills out on a Monday or Tuesday.

There are also issues with mental health and gangs. There are three strong contributing factors that mean this is increasing. It is a very negative increase, and it should be a trigger for a review into how it can be turned around to get a much more positive environment that can accept people's vulnerabilities and to look at that as a turning point in their life. I accept that a lot of people around that system have that good intent, but it does not translate into that for the kids involved. I think there is an urgency to do so.

Chair: That is very compelling information from that data request. In your report, you mention that Phillip Lee, when he was Parliamentary Under-Secretary of State with responsibility for youth justice at the Ministry of Justice, said in a Parliamentary Answer that he had been assured that young people are never subject to solitary confinement in this country. It seems to me that what you found, and what you have told us, is at complete odds with that. What do you make of that? This is what we are told by him as he is accountable to us. What are we to make of that?

Anne Longfield: It certainly does not seem to reflect the reality of what we are told by young people or what we found from this data request. The definition of solitary confinement is solitary confinement over 22 hours. I do not think that people set out to use solitary confinement as a tool. However, the practice, and the experience of those children, is that it slips into that, so from what I am told, from what I know from this, I would say there is a very strong probability that solitary confinement is a reality in the lives of those young people. Even if it was for only 21 and a half hours, so technically it was not solitary confinement, to those kids who are in it day in, day out, it feels like solitary confinement. I would

need to look at it more, but it seems to me that solitary confinement is going on and kids are experiencing it.

I am not sure where the Minister got that information from. I do not know whether our data changes things, but certainly the Minister needs to ask for further information, because there is a strong probability that that has changed, and from my point of view solitary confinement is the practice experienced by those kids.

Q50 Baroness Hamwee: I would like to understand this and perhaps get it on the record. Should I call it isolation? Is that the right term, or is it a term you could apply to all this?

Anne Longfield: All the terms are so techie that sometimes they detract from the fact that kids are by themselves in a dreadful state.

Baroness Hamwee: That is what I am asking about.

Anne Longfield: You are probably more up on some of the technicalities than I am.

Baroness Hamwee: It is not the technicalities I am concerned about. I just would not want to leave any of the experience out. We would like to understand what it is like, and you have described some of it.

As regards education, there is mention of education packs. I do not know what they are, but they sound a bit like the pack you get when you arrive at a hotel. Are there activities of any sort? I see that sometimes things like showers are regarded as a privilege. I will not get into all that, but I would like to understand what access there is to families through phone calls and visits, and as you are describing it I think we should also be talking about health.

Anne Longfield: Absolutely.

Baroness Hamwee: Could you let rip on the description?

Anne Longfield: Angus will be able to say a bit more about what should be available, such as phone calls, and I will answer the other part first.

Chair: Tell us what is available.

Anne Longfield: That is right. There was one figure, I think from your report, that said that 50% of boys in young offender institutions do not have a time to associate with others every day. Certainly when I talk to young people in these institutions, they will tell me that they spend far too many hours in their rooms. They often have their food in their rooms. Sometimes they will be in their rooms because there are not enough staff to get them out. Sometimes they will be in their rooms because there has been an incident, and sometimes they will be in segregation because it is a punishment or they are at physical risk or someone else is at physical risk. There are all those things going on.

I do not necessarily go in as an expert in all these things—I go in as someone who is concerned about the well-being of the kids there—but at weekends there is a different regime from during the week. During the week, there are 30 hours of education. It seems to me that in a lot of

those institutions it is all about getting groups of kids to where they are going to have this education and getting them back to somewhere else. There is a lot of secure moving by the staff. At weekends that is not the case because the education is not there. They tell me in general terms that the weekends are deadly boring. All the things that you think might be good to have, such as sports or other activities, are often highly limited, partly because there are not the secure staff to get the kids there, and it is deemed that that is the only way that can be done.

Young people tell me that it is very normal for them to be closed into their cells in what they call lock down at two or three in the afternoon on a Sunday. They tell me straightaway that they are in this tiny little room with a window and they communicate with each other by shouting down the tubes. You can hear them shouting down the tubes all afternoon from three on Sunday onwards, and they trade insults, threats and all the rest, escalating bad feeling. They tell me that Mondays and Tuesdays are the worst for feeling secure and safe, because all these things have built up over a Sunday, and when they get together on a Monday it goes into meltdown. There are incidents, which mean that all the staff race off to the one thing that is happening over here, which means there are not the staff to take people elsewhere. It is not how you would ideally manage it. It is built on what is already the norm.

Baroness Hamwee: Is what you are describing specific to young people who are in isolation or is that a description of the whole regime?

Anne Longfield: No, that is all of them.

Baroness Hamwee: Specifically, if they are in isolation, what it is like?

Anne Longfield: They would not be in segregation all the time. There would be time-out where they will get exercise, which I think is about half an hour.

Angus Mulready-Jones: Yes.

Anne Longfield: It is a little bit of netted-off area. It is certainly no bigger than half this room and it might even be the size of this bit here in the middle. That would be the exercise area. They might get half an hour of that in the day and another half an hour for washing, at best.

Angus Mulready-Jones: The most basic regime would be a shower, a phone call and half an hour of activity. There is a wide variety of practice across the estate and across children. One institution might have two children in a segregation unit who are subjected to vastly different regimes.

Anne Longfield: They could be in there for weeks.

Baroness Hamwee: I take that, so they do not get access to education which they would have had.

Anne Longfield: Not while they are in segregation. That is where they will get their packs. The packs are—I think you were right—something you get given; they are basic and all the rest. Literally, you are in a room for most of the hours in a day in the most depressing situation. What we

know is that there is an assessment after 72 hours. If they stay in there longer than that, there is a review after a week, or is it two weeks?

Angus Mulready-Jones: Normally there are weekly reviews.

Anne Longfield: There is another review after a week but a week is a long time. There is an escalation of who has to sign that off, but I do not think the authority on that sign-off is high enough. It is left to officials at too low a level. Because it is seen as being part of the norm, it all continues to rumble on. If the sign-off was higher—I think a week is far too long after the first 72 hours; a week is a long time—that would put a much greater focus on it. I have to say that in some of the other institutions, the secure training centres, time-out is about cooling off. It is not more than three hours and you come back in. If you are in a secure children's home, it is not the same regime. It is much more about de-escalating and avoiding and preventing those things rather than it just being the way things are done.

Chair: You raised the issue about the sign-off, which is in the name of the Secretary of State.

Anne Longfield: That is right.

Chair: But of course it is not done by the Secretary of State. The Secretary of State is accountable, so a Minister is accountable, whereas the people doing the sign-off, who are no doubt well-meaning and hard-working, are faceless, nameless officials.

Anne Longfield: Yes.

Chair: To recognise the importance of what is being done here, which is children being put in solitary confinement, should there be ministerial sign-off, whether it is at Secretary of State or ministerial level?

Anne Longfield: I do.

Chair: How long should a child or young person be in solitary confinement before you have to move it up the system to get a real ministerial sign-off rather than a delegated one?

Anne Longfield: I think there definitely should be ministerial sign-off. That would be a very strong message in every respect. I believe that there is a will for reform, but the drivers for that reform are not necessarily that visible. You can slightly feel it in the air, but it is very slow. This would be such a visible message, again, as you say, to show how important this is and where there needs to be a culture change. I think there should be a proper ministerial sign-off. I would like it after 72 hours. That would be my starter.

Chair: If Phillip Lee had been doing all the sign-offs, he would have had a much better insight into what was actually happening. When you have to do a sign-off, you have to ask questions about it because you are nosey anyway and you want to know what you are signing.

Anne Longfield: Absolutely. It would really shine a light on it.

Q51 **Fiona Bruce:** My questions are directed to Angus so you can have a bit of a rest now, Anne. Thank you for your really illuminating

evidence so far. Turning now to restraint on young people in custody, a general introductory question: do you think it is necessary or justifiable to use restraint on young people? In what circumstances should it be used, what are the justifications and what are the negative outcomes?

Angus Mulready-Jones: To answer the question bluntly, yes, there are occasions where you would need to use restraint on young people, certainly in the custodial estate as it is configured at the current time. Just to clarify, my experience through our annual inspections of institutions holding children is only in the young offender institutions and the secure training centres. I do not inspect any other types of institutions. I will try to differentiate between the two as I go along.

Lord Woolf: Sorry, I did not quite hear: which ones do you inspect?

Angus Mulready-Jones: We inspect secure training centres and young offender institutions, which is the bulk of the custodial estate.

Chair: But not secure children's homes.

Angus Mulready-Jones: We do not inspect secure children's homes. Ofsted inspects them alongside the CQC—the Care Quality Commission. I say that it is justifiable in some cases to use restraint because there are many incidents happening on a fairly frequent basis across the estate. It is a sad situation, but there are daily occurrences of assault on both staff and other young people, and there are incidents of self-harm occurring across the estate as well. I would not want to promote restraint as being a solution to those problems, but I think in the moment, where you are faced with one child assaulting another child or hurting themselves, you may need to use force to stop that happening, and I think that is perfectly justifiable.

What I would like to say before I go into some of the more negative aspects of this is that through our inspections we routinely see some fairly brave officers doing what they do not have to do to protect people from harm. I have seen officers intervene on multi-assailant assaults where they did not need to; they could have just waited for help to protect people from being kicked in the head. I have seen officers intervene bravely to try to protect the children in their care. I have also seen poorer examples of intervention.

On the question of restraint being justifiable, though, we have our expectations and they set out that we expect restraint to be used; you will be familiar with the terminology "for the shortest possible time" and "as a last resort". For someone such as me, as an outsider looking in at that restraint, you want to see that the officer acted reasonably given the situation they found themselves in and that, once they had initiated a restraint, which is the next point I would make, they resolve that restraint as quickly possible. That is our position, to answer your question.

Fiona Bruce: And the negatives.

Angus Mulready-Jones: As I say, restraint is a fairly frequent occurrence, and most institutions have multiple restraints on any given day. On the first day of our inspection we carry out a survey of all the children, and about 80% of them respond. Last year, of those 80%, 50% in a YOI and 56% in a secure training centre said that they had been restrained in the institution they were in.

To put that into some sort of historical context, we have been doing a similar survey for about 20 years in these institutions. In 2001, when we started asking that question in young offender institutions, that figure was around 20%, and when we started being involved in secure training centre inspections about five years ago, that figure was about 30%.

So we are seeing an increase in restraint, and as good and bad practice are often a function of the total amount of restraint that we see we are seeing more examples of restraints that perhaps were not initiated for the right reasons, where there was poor de-escalation or poor negotiation or interaction by the member of staff, who perhaps exacerbated a situation, using restraint too quickly when there were other options, and, fundamentally, some examples where the restraint was outright wrong, and there should be some investigation into that.

There is a real spectrum, from very good and brave restraint to the bulk of the restraint, which feels neither one thing nor the other, and a proportion of the total number of restraints that are not justified.

How the children perceive restraint is really important, because when you speak to children who have been restrained they will often speak of a fairly traumatic experience, even if it was justified. They will talk about it being painful, about it being confusing, about there being lots of people talking to them, about it being very loud, and they will talk about feeling fairly powerless throughout that process. I am sure all of us could understand that, if three or four other adults picked us up by both arms and our head and walked us to somewhere we did not want to go, put us on the floor, put our legs behind our back and exited the room, we would feel fairly powerless in that process.

Depending on how the child acts throughout that restraint will increase or decrease the amount of pain that they feel throughout those holds. If the child is resisting quite a lot, it is likely that those holds will be painful. It is not just the holds that are intended to cause pain to children but the standard run-of-the-mill restraint holds. Children report these as well as the pain-inducing techniques as being painful.

We speak regularly to children. Even when we think the restraint is justifiable, the child's experience of that is of a fairly traumatic incident. We would say that the solution lies in the period before that restraint is initiated. The solution to the issues of restraint, segregation and separation that we have heard is not so much to focus on the individual instances of restraint or separation; it is to talk about how behaviour is managed in these institutions before we get to that point.

In a sense, a restraint is a failure of behaviour management, as is segregation or separation. What should happen in these institutions is very similar to what should happen in any institution in the community: these children should be educated, have access to exercise and to their families, and they should do something in that institution that makes them less likely to re-offend in the future. They cannot do any of those things if they are regularly being restrained or being separated from their peers.

We published a review into behaviour management earlier this year which noted the importance of staff relationships rather than the formal behaviour management scheme, and the link between that and the effectiveness of behaviour management in an institution. There are some fairly stark findings in that report.

Lord Woolf: Sorry to interrupt you, but could you describe a bit more what is meant by restraint? Is it the same sort of restraint that is applied to adult prisoners?

Angus Mulready-Jones: There are two different restraint manuals. The restraint system that is used in young offender institutions and secure training centres is called minimising and managing physical restraint—MMPR—which in many respects looks like the control and restraint techniques that you will see in some adult jails. It is different in some key areas. Some restraint techniques have been taken out of that syllabus because they are potentially dangerous to use on children.

When I talk about restraint, I use the broadest terms. As you do this inquiry into restraint and segregation or separation, you will find that there are hundreds of terms for each, but when I talk about restraint I mean adults placing their hands on children and trying to stop them doing something. There are personal protection techniques, or the use of force, which can be grabbing hold of a child and moving them to one side, and there are restraint techniques that need two or more adults to hold either arm of the young person and move them. You may escalate that. You may need to hold their head or move their arms into an inverted wrist formation and move them to where they need to go.

Once you have got them to where they need to go, which may well be a segregation unit or another cell or room, you need to either de-escalate the situation so the child will walk into that room or you need to put them into that room. That is done by relocating them forcefully, generally face down or side on on the floor of those cells or areas where that relocation takes place. It is a fairly distressing thing to be a part of and a fairly distressing thing to witness as well if you are another child in that institution. However, I cannot emphasise enough that it is often necessary, given some of the things that are happening in these institutions.

Q52 Fiona Bruce: I will try to be quick and put two more questions. Is there always an opportunity taken to talk to the child about why it

was necessary and an explanation given?

Angus Mulready-Jones: It should happen, so as part of the system they are using there should be a debrief involving both the child and the members of staff. The system should also have a restraint co-ordinator, often referred to as an MMPR co-ordinator, to review any video footage of the incident to raise any issues after the event. A member of staff should go to speak to the child, which gives them an opportunity to raise any complaints or any other issues they have, and reflect, crucially, on some of their behaviour that may have led to the incident itself.

Fiona Bruce: From your understanding, does it happen as you say it should?

Angus Mulready-Jones: No, not in all cases, and that is a theme in what I will be talking about throughout the afternoon. Many aspects of the restraint system used in the children's estate, if they work well, offer oversight and points for reflection and for children to raise complaints. The issue is where that does not happen consistently enough. We see that predominantly in young offender institutions and from some of our recent STC reports.

Q53 **Fiona Bruce:** I will read a quote from 2017 from Her Majesty's Chief Inspector of Prisons for England and Wales and ask you to comment. He said, "There was not a single establishment that we inspected in England in which it was safe to hold children and young people". Would you say that is the case today?

Angus Mulready-Jones: In our judgment, it is not the case today. Since that report, a fair amount of attention and resource has been put into the youth estate. The Youth Custody Service has been created and has tried to improve the response to our inspections, with some success. There are institutions now that we have assessed as "reasonably good" against our healthy prison test of safety. That quote from Peter Clarke was around January last year or the year before—I cannot remember now—when no secure training centre or young offender institution was either "reasonably good" or "good" in that safety test.

As it stands now, there are still some institutions today that in our view are not sufficiently safe. That test covers both restraint and segregation. It also covers things such as self-harm and suicide prevention, violence reduction and some support in the early days process. It is quite a broad test, but absolutely in an institution that had high levels of violence you would expect other things to spring up around that, as well as relatively high levels of restraint and relatively high levels of separation and segregation.

Chair: Perhaps you would give us a note after this evidence session on the institutions that are regarded as safe for children and those that are regarded as still unsafe for children and young people.

Q54 **Ms Karen Buck:** Almost pulling back to the beginning, knowing that the number of young people in detention has fallen and yet the number of separation incidents have risen, could you comment on whether, in your experience, the level of vulnerability or trauma of the young people going into the estate has increased? Are we talking about changes in the level of vulnerability of young people, which may be a factor that is leading to behavioural challenges in institutions? That is one question.

Secondly, there is a clear sense from the young people we have spoken to that the number of staff available is a factor in limiting early intervention in incidents that can escalate. Would you comment on whether you think that is a factor? With regard to both questions, if they are, how are they tracked?

Angus Mulready-Jones: There have been some changes in the population. Over the last 10 years, we have gone, on any given day, from a population of about 3,000 to about 900 today. Over the last four years, that reduction has been much less dramatic. As it stands now, we have a fairly static population—if anything there has been a bit of a rise—but nothing as dramatic as that fall over the last 10 years. When those children were diverted from custody, typically they were those who had committed lower-level offences, so the youth justice system prioritised diversion initially at the police station, and within the justice system from higher-level custodial disposals to more community disposals at the court stage.

What that left was a population of about 900 on any given day, and they have a variety of needs. As Anne said, and I would agree, among them are some of the most vulnerable children in the country. The difficulty with comparing children held in custody now with children held in custody about 10 years ago is that we know different things about both populations. I cannot give you a direct response, but it feels as if it would make sense that if you diverted roughly 2,000 children from custody, the children who remain would typically be those who were more difficult to divert in the first place.

Ms Karen Buck: That is a very helpful answer, but a consequence of a dramatic fall in the population in custody should logically be a reduction in the number of incidents. In fact, there has been a significant increase.

Angus Mulready-Jones: In some instances, yes, and there has certainly been an increase in the rate. If you look at the rate of restraint per 100 children held or per 1,000, whichever rate you want to use, the number of incidents of assault and restraint, and potentially segregation, have increased.

There are some reasons for that over the last four years that are slightly odd. Last year, some of the practice for recording some instances of segregation changed in custodial institutions. Prior to that point, there

were a number of children who were subject to segregation-like conditions but outside segregation units. These were typically children who were too scared to come out of their cells. In response to a legal challenge, the practice changed to include them in the good order and discipline paperwork, which are the segregation procedures.

So the answer to your question is that it might be a consequence—again, it is difficult to compare figures from one year with figures from another if there is not the depth of practice understanding between those two points. You would absolutely expect that if the population had gone down as dramatically as it has, the number of incidents of restraint and segregation would also reduce. That has not happened for a number of different reasons. In many respects over that 10-year period, some of these children's institutions have become a lot less stable on a day-to-day basis, which has increased the incidence of both.

In terms of staffing, I would say that the issue is consistency of staffing. In many respects, these institutions have staff. On any given day, they may have staff in the institution, and if they do not they will absolutely curtail the regime on normal location, but if we are talking about segregation and separation, the regime there is quite poor anyway. You cannot really do a lot of curtailment with that regime.

Using the evidence of the inspections, we would like to see consistent staff building relationships with children and an end to the children not knowing who will open their door in the morning and who will lock them up in the evening. That is the key to solving some of these issues we are discussing today.

Anne Longfield: Can I just add to that? The fall from 3,000 to 900 is huge. When I visit the various institutions, the first thing governors tell me is: "You know that means that we have much more vulnerable children here with many more complex issues". By the way, out of those 900 only about 35 or so are girls. I was particularly interested in girls' experience in some of these places. These numbers equate to the size of a small secondary school. It feels that it should be within our grasp to be able to make a difference for the kids in this situation. Clearly, things are not going well, and often they have done terrible things, and certainly high levels of violence are now the norm for a lot of children in this situation, but we know where they are, they are there for a period, and the responsibility comes to turn that around.

There is an issue with staff, and certainly the right numbers and right kinds of staff do not always seem to be in the places they are needed. The more violence there is, the more security-based staff you need, and the more time they spend managing that situation, rather than having psychologists and others that might be able to look at a different approach and build those relationships.

Staff have a tough job and some might not have the confidence of those who have been working with kids for decades. You can imagine the difference if something starts to kick off. Someone who is confident, who

knows the child and has a relationship of trust might be able to de-escalate the situation. Someone who has only gone in last week and who does not have much experience is going to panic and go for the default, which is often restraint and may also be segregation.

There are definitely two things there that need to change. I know that the Ministry of Justice and the Youth Custody Service have a workforce plan, but in my view it needs to speed up, and be deeper and quicker, and all those things. There is a real urgency to that.

In all the different institutions that I have referred to, there is a massive difference in how much we spend on this. In the youth offending institutions, for example, where you have about 10 to 12 kids per member of staff, the cost is £76,000 per year per child. That is still a lot of money, but if a young person was in a secure children's home, for instance, where the staff ratio is 2:1 and they get much more one-on-one intervention, it is £210,000 per child. A financial choice is being made, and the question is whether the ratio in the kind of institution that has these levels of violence can offer the in-depth support that we know is needed.

There is also a high reoffending rate of roughly 70%. Often kids will be coming in, going out and coming in, and again a high level of resources is needed for that, but they are unable to deal with the core problem, which is about diverting that young person to a different path and being able to give them the resilience and skills they need to be able to re-enter the community.

Baroness Prosser: How does that reoffending rate compare with the reoffending rate of young people in secure children's homes who have this much closer relationship?

Anne Longfield: It would not be seen as an offending rate, because they are there on welfare grounds. It would be a different starting point. I do not have the exact stat on that, but it will be much less. Do you know?

Angus Mulready-Jones: It is bit like comparing apples and pears. A child in a secure children's home will be younger and so more likely to reoffend. The reoffending rates across the piece are not very good. There does not seem to be a huge amount of difference but, as you say, as in life you would expect older offenders to be less likely to reoffend, as a rule, than younger offenders. That is as true of children as it is of adults.

Chair: Can I go back to the point that Anne was making in response to the last question about resources and solitary confinement and restraint and reoffending? Are you saying that there is a direct numerical correlation between the amount of money you put into an institution and the amount of restraining of these children and young people, and the amount of solitary and the amount of reoffending? Is it a case of the more money there is, the less restraining, less solitary and less reoffending there is?

Anne Longfield: The answer is yes but with a dotted line, because in the middle what more money buys you is the chance to have a different

regime, which is less about the industrial scale of youth offending where you have 15 young people to one, and more about relationships being built around trust and interventions being much more able to be personalised around need.

Chair: There is a reason underneath it, but ultimately one goes to the other.

Anne Longfield: Yes. One buys the other; you get what you pay for.

Baroness Lawrence of Clarendon: I think you have answered the question I wanted to ask about the staff ratio and the increase in the number of restraints.

Angus Mulready-Jones: Can I come in on that briefly? Currently, levels of restraint are higher in secure training centres, which have a higher number of staff in them, than young offender institutions. Segregation, if you are talking about solitary confinement, just does not happen in secure training centres, whereas there is an argument that it would happen in some cases in young offender institutions. That is absolutely to do with resource and staffing and their ability to do things, but the inspection evidence does not support the contention that there is a link between the number of staff and the absolute number of restraints.

Chair: But your line of argument is that if you have enough staff to de-escalate you do not have to default. If you have senior, well-trained staff—who are costly—they have the confidence.

Angus Mulready-Jones: Your point about management here is key. Often staff working on the front line, who are generally band 3 prison officers or their equivalent in the private sector, do not have routine supervision with their line manager in the same way that you or I might, or that you would expect in other professions. A large number of staff are managed by very few line managers, who are often not aware of practice from one day to the next on residential units.

That is a key point. There is sometimes a real absence of leadership over what is going on in residential units, which is the key to where some of this falls over. That is certainly the case in some of the secure training centres that we go to. Yes, you have lots of staff, but often they are quite new and are looked after or are being inducted by staff who are also quite new, and often there is an absence of visible experienced management and oversight of what they are meant to be doing on a day-to-day basis. Sometimes the children know that from day one and that causes a lot of the problems that we see in these institutions.

Q55 **Lord Trimble:** Most of the points I was going to make have already been covered, but there are a couple of minor matters perhaps. When people were describing the experience particularly over the weekend and they talked about Mondays and Tuesdays and all the rest of it, when it comes to arranging and managing their staff, why do they not operate on a seven-day basis?

Anne Longfield: Yes.

Angus Mulready-Jones: The regime is designed around a five-day education week, so in these institutions—

Lord Trimble: But if things go badly wrong on Saturday and Sunday, you see problems on Monday and Tuesday.

Anne Longfield: Exactly. It is the young people who tell me this. This is not management feedback. It is young people saying, “It is always really bad on a Monday and Tuesday, because this happens”. Apparently, it goes quite quiet during “EastEnders” omnibus, and it is the same with “Love Island”. Everyone goes back and it goes silent at that point and it all comes out after that.

Apart from that, you are talking about hours and hours. I would ask exactly that: why do you not organise it on a seven-day basis, and why do you not have non-education, or describe education in a different way, or have education at weekends? It is just that that is not the way it has always been done and it is not the way it is done now. I guess there might be something about scarcity of staff at weekends, I do not know, but it is just not the way it is done.

There are places such as Wetherby, which I think got a better report from you.

Angus Mulready-Jones: A two on safety, I think.

Anne Longfield: Not only does it have a support unit that has really good stuff going on, but there are individuals who are trying to get stuff up and running at weekends. They are doing park runs and running the mile and things like that. In Medway, they are looking to get football teams up and running. These things are so obvious that you think they must be on everyone’s to-do list every week. It is not the norm, but here is a certain element. I am not an expert in the process surrounding all these things, but it seems to me, as someone who comes in and hears what kids say, that there is a big default towards the way things have gone on. Even though you are only talking about 900 children here, even the governors would probably say that getting change in some of these institutions can be difficult. I do not think it should be difficult, but it is.

Lord Trimble: One other small point, our material here says that only the highest level of force used in an incident is recorded.

Angus Mulready-Jones: No, that is not true. They record all levels of force that are used during restraint.

Lord Trimble: I am glad to hear that.

Angus Mulready-Jones: The other point about the weekend is that there is sometimes a focus on the week. At the weekend, the unit should be staffed to run a decent regime, and in many cases that does not happen, sometimes because of staff shortages but sometimes because the regime is designed to be less good at the weekend and there is less activity planned.

The staff who are working on the wings should be empowered. We should look at the officers not as people who open doors and shut them behind

the children and take them off to do the wonderful things that education, healthcare or psychologists are providing, but as providing intervention themselves, in the same way we would expect intervention to happen in a children's home or another institution.

Sometimes it feels as though we are missing a trick with the staff who spend most time with the children, and more time than the teachers and healthcare professionals. They could be the agents of change in these institutions and they could be doing activities on the wing. Even if they cannot get them out, opportunities are missed in the core day in these institutions.

Sometimes, given the design of these institutions and the number of issues that some children have with other children on the site, it is fiendishly complicated. It is more complicated than getting everyone out and getting them to an activity. Lots of the institutions that we have now have tied themselves in knots with "do not mix" lists, and getting the children out of their cells to do something productive during the day becomes like Rubik's Cube. That is absolutely where the Youth Custody Service needs to be driving this to.

Anne Longfield: All I would say is that that might be the case, but for the kids who are being held up because the staff have to wait for eight other children who want to go to the same place, and you need four security staff and the like, it is not good enough. A lot of people work in these institutions. I am shocked by the number. A lot of the time it is quite transactional. Again, if you had a different mix or if you could find a different way for those adults there to have multiple relationships and be there for more than the security angle, you would be talking about the potential to do much more.

Chair: We have heard quite a bit about the different sizes of institutions, and Margaret has a question about that.

Q56 **Baroness Prosser:** There has been a lot of good information for widening our knowledge about the nature of staff and the importance of that, but we understand that there has been a move to fewer but larger institutions. Has that had an impact and, if so, what kind of an impact?

Angus Mulready-Jones: There has been a move to fewer as institutions have been decommissioned, but the institutions themselves have not got larger. In fact, in many respects those institutions have had their populations capped as the overall population has gone down. Certainly Feltham A holds fewer children now than previously, as does Wetherby. Other institutions have been decommissioned across the estate.

The key thing here is the child's experience. I am not going to get too excited about whether an institution holds 10 or 100 children. What I would look to see is that the child is held in a place that feels like some sort of home for that individual, where they can name the people looking

after them and can build relationships with the other children they are living with. I think that is doable in some of the YOI-sized institutions, with some thought.

The other thing is to make sure that some of these children are not dragged half way across the country to be held away from where they live. The estate is certainly smaller as the population has reduced, and the sites that were decommissioned leave some real holes in our estate. London sends children far afield because there are not enough places to hold them in London, and there are other areas of the country where it is the same.

Baroness Prosser: It is the same with young people coming out of care.

Angus Mulready-Jones: Absolutely.

Anne Longfield: In Wetherby, they have a relationship with 70-odd local authorities.

Angus Mulready-Jones: And that is not unusual.

Anne Longfield: Even though there might not be any larger places, there are fewer, so they will be further away from home, with all that that brings. That said, when Charlie Taylor did his review of youth custody, he came out firmly of the view that smaller was better. He recommended secure schools, and there was an announcement last week that the first one was going to be situated in Medway. One of my first reports said that the size of the institution needs to be much smaller, and, again, if you have 50 or 60 young people, you have a different scale. I think you can get it in some of the larger ones, and in Wetherby there is a unit of about 50 young people, but the introduction of secure schools needs to speed up.

Baroness Prosser: If they are to be as good and as intimate, for want of a better word, in a larger institution, that takes more hard work and more managerial organisation. It should be doable, but you would need to keep more of an eye on it.

Anne Longfield: And you would need smaller units within the overall larger place. Again, it would be about what that would bring and the ability to have a much more positive regime involving positive behaviour and incentives and, again, as you say, the intimacy within that scale of group.

Chair: Thank you very much. You mentioned transparency and accountability, and Lord Woolf will ask about the redress when something has gone wrong.

Q57 **Lord Woolf:** Is any form of redress available in practice to those who are being detained?

Angus Mulready-Jones: Children can complain about their treatment and they can escalate their complaint to the Prisons and Probation Ombudsman.

Chair: Can we deal with what they do rather than what they can do—so not the theory but the practice?

Angus Mulready-Jones: The two are important, because it shows the children's view. There is a system in place, but the children have little faith in it in young offender institutions.

Lord Woolf: And therefore do not use it.

Angus Mulready-Jones: They are much less likely than adults to appeal the response to complaints, and they are certainly much less likely to approach the Prisons and Probation Ombudsman. His report into this a few years ago now talked about some of the reasons why children do not escalate their complaints to the ombudsman. Children's perception of the complaints system in young offender institutions is illustrated by the fact that only 32% of the children we asked the question of said that they thought the complaints system was fair, and only 25% of them said that they had received a response within a week.

I think that misses the point and is a fairly bureaucratic way of dealing with the children who are living in these places. These children need to raise an issue and get it rectified quite quickly. By adding layer after layer, it gets further away from that child, and in many respects if a child complains about a restraint by a member of staff or complains that their regime amounts to something that falls below standard, a manager should come to them and explain the reasons why that is happening and perhaps put something in place if that complaint is upheld to address the points that that child has made.

Lord Woolf: Is there anyone in most of the institutions you have been talking about whose primary role is to deal with complaints?

Anne Longfield: There are children's advocates in each of these institutions and they are commissioned by the Ministry of Justice under a contract for them all. It is being re-contracted at the moment. The advocates are a really important group of people, because they are there to represent the kids and stick up for them and be their advocates in the system.

I would like to see them have a much more proactive role. I think it will vary throughout different places and different teams and the like, but I would like to see them being built in from the start. They will usually visit when someone comes in in their first week, but I would like them to be invited into the governor's office every week for a bit of a discussion about what is coming up. I would like them to be much more involved in talking about the trends. I would like them to be involved in getting youth councils set up. Quite a few have—surprisingly—but they should be there to underpin and promote positive behaviour. Again, that is about confidence in them being able to do that, and about the governors taking that aspect seriously, and making sure that it is not only happening but seen to be happening, and is seen as important. Certainly all the young people tell me that they would not bother complaining, because either it will get worse or no one will listen.

Lord Woolf: Is there anything equivalent to the prison visitors who used to go into the adult prisons and go around and talk to people?

Angus Mulready-Jones: There is an independent monitoring board at all the young offender institutions, but they are not active in the secure training centres.

To add to Anne's comment about the complaints system, the Prison Service or the contractor who is running the secure training centres will have a manager who oversees the complaints system. They will also have complaints clerks who run the system, and usually a senior manager will run some sort of quality analysis on this.

However, I think that misses the point, because, as I said, from the children's perspective what they need is to raise a complaint, have someone come and see them and be seen to investigate that complaint. The bureaucracy and all the bits of paper are playing an issue that is somewhere different.

Anne Longfield: What we are talking about in virtually everything here is young people who feel powerless in this situation, and who often, when it comes to restraint and other things, feel ashamed. Being able to look at how you underpin fairness, which is what all the governors set out to do, is an important route in itself to being able to involve the kids in delivering that.

Lord Woolf: Although of course resources are limited, the amount of resources that are being deployed is vast. Investment to do what you have just said would pay dividends.

Anne Longfield: I suppose that is my point. I am not denying that this is a costly intervention, even when we look at the larger scale of it. It is just that if you could do it differently it would yield dividends, as you say.

I am told that in other countries the unit cost can be lower, but they just have a different way of going about things. Again, I know that is what people would ultimately like to see, but I would like to see it driven through with determination, accountability and urgency.

Lord Woolf: It is very much a management problem.

Anne Longfield: A big slice of it is a management problem.

Lord Woolf: Child management.

Anne Longfield: Absolutely. I think what we are talking about are tools that are used to manage these situations and that sometimes result in these situations not being managed in the best interests of the child. If our starting point is that these are highly vulnerable children for whom we have an opportunity to offer a different future, they are not going to stop being vulnerable of their own accord. If we just manage and warehouse them for this period, they are going to be back within two or three months.

Lord Woolf: And in later life.

Anne Longfield: And throughout their lives, not just there but everywhere else.

Q58 Chair: Can I ask one final question? It seems to me that from a systems point of view, where you have elements of extreme vulnerability, which you have very well described, and the absence of redress in a complaints system, what you are talking about is impunity. It is not beyond the realms of imagination that wrongful use of segregation, solitary confinement or physical restraint can damage a child psychologically, if not physically.

From what we have heard, there is no system of redress. Without redress there is impunity, so if the most that can happen is that a line manager talks to you about it or you have to explain to the child or apologise, you are a long way away from jeopardy. If people who are in power exceed that power, there needs to be jeopardy. Is there impunity and an absence of jeopardy, and do you think, therefore, that there needs to be not just accountability but real redress in order to protect children from what otherwise might be an abuse of power that has become part of the system? We are more informed now, are we not, having seen situations from institutions in our own past and in other countries, about the institutional dynamic and the dangers within it?

Anne Longfield: Given the level of vulnerability that we have talked about, which you can feel in the air in some of those places and some people have commented on, you can feel in the skin and eyes of individuals that if you do not demonstrate fairness you are not protecting those individuals, and if those individuals are left in an institution without protection of their vulnerability, the situation is out of balance. Much more needs to be done to protect, not only in terms of redress but in demonstrating that this is meant to be an opportunity for children and young people in this situation to learn about a different way of operating together; an environment where they have clear rules, that is fair and where there are people to support you.

Chair: I am talking about the other side of it, which is about the restraints not on the children but on the people who are dealing with the children, and their sense that somebody might be looking over their shoulder. If there is a wrongful use of restraint or solitary confinement, have any staff been disciplined or fired? What are the figures on that? Do we know about that? Has that ever happened?

Anne Longfield: I believe it has.

Angus Mulready-Jones: It certainly happens. I left an inspection at midday to come to give evidence today. That institution has disciplined four members of staff since January, and I think that three of them have parted company with the organisation.

Chair: Is that to do with their behaviour towards the children?

Angus Mulready-Jones: That was to do with poor practice in restraint.

Chair: What was that institution?

Angus Mulready-Jones: Rainsbrook. Just to be clear, I do not want to single out Rainsbrook, because there is a steady stream—

Chair: It is happening.

Angus Mulready-Jones: It is happening, yes. With some of the increase in resource and oversight of restraint over the previous three or four years, there are more cameras and more people watching, so it does happen.

Chair: Are those figures in relation to behaviour towards the children pulled together somewhere? I am not talking about you turning up late or having put something on Twitter. Is there any information on how many per year have been fired, warned or whatever so that there is that transparency about the redress?

Angus Mulready-Jones: I do not know whether it is published, but certainly the providers provide that information to my teams on inspection, and we generally report on instances that are concerning both in relation to restraint and whether—

Chair: Could we ask you to look through those reports and let us have the information about how much disciplining goes on? I think people will feel confident if they know that there will be some action if there is a total abuse of power concerning a young child.

Angus Mulready-Jones: Most of these staff are employed by the Youth Custody Service, which will have data on their disciplinary records. The contractors that run the Rainsbrook and Oakhill secure training centres will also provide the Youth Custody Service with data on how many members of staff they have disciplined. There will be a central record. We do not collate a central record, but I am more than happy to go through reports.

Chair: Do you know whether that figure has been going up or down?

Angus Mulready-Jones: I really do not know.

Chair: Hopefully, we will find out. Can I thank you very much indeed for the good work that you are doing in respect of the rights of very vulnerable children in a very difficult situation and for your very full answers to us today?

Anne Longfield: I often take individuals along with me when I go on visits—I may regret this if everyone wants to come at once—and I would very much welcome and invite anyone to come along with me on some of the visits to secure custody institutions. It might not be all at once and it might take some time, but certainly there is great value in being able to see for yourself.

Chair: Thank you very much indeed.