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Committee of Public Accounts

Secure training centres and secure schools

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to the report*

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The Committee of Public Accounts

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Summary

Youth custody provision is failing children. Our inquiry has shown that The Ministry of Justice (the Ministry) and Her Majesty's Prison & Probation Service (HMPPS) have not fixed poor provision at secure training centres (STC), where vulnerable children have been persistently held in unsafe conditions. The closure of all but one STC has led to children being sent to alternative places that are less suitable for their needs. While the number of children in custody is relatively low—560 on average in 2020–21—the Committee is concerned that these children are receiving substandard care. Their needs are diverse, and many are highly vulnerable, particularly girls. Suitable provision is needed to help them to get their lives back on track.

Following a long-term decline in the number of children in custody, the Ministry and HMPPS now expect this number to more than double by 2024. Meanwhile, HMPPS faces significant delays and cost increases in progressing the first of a new type of custody, a secure school. It now intends the first secure school to be a 'pathfinder', and it does not plan to launch the second secure school until it has evaluated the first. We are unconvinced of the Ministry's and HMPPS's commitment to delivering the secure school vision of small, local, educationally focused establishments. The first secure school may not open until February 2024—more than seven years after the Ministry accepted the Taylor review's vision for secure schools—and plans for the second have not been made.

Meanwhile, the Ministry and HMPPS have an estate that is totally unsuited to meeting the complex needs of children in custody. The recent MacAlister review of children's social care described Youth Offender Institutions (YOIs) and STCs as "wholly unsuitable" for accommodating children in the criminal justice system. The Ministry is reviewing its position on the remaining STC, Oakhill, and is also considering reopening another, while progressing a first secure school and seeking to improve YOIs. The Ministry and HMPPS urgently need a clear and convincing plan for youth custody options that can meet children's diverse and complex needs and help them escape a vicious cycle of reoffending. They say that their vision is to be more outcomes-led and to focus on early intervention, but we are concerned by the absence of a clear strategy for evaluating what works and for ensuring appropriate placements are available for children in custody.

Introduction

In England and Wales, children aged between 10 and 17 can be held criminally responsible for their actions. In April 2022, there were 432 children in custody, the latest monthly figure. Some groups of children are increasingly over-represented in custody, such as those from ethnic minority backgrounds and those with mental health or learning disabilities. Children are held in three types of setting: secure children's homes (SCHs) designed to accommodate the youngest and most vulnerable children in small establishments with high staff-to-child ratios; young offender institutions (YOIs), which are bigger establishments for older and less vulnerable children; and secure training centres (STCs), which were intended for children aged 12–14 who did not need an SCH but were too vulnerable for YOIs. In the year ending March 2021, almost three quarters (73%) of all children in custody were in YOIs. In response to the 2016 Taylor review, the Ministry has also committed to creating a new type of custodial establishment, secure schools – defined as “schools with security” rather than “prisons with education”.

The Ministry of Justice (the Ministry) is responsible for overseeing the youth justice system and for commissioning youth custody services. The Youth Custody Service, part of HMPPS—an executive agency of the Ministry—is also responsible for commissioning youth custody services alongside managing the youth estate.

Conclusions and recommendations

1. **Current youth custody provision is inadequate for many vulnerable children's needs, with particular concern over STCs.** Since 2017 the quality of STC provision has deteriorated, with only one STC remaining open. A shrinking provider market for STCs and significant issues in leadership and staffing contributed to their poor performance, as well as the increasing complexity of the children placed there. Meanwhile, the first secure school is not yet complete. Following STC closures, many children have been moved to YOIs, although HMPPS's placement guidance deems YOIs less suitable for more vulnerable children. Children in custody cover a wide range of demographics by gender, disability, and ethnicity – each with different challenges and requirements. Girls represented just 3% of children in custody in the year ending March 2021, but they are some of the most vulnerable children. HMPPS opened a specialist unit (the Keppel Unit) at HMYOI Wetherby to accommodate girls at short notice when Rainsbrook STC closed. Although it acknowledges that this provision is maturing, it continues to place girls in the Keppel Unit while working to improve provision there. HMPPS monitors data on the characteristics of children in custody but does not assess whether the custodial settings can meet their various, and often complex, needs.

Recommendation: *In its Treasury Minute response, the Ministry and HMPPS should set out how they will monitor and measure whether it is meeting the diverse needs of vulnerable children in its estate, including – girls, children with disabilities and special educational needs, and children with other protected characteristics.*

2. **The Ministry and HMPPS do not have a coherent strategy for improving outcomes for children in custody or to meet the expected increase in demand for places.** The number of children in custody is expected to more than double by 2024 and there is a risk that the Ministry and HMPPS will not have appropriate accommodation for some children's needs. The Ministry has a vision to be more outcomes-led to drive up standards and performance, with £60 million committed to the Turnaround programme focused on early intervention. Realising its vision will require joint working, including with other central government departments and local authority youth offending teams. Yet the Ministry does not have an overall strategy for youth justice. To help realise its vision, the Ministry is intending to develop provision for children in various ways, including by improving YOI and STC provision, trialling a secure school as a 'pathfinder', and possibly by reopening Rainsbrook STC. But the Ministry and HMPPS are focusing their efforts on these individual projects, without a clear and convincing overall strategy.

Recommendation: *The Ministry should set out clearly its strategy to improve outcomes for children through early intervention and improvements to the youth custodial estate.*

3. **We are concerned that too many children are being held many miles away from home.** The number of children in custody has reduced by 73% in the decade to 2021–22 (from 2,040 to 560 children), and we acknowledge that it is very hard to offer enough local provision with such a small cohort. But HMPPS predicts the number of children in custody to double soon, and location is important so children

can be near to their families and local connections. One ambition for secure schools was to have small, local provision, with children being housed close to home. The Ministry originally planned to trial one secure school in the South East and one in the North West because of the rates of reoffending in these areas and a lack of provision in the North West. Currently it only has plans for one secure school in the South East. While HMPPS is reviewing where there is demand geographically, it does not have immediate plans to create new establishments to fill gaps in provision, making it harder for children in custody to maintain important family connections.

Recommendation: *The Ministry / HMPPS should set out how they will provide an appropriate level of properly managed capacity in the system, to ensure that children can be placed in the right type of provision closer to home than is currently possible.*

4. **The first secure school has not yet opened, more than six years after it was recommended, and costs have spiralled.** Originally HMPPS planned for the secure school to open by autumn 2020, but it now aims to open the first secure school at the former Medway STC site in November 2023. It has also added a further three months of contingency into the new timetable so now it may not open until February 2024. This is more than seven years after the Taylor Review was published. The delay is partly because the Ministry failed to recognise, at the start, the need to pass legislation to permit a secure school to be run by a charity. The Ministry originally estimated it would cost £4.9 million to refurbish and convert the former Medway STC site to a secure school, but having developed its understanding of the requirements, it now estimates that it will cost £40 million. This is the same as its initial capital cost estimate for building a brand new secure school. The Ministry accepts that its original estimate was significantly insufficient and accepts that it should have done more due diligence to understand the requirements for secure children's home registration.

Recommendation: *The Ministry and HMPPS should provide assurance that they now have firm control over the remaining timetable and costs to delivering the first secure school. They should also provide an update to the Committee on progress against the timetable in six months' time.*

5. **The Ministry and HMPPS are relying on a provider to deliver the new secure school model, but the approach they are taking is untested and there are insufficient safeguards in place.** The Ministry and HMPPS appointed a provider, Oasis Charitable Trust (Oasis), in July 2019 although Oasis has not previously provided secure accommodation for children. It was only following discussions with the Charity Commission that HMPPS later realised legislation was needed to allow a charity to run a secure school. HMPPS intends to move away from contracting and instead work in partnership with the provider to deliver the secure school. It will use a Funding Agreement, rather than a contract, to manage the provider. But it is still working out the essential details of this arrangement, including how it will incentivise the provider to accept the wide range of children that HMPPS would like it to accept, and how it would manage underperformance.

Recommendation: *The Ministry / HMPPS should set out how the Funding Agreement will incentivise the secure school provider to deliver high-quality care for all children in custody, including how they would manage underperformance or children being refused a place.*

6. **The Ministry and HMPPS do not know what works in terms of early intervention and custodial provision for children.** The Ministry wants to focus on intervening earlier to deliver better outcomes for children. But it does not yet understand the most effective ways to divert children away from entering the youth justice system, such as through community resolutions. Meanwhile, it plans to conduct an evaluation of the first secure school as a ‘pathfinder’, to feed into scoping a second secure school in 2022. But it has yet to develop the evaluation plan or secure the funding for this. The Ministry is also focused on developing and improving YOI provision, despite recent criticism in The independent review of children’s social care that YOIs and STCs are “wholly unsuitable” for accommodating children in the criminal justice system. HMPPS intends to keep the Keppel Unit at HMYOI Wetherby in the medium-term (for 24 months) while it opens the first secure school and considers the future of STC provision. But it only plans to evaluate it at the end of the 24-month period.

Recommendation: *The Ministry and HMPPS should set out their evaluation strategy for youth custodial provision, including their specific evaluation plans for the Keppel Unit at HMYOI Wetherby and the first secure school.*

1 Current youth custody provision and strategy

1. On the basis of a report by the Comptroller and Audit General, we took evidence from the Ministry for Justice (the Ministry) and Her Majesty’s Prison & Probation Service (HMPPS) about current youth custody provision in England and Wales, as well as their strategy for improving the options available for placing children in custody.¹

2. In England and Wales, children aged between 10 and 17 can be held criminally responsible for their actions. In 2020–21 there was an average of 560 children in custody.² As at April 2022, there were 432 children in custody, the latest monthly figure available at the time of writing.³ The number of children in custody has steadily declined in the last decade, although the average sentence of those convicted has risen from 11 to 17 months and a greater proportion have committed violent offences.⁴ Some groups of children are increasingly over-represented in custody, such as those from ethnic minority backgrounds and those with mental health or learning disabilities.⁵

3. The secure custodial estate comprises three types of institution: secure children’s homes (SCHs) that accommodate younger and most vulnerable children, typically aged 10 to 17, in small establishments with high staff-to-child ratios; young offender institutions (YOIs), which are bigger establishments more similar in design to adult prisons, typically accommodating children aged 15 to 17; and secure training centres (STCs) that are designed to accommodate children aged 12 to 17 who are too vulnerable for a YOI but do not require a SCH. In the year ending March 2021, 73% of all children in custody were held in YOIs.⁶

4. In 2016, the government-commissioned Review of the Youth Justice System in England and Wales recommended that the Ministry create secure schools. The Ministry accepted the recommendation and set out its intention to create two new secure schools. The Ministry and HMPPS define these new establishments as “schools with security” rather than “prisons with education”.⁷

5. The Ministry is accountable to Parliament for the oversight of the youth justice system in England and Wales and is responsible for commissioning youth custody services, including setting standards and provisions for managing poor performance. The Youth Custody Service (YCS) has been, since 2019, also responsible for commissioning youth custody services alongside its management of the youth estate. The YCS is part of HMPPS, an executive agency of the Ministry.⁸

1 C&AG’s Report, *Children in custody: secure training centres and secure schools*, Session 2021–22, HC 1257, 28 April 2022

2 C&AG’s Report, paras 1, 1.6. The Ministry of Justice will publish its 2021–22 annual data in January 2023.

3 Her Majesty’s Prison and Probation Service, monthly youth custody data, available at: <https://www.gov.uk/government/publications/youth-custody-data>.

4 Q19, C&AG’s Report, para 1.2 and 1.5

5 C&AG’s Report, para 1.9

6 C&AG’s Report, para 1

7 C&AG’s Report, paras 1, 15; Taylor, C. *Review of the Youth Justice System in England and Wales*, December 2016

8 C&AG’s Report, *Children in custody: secure training centres and secure schools*, Session 2021–22, HC 1257, 28 April 2022, para 4

Inadequate provision for vulnerable children

6. The Office for Standards in Education, Children’s Services and Skills (Ofsted) leads joint inspections of STCs with the Care Quality Commission (CQC) and Her Majesty’s Inspectorate of Prisons (HMIP). In every year since 2017, the inspectorates rated STCs as ‘requiring improvement to be good’ or ‘inadequate’. Medway STC closed in March 2020, followed by Rainsbrook STC in December 2021.⁹ Only Oakhill STC remains open, although its future is uncertain following another critical inspection.¹⁰ Meanwhile, the first secure school has not yet opened so options for placing children are more restricted. Following STC closures, many vulnerable children have been moved to YOIs, which conflicts with HMPPS’s own placement guidance that deems YOIs less suitable for children with complex needs.¹¹ Although HMPPS told us that it was confident that it had followed its placement procedure when moving children between STCs and YOIs.¹²

7. We asked the Ministry and HMPPS why it has been unsuccessful in responding to poor performing STCs and how it has looked after children’s needs following STC closures.¹³ They acknowledged the significant challenges with STC performance, which they described as a mixed picture prior to 2017.¹⁴ They told us that the cohort of children in custody has become more difficult to manage over the past decade, as it has evolved to include children with increasingly complex needs who have committed more serious offences, which STCs were not designed to accommodate.¹⁵ Alongside this, they have struggled with a shrinking provider market and leadership at STCs.¹⁶ As the National Audit Office noted in its report, the joint inspectorates have persistently highlighted the issue of ineffective leadership at STCs. Between 2017 and 2021, the supplier (G4S Care and Justice Services UK Limited) appointed nine different directors to manage Oakhill STC.¹⁷

8. The Ministry and HMPPS told us that there are mechanisms in the STC contracts to drive up performance. It is only as a last resort that they decant children to other settings, as they did in the case of Rainsbrook STC. Using their placement process, they told us that they considered each individual child’s needs to identify the provision that would be most appropriate.¹⁸ However, as the National Audit Office noted in its report, this has resulted in some children being placed in YOIs, although HMPPS’s placement guidance deems YOIs as less suitable for more vulnerable children. When Rainsbrook STC closed, around one-third of the 33 children were transferred to a YOI, and only a very small minority were transferred to equivalent provision.¹⁹

9. Children in custody cover a wide range of demographics, by gender, ethnicity, and disability.²⁰ Girls represented just 3% of children in custody in the ending March 2021, but they are some of the most vulnerable children in the estate, as they are more likely to have experienced victimisation (sexual and physical) and relationship difficulties. HMPPS

9 C&AG’s Report, paras 11, 2.4

10 Q15, Q17; C&AG’s Report, para 2

11 C&AG’s Report, paras 3, 2.17

12 Q9–Q11, Q20

13 Q7–Q9, Q11

14 Q7; C&AG’s Report, para 2.5

15 Q7, Q21; C&AG’s Report, para 1.2

16 Q7

17 C&AG’s Report, paras 2.5, 2.15

18 Q8–Q9

19 C&AG’s Report, para 13

20 Q11, Q56–Q57, Q86; C&AG’s Report, para 9

opened a specialist unit (the Keppel Unit) at HMYOI Wetherby to accommodate girls at short notice when Rainsbrook STC closed. It continues to place girls in the Keppel Unit while it works to improve provision there, although HMPPS told us that provision is still maturing.²¹ Furthermore, as the National Audit Office noted in its report, in the year ending March 2021, 53% of children in custody were from ethnic minority groups (on average).²² HMPPS told us that it monitors the profile of children in custody, including data on ethnicity and disability.²³ However, it does not have a coherent plan for how to ensure it can meet all of these different needs.²⁴

Strategy for improving provision and meeting an expected increase in demand

10. Following a long-term decline in children in custody, the Ministry and HMPPS anticipate the number of children in custody to more than double from 2021 levels by September 2024. They expect children aged 15 to 17 in young offender institutions (YOIs) will increase from 343 in July 2021 to 700 in July 2025. They attribute this expected increase to courts recovering from the COVID-19 pandemic, the impact of the Police, Crime, Sentencing and Courts Bill, and government’s plans to recruit additional police officers.²⁵ Currently, HMPPS has spare capacity in its youth secure estate—the occupancy rate was 60% in February 2022—but there is a risk that it will not have the right accommodation for some children’s needs.²⁶ Its provision for more vulnerable children is limited, as the first secure school has not yet opened, and only one STC remains open but is subject to performance concerns.²⁷ SCHs house very vulnerable children, but their legislative arrangements mean that the Local Authority running the SCH may refuse to accept a child if it perceives doing so will compromise that child’s safety and care or that of another child.²⁸

11. The Ministry and HMPPS accepted the weaknesses in current provision and told us that it is trying to address the need for more and better provision. They told us that they are using the four principles of the Taylor Review—smaller units; well-trained staff; a child-first approach; and strong leadership—to inform its approach.²⁹ Firstly it is trialling a first secure school as a ‘pathfinder’. Secondly it is seeking to improve existing STC and YOI provision, for example by considering the use of specialist units in YOIs for more vulnerable children.³⁰ It highlighted that 73% of children in custody are held in YOIs, which is why it wants to focus on improving and developing this provision.³¹ The National Audit Office report noted that the Ministry is considering a range of proposals, but it does not have a coherent or agreed overall strategy. Its proposals include opening the first secure school, making “swift and tangible” improvements to YOIs and STCs to make them more rehabilitative; and reopening Rainsbrook STC at reduced capacity and with

21 Q11; C&AG’s Report, paras 9, 2.13

22 C&AG’s Report, para 9

23 Q57

24 C&AG’s Report, para 3.5

25 C&AG’s Report, paras 8, 1.8

26 C&AG’s Report, para 3.5

27 C&AG’s Report, paras 2.14–2.16, 3.5

28 Q34, Q39; C&AG’s Report, para 3.13

29 Q16

30 Q68, Q69, Q75–Q76

31 Q80

increased staff-to-child ratios.³² It is also reviewing and actively monitoring performance of Oakhill STC³³ and HMPPS mentioned it planned some medium-term alternative provision for girls.³⁴

12. The Ministry spoke to us about its vision to be more outcomes-led and to drive up performance and standards. It also wants to focus on early intervention. The Government has announced youth funding of £100 million a year over the next three years, including £60 million a year for the Turnaround programme – focused on early intervention for children in the community. The Ministry informed us that it is working with other government departments, including the Department for Education (DfE) and NHS England, on early intervention.³⁵ It also referred to the cross-government work of the Youth Justice Board and the joint funding for local youth offending teams. Yet it was unable to point to a coherent cross-government youth justice strategy and told us that local areas will understand more about what is needed in their area.³⁶ It considered the changes it was making to youth custody establishments to be in support of this vision, but improvements were piecemeal and it did not articulate how each improvement project—for secure schools, YOIs, and STCs—fed into an overall strategy for youth justice.³⁷

Location of youth custody provision

13. The average number of children in custody has fallen by 73% in the last decade, from 2,040 in 2010–11, to 560 in 2020–21, reflecting a long-term decline in the number of recorded youth offences.³⁸ The Ministry told us that the reduction has a lot to do with diversionary activities, whereby children may be diverted from formally entering the youth justice system, such as through community resolutions.³⁹ With such a small population, HMPPS told us it is persistently difficult to provide enough local provision for children. It described how it already has places available in YOIs and SCHs, as well as Oakhill STC and the secure school coming online. Its challenge is being able to match children to the right provision, in the right part of the country.⁴⁰ HMPPS told us that it provides financial support so families can visit.⁴¹ But location is important so children can be close to their families.⁴²

14. Secure schools were intended to be located where there is demand.⁴³ As the National Audit Office described in its report, the Taylor review proposed secure schools as small establishments located in the regions they serve. The Ministry originally planned to open one secure school in the South East and another in the North West because of the rates

32 C&AG's Report, para 3.5

33 Q15, Q18

34 Q92

35 Q79

36 Q89

37 Q79–Q80

38 Q7; C&AG's Report, para 8, 1.6

39 Q7; C&AG's Report, para 1.3

40 Q73

41 Q52

42 Q51

43 Q51, Q70

of reoffending in these areas and lack of provision in the North West.⁴⁴ Currently, the Ministry only has only started planning one secure school at the former Medway STC site in the South East.⁴⁵

15. HMPPS informed us there is a gap in provision in the North West.⁴⁶ But it does not have any immediate plans to address this gap.⁴⁷ The Ministry and HMPPS told us that their number one principle for designing provision and placing children is getting the best outcomes for the children. They acknowledged that there will always be spare capacity, and told us that their focus is on making sure they have the right sort of capacity, which is why they are focused on improving YOI provision, which is where most children are held.⁴⁸ However, improving YOIs may not help improve options for placing the most vulnerable children. The Ministry gave examples of two YOIs, Wetherby and Feltham, that include specialist units for more high risk or vulnerable children but typically YOIs accommodate older children and are less suitable for children with complex needs.⁴⁹ The National Audit Office report highlighted the Ministry and HMPSS's acknowledgement that STC failures had heightened pressures to place children in YOIs that are less suitable for vulnerable children.⁵⁰

44 C&AG's Report, paras 3.3, 3.4

45 Q67, Q71

46 Q51

47 Q64–Q65

48 Q74

49 Q75: C&AG's Report, para 1

50 C&AG's Report, para 13

2 The secure school programme and understanding what works

Delays and cost increases

16. The 2016 Taylor review called for education to be at the heart of dealing with children in custody and outlined a new model of provision called secure schools. The Ministry immediately accepted the findings of the Review and committed to creating two secure schools. HMPPS originally planned for the first secure school to be open by autumn 2020, but there have been recurrent delays, partly because of unrealistic timescales at the start of the project.⁵¹ HMPPS told us that it is now aiming to open the first secure school at the former Medway STC site in November 2023, but has built in another three months contingency on top, so the secure school may not open until February 2024.⁵² This would be more than seven years after the Taylor review. HMPPS told us that upon opening the secure school will build up to full complement slowly and that it would avoid moving children around Christmas time as this would be too disruptive.⁵³

17. A key reason for the delay was that the Ministry did not foresee the need for new legislation to underpin the secure school model which relied on established as a 16–19 academy, but also approved as a SCH. HMPPS appointed a charitable provider—Oasis Charitable Trust (Oasis)—in July 2019 before there was the legislation to allow for secure schools as proposed to be run by charities.⁵⁴ Oasis runs 52 academies in England and works with homeless or vulnerably-houses young adults, but has not previously provided secure accommodation for children.⁵⁵ However as an education provider, HMPPS told us it is confident that it will be able to provide specialist education for children with special educational needs or behavioural difficulties.⁵⁶ HMPPS told us that it purposely appointed the provider early as it wanted them to be involved in creating the secure school model.⁵⁷ The Ministry subsequently included clauses in the Police, Crime, Sentencing and Courts (PCSC) Bill to permit a secure school to be registered as a charity.⁵⁸ The PCSC Bill received Royal Assent on 28th April 2022.⁵⁹

18. The Ministry originally assumed that it would cost £4.9 million to convert the former Medway STC site into a secure school, compared with £40 million to build a secure school from scratch.⁶⁰ At the time the National Audit Office reported, the estimated costs had increased to £36.5 million (excluding £7.3 million for optimism bias), due to redesigns to meet SCH specifications required by Ofsted. The time taken to complete the redesigns was also a source of delays. The Ministry told us that it now expects the Medway secure school to cost £40 million (including optimism bias)—equivalent to its original cost estimate for building a brand new school.⁶¹ It informed us that this estimate—now signed off by

51 C&AG's Report, paras 3.3, 3.4, 3.14

52 Q59–Q60

53 Q61

54 C&AG's Report, para 3.12, 3.15

55 Q27; C&AG's Report, para 3.12

56 Q86–87

57 Q24

58 C&AG's Report, para 3.15

59 [Boost for public safety as four justice bills receive Royal Assent – GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/boost-for-public-safety-as-four-justice-bills-receive-royal-assent)

60 Q45; C&AG's Report, para 3.17

61 Q45; C&AG's Report, para 3.16–3.18

the Ministry's investment committee—takes into account recent inflationary pressures and supply chain disruption.⁶² Notwithstanding these recent cost pressures, the Ministry accepts that its original estimate was significantly insufficient, especially with regard to expected construction costs. For example, it told us that it did not factor in fire safety upgrades that would be required, including upgrades to the electrical and mechanical infrastructure. It accepts that it should have done more due diligence to understand the requirements for SCH registration.⁶³

Risks to delivering the secure schools model

19. HMPPS began accepting applications for a provider to run the Medway secure school in October 2018 and received five applications. As the National Audit Office noted in its report, HMPPS used a DfE application process for academies (free schools)—rather than the regulations that govern public procurements—as they considered it the best option for attracting the right educationally-focused provider.⁶⁴ The Ministry and HMPPS told us that they wanted to develop the provider market for secure schools, as well as encourage innovation and greater provider autonomy.⁶⁵ Even with one or two secure schools they would ideally want to have more than one or two potential providers. HMPPS also said that it wanted to have a provider involved early on, to help with shaping its decisions on the nature of the service.⁶⁶ Yet, its decision to appoint the provider early on to co-design the school was risky, as it did not have the legislation in place at that time that would permit a charity to run a secure school. It was only following discussions with the Charity Commission that it had realised such legislation was needed.⁶⁷

20. HMPPS is using a Funding Agreement, rather than a contract, to manage Oasis. Such an agreement will not have a defined duration, although it will include an option to terminate for convenience, and HMPPS is still working out how it will manage performance under this arrangement.⁶⁸ HMPPS told us that partnership working with Oasis includes designing its Funding Agreement with input from Oasis as well as DfE. It also mentioned plans for an assurance programme with different ladders of intervention, to identify and address signs of poor performance.⁶⁹ Although it seems late in the process to discuss incentives and levers in the funding agreement, HMPPS told us that it was confident it could address potential drawbacks of this approach.⁷⁰

21. The secure school will be registered as an SCH, although, designed with 49 places, it will be significantly bigger than a SCH.⁷¹ One consequence of its registration as a SCH is that the manager could refuse to accept a particular child. We asked the Ministry and HMPPS how they are managing the risk of children being refused a place. HMPPS told us that it is working in partnership with Oasis to agree the criteria on use of places. It expects the secure school to take a broad range of children (boys and girls), but it also described how placement decisions will be made in line with the existing statutory obligation to do

62 Q46

63 Q44–Q45, Q49

64 Q26; C&AG's Report, para 3.10

65 Q29–Q30

66 Q26

67 Q25; C&AG's Report, para 3.12, 3.15

68 Q32–Q33; C&AG's Report Figure 13, para 3.11

69 Q32

70 Q33

71 Q49

what is in the best interests of the child.⁷² HMPPS told that if placing a child in the new Medway secure school is not in the child's best interest, they would expect to look for an alternative, whether that is a SCH, STC or YOI.⁷³ The Ministry and HMPPS told us that they expect the Funding Agreement to facilitate this partnership approach to placing children although HMPPS has not yet set out how it intends to do so.⁷⁴

Evaluation

22. The Ministry told us that it is focused on early intervention to improve outcomes for children.⁷⁵ We asked the Ministry how it knows what works in terms of diverting children away from the youth justice system.⁷⁶ It informed us that it is working closely with the Youth Justice Board and youth offending teams on what community provision and diversion looks like.⁷⁷ It pointed to funding of £60 million a year for the Turnaround programme—an early intervention scheme for children in the community—and told us that the evidence these diversionary activities are working could be seen in the long-term decline in the number of children entering custody.⁷⁸ However, the Ministry does not have good data to understand the reasons for this reduction in full, including the extent which it is due to a reduction in crime or more children been diverted from formally entering the youth justice system.⁷⁹ The Ministry and HMPPS acknowledged that it is both hard, but important, to evaluate diversionary tactics because of the absence of a counterfactual.⁸⁰

23. We also asked the Ministry and HMPPS about their evidence base for secure schools, including their evaluation plans. The Ministry told us that the secure school model is based on international evidence of what works, which it is trying to apply in practice by prioritising investment in staff training.⁸¹ However, the National Audit Office reported that Oasis (as the provider) will have autonomy over staff recruitment, training and pay.⁸² The Ministry also described its first secure school as a 'pathfinder'; and HMPPS intends to evaluate it and use the findings to feed into scoping the second secure school.⁸³ HMPPS told us that it would draw on existing management information and outcome data—such as data on assault rates, self-harm, use of force and educational outcomes—as part of its evaluation, but it does not yet know how many children it expects to divert from the adult system.⁸⁴ The National Audit Office reported in April 2022 that HMPPS had yet to develop the plan and secure funding for this evaluation.⁸⁵ While the Ministry and HMPPS told us that they have decided to start scoping the second secure school this year, they have not started the work.⁸⁶

72 Q35–Q37

73 Q35

74 Q89

75 Q89

76 Q96

77 Q88

78 Q79, Q89

79 C&AG's Report, para 1.3

80 Q96–Q97

81 Q22–Q24, Q58–Q59

82 C&AG's Report, para 3.12

83 Q64–Q66

84 Q40–Q42

85 C&AG's Report, para 3.5

86 Q65

24. We furthermore asked the Ministry and HMPPS about how they are responding to criticism about existing custodial provision.⁸⁷ Josh MacAlister—in *The independent review of children’s social care*—described YOIs and STCs as “wholly unsuitable” for accommodating children in the criminal justice system.⁸⁸ Yet, the Ministry said it is committed to the existing sector where most children are held.⁸⁹ It described this independent review as helpful and said it would issue a joined-up response to the recommendations, with input from DfE and other relevant bodies.⁹⁰

25. Meanwhile, HMPPS intends to keep the Keppel Unit—a specialist unit for girls at HMYOI Weatherby—for up to 24 months, but it has not yet formally evaluated it.⁹¹ It said that it only plans to evaluate it at the end of the 24-month period. It acknowledged that it will be challenging to evaluate this provision with such a small cohort, so it intends to work with NHS partners on devising a suitable evaluation approach.⁹²

87 Q68; C&AG’s Report, para 3.5

88 Q81; MacAlister, J. *The independent review of children’s social care*, May 2022

89 Q68

90 Q81

91 Q92–Q94

92 Q94–Q95

Formal minutes

Wednesday 6 July 2022

Members present:

Dame Meg Hillier

Sir Geoffrey Clifton-Brown

Mr Mark Francois

Mr Louie French

Antony Higginbotham

Sarah Olney

Secure training centres and secure schools

Draft Report (*Secure training centres and secure schools*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 25 read and agreed to.

Summary agreed to.

Introduction agreed to.

Conclusions and recommendations agreed to.

Resolved, That the Report be the Thirteenth of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Adjournment

Adjourned till Monday 11 July at 2.45pm

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 25 May 2022

Antonia Romeo, Permanent Secretary, Ministry of Justice; **Helga Swidenbank**, Executive Director, Youth Custody Service, Her Majesty's Prison and Probation Service; **Amy Rees**, Director General Probation, Ministry of Justice

[Q1-98](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

STC numbers are generated by the evidence processing system and so may not be complete.

- 1 Allen, Rob ([STC0001](#))
- 2 Howard League for Penal Reform ([STC0004](#))
- 3 Ofsted ([STC0005](#))
- 4 The Local Government Association ([STC0002](#))
- 5 The Traveller Movement ([STC0003](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

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35th	The pharmacy early payment and salary advance schemes in the NHS	HC 745
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39th	DWP Employment Support: Kickstart Scheme	HC 655
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36th	HMRC performance 2019–20	HC 690
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38th	Managing colleges' financial sustainability	HC 692
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40th	Achieving government's long-term environmental goals	HC 927
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42nd	COVID-19: Government procurement and supply of Personal Protective Equipment	HC 928
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44th	Excess Votes 2019–20	HC 1205
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48th	Digital Services at the Border	HC 936
49th	COVID-19: housing people sleeping rough	HC 934
50th	Defence Equipment Plan 2020–2030	HC 693
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