

Thirteenth Report of Session 2022-23

The Ministry of Justice

Secure training centres and secure schools

Introduction from the Committee

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.

Based on a report by the National Audit Office, the Committee took evidence on 25 May 2022 from the Ministry of Justice. The Committee published its report on 15 July 2022. This is the government's response to the Committee's report.

Relevant reports

- NAO report: [Children in custody: secure training centres and secure schools](#) – Session 2021-22 (HC 1257)
- PAC report: [Secure training centres and secure schools](#) – Session 2022-23 (HC 30)

Government response to the Committee

1. PAC conclusion: Current youth custody provision is inadequate for many vulnerable children's needs, with particular concern over STCs.

1. PAC 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.

1.1 The government agrees with the Committee's recommendation.

Recommendation implemented

1.2 The Youth Custody Service (YCS) records protected characteristic information to provide a detailed understanding of the children in its care.

1.3 YCS has a Diversity and Inequality (D&I) workstream focused on priority improvements, monitoring and the development of effective practice. This workstream oversees activity including:

- identification and monitoring of disproportionate custodial experiences of Black/Mixed Black Heritage children and measuring improvements of focused initiatives to drive change,
- measuring operational practise improvements across Young Offender Institutions (YOIs) through formulation and execution of D&I focused action plans and supporting data analysis,
- a focus on girls within the estate through developing effective practise, oversight and improvement activity for the Keppel Unit within HMPYOI Wetherby, and preparing Oakhill Secure Training Centre in readiness to take girls,
- launching the Strategic Youth Advisory Board, comprised of individuals from diverse backgrounds aged 17-25 years, who have involvement with YCS and will be part of policy discussions with opportunities to influence decisions,
- the launch of a CHAT (Comprehensive Health Assessment Tool) Summary from National Health Service (NHS) Systems that will facilitate the monitoring of children's health needs (including disabilities) to better inform operational practise, and
- recording special educational needs detail, and work to improve the capture and monitoring of that information will start later in 2022-23.

1.4 YCS works closely with NHS England and NHS Improvement with co-representation across meetings and decision-making fora, and through close consultation on YCS policy.

2. PAC conclusion: 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.

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

2.1 The government agrees with the Committee's recommendation.

Recommendation implemented

2.2 The government is driving and delivering improvements across the youth justice system, from early intervention to custody.

2.3 In May 2022, the government announced a substantial investment in early intervention and community-based support. The Ministry of Justice provided a 9.8% uplift in funding to Youth Offending Teams (YOTs) in 2022-23 to provide them with the resources and capacity to work with children and address the underlying causes of their offending behaviour. This involves working across other parts of local support services to address issues related to mental health, exclusion from school, an unstable home life or any of the other challenges that can lead to children entering the youth justice system.

2.4 The government also announced a new 'Turnaround' programme designed to work with children on the cusp of offending, before they would normally get support from YOTs.

2.5 These steps and other interventions are aimed to reduce the number of children in the youth justice system, particularly in custody.

2.6 The first secure school at Medway, run by Oasis, will be an innovative new model of youth custody that embeds education and health at its heart. This approach is designed to

improve outcomes for children in custody and to protect the public by reducing the likelihood of reoffending. This model will be carefully evaluated to ensure that the structure of the future custodial estate best reflects the evidence available. Preliminary scoping work on a potential second secure school will commence in Autumn 2022.

2.7 But ahead of this, the government is seeking to improve all parts of the youth custodial estate by:

- embedding 'SECURE STAIRS' (a trauma-informed approach to care, co-designed with NHS England) to all establishments and staff training,
- making the workforce even more skilled in working with children (as of May 2022, 239 had completed a foundation degree in youth justice),
- using smaller units with higher staff-to-child ratios to provide more tailored and 1-2-1 support, and
- piloting new approaches to the resettlement of children leaving custody.

2.8 The government considers that, put together, these steps and this strategy should deliver a step-change in the performance of the youth justice and youth custodial estate.

3. PAC conclusion: We are concerned that too many children are being held many miles away from home.

3. PAC 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.

3.1 The government agrees with the Committee's recommendation.

Recommendation implemented

3.2 The youth custody population (including 18-year-olds in the youth estate) fell substantially from 3,208 in 2007-08 to 855 in 2019-20, driven by changes in police targets and a movement away from imposing custodial sentences on children for minor offences. The population fell to historical lows during the COVID-19 pandemic, standing at 502 in June 2022. Forecasts suggest that it will increase in future years, though there is high uncertainty around forecasting the youth custody population. Given the population has not yet shown signs of increasing as originally predicted, it is unlikely these forecasts will materialise as quickly as previously estimated. The youth estate currently has a maximum capacity of 1,037 places (852 Young Offender Institution places, 80 Secure Training Centre places, 105 Secure Children Home places) and as such, HMPPS considers there will be sufficient capacity across the estate.

3.3 In the year ending March 2022, data presenting the average distance from home (where home address was recorded) in the children and young people's secure estate show that 60% were placed less than 50 miles from home. YCS placement guidance states that children will be placed into the most appropriate available establishment to meet their needs, which may not necessarily be the closest to their home area or court catchment, however, this will always be considered where availability allows. The YCS closely monitors the numbers of children and young people in custody and are confident that there will be continued sufficient overall capacity, whilst considering options to ensure the ability to appropriately place all children in line with their needs, as and when the population increases.

4. PAC conclusion: The first secure school has not yet opened, more than six years after it was recommended, and costs have spiralled.

4. PAC 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.

4.1 The government agrees with the Committee's recommendation.

Target implementation date: January 2023

4.2 Arrangements are in place to exert firm control over the timetable and costs for opening the first secure school. The full business case, which has received all necessary approvals, set out the revised funding profile (including risk contingency and optimism bias elements) and opening date range for the secure school. As with all major projects, the Ministry and HMPPS have in place formal governance structures to ensure the project remains on track to deliver within these parameters. Layers of assurance and guidance are also in place in relation to the operating model to ensure progress is maintained and is informed by best practice.

4.3 The project reports to Oasis Restore Project Board, the YCS Transformation Board (chaired by the Senior Responsible Owner for the Project – the Executive Director of the YCS), and the Ministry's Investment Committee (chaired by the Chief Operating Officer), with a focus on ensuring delivery within time and cost tolerances.

4.4 The government commits to providing the Committee with an update on progress against the timetable in January 2023.

5. PAC conclusion: 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.

5. PAC 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.

5.1 The government agrees with the Committee's recommendation.

Target implementation date: December 2022

5.2 The Funding Agreement (the legal contracting vehicle between the Ministry and secure school providers) will be supplemented by handbooks on finance, governance and assurance (setting out requirements and expectations on the secure school provider, including performance). The Funding Agreement package is being completed and will detail performance reporting and issue management. It will adapt the 'ladders of intervention' approach from the Department for Education to drive improvements, escalating through formal directions and termination where required.

5.3 In addition to these arrangements, the secure school will be accountable to its governing trust. There will be independent monitoring of the quality of care in place per Regulation 44 of the Children's Home Regulations 2015 and Ofsted will have comprehensive regulatory powers under the Care Standards Act 2000 when the secure school opens.

5.4 As a registered children's home, the secure school will have a statutory right to refuse a placement if it believes the child cannot be safely or properly accommodated or, when accommodating, it would have a detrimental impact on other children at the school. Clauses within the Funding Agreement will ensure the school is committed to providing a 49-bed

service suitable for the full range of the custody cohort, and that the statutory right to refuse is exercised appropriately.

5.5 The secure school provider has a legal obligation (per Section 10 of the Academies Act 2010) to consult the local community on whether it should enter into the Funding Agreement. This consultation must be concluded, and the findings considered prior to the Funding Agreement being signed.

6. PAC conclusion: The Ministry and HMPPS do not know what works in terms of early intervention and custodial provision for children.

6. PAC 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.

6.1 The government agrees with the Committee's recommendation.

Target implementation date: June 2023

6.2 An internal review of the Keppel Unit has been conducted based on HM Inspectorate of Prisons inspection of the Keppel Unit (March to August 2022). The review seeks to consider the model of care for the Keppel Unit and how this meets the needs of the children on the unit as well as the wider YCS estate. The review has included a needs analysis across the YCS and specifically in Keppel. The final report will be submitted to the YCS in August 2022. The findings of the Keppel review will inform the ongoing operation of the unit and its future in the context of the needs of the wider population and current and future provision.

6.3 An evaluation team is currently being recruited to develop an evaluation strategy for secure schools which will consider the potential approaches to monitoring and evaluation. This will include a process evaluation of the implementation and delivery of the secure school, as well as determining options for assessing the impact of the school on key outcome measures such as reducing reoffending. This evaluation strategy will be in place at least six months before opening. Other outcomes assessed will include safety in custody and the indicators that contribute to reduced reoffending, for example, progress in education, intervention delivery and the quality of staff-student relationships.

6.4 The initial findings of these assessments will be used to inform delivery plans for the potential second secure school.