



House of Commons  
Justice Committee

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# Rainsbrook Secure Training Centre

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**Seventeenth Report of  
Session 2019–21**

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons  
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## Justice Committee

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# 1 Introduction

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1. Rainsbrook Secure Training Centre (STC) holds up to 87 male and female children aged 12 to 17. As we have noted in other reports, children held in custody have committed serious crimes and are not always easy to care for or handle. As we have also said before, those children are still children and often among the most vulnerable people in our society. In the five years that MTC has run Rainsbrook under contract to the Ministry of Justice, aspects of its service have been consistently rated in need of improvement. In spite of promises by successive MTC managers—promises sufficient to persuade the Secretary of State for Justice himself to state, wrongly, in good faith, that improvement was taking place—the situation at Rainsbrook had so worsened by December 2020 that inspectors issued an Urgent Notification at the centre.

2. We took evidence on 9 March from the managing director of MTC’s UK arm, from three inspectors of conditions at the facility, which lies just south of Rugby, and from rt hon. Robert Buckland QC MP, Lord Chancellor and Secretary of State for Justice, and his senior officials on what happened to result in that Urgent Notification. What we heard was shocking and resulted in our deciding to produce a rapid report on issues that the Secretary of State and others need urgently to address after five years of promises that have resulted in little improvement to the care of children. **The litany of inaction and what one inspector called “utter incompetence” at Rainsbrook year after year provides a cautionary tale of how badly an arms-length relationship between the Ministry of Justice as a client and MTC as the company hired to deliver on contract can fail to deliver basic standards of care to vulnerable children.**<sup>1</sup>

3. MTC, a US-based private company that runs a number of prisons in the United States, began running Rainsbrook in May 2016 after winning a five-year, £50.4 million contract to do so. It had previously been run under contract by G4S. Concerns had previously been raised about the quality of services at Rainsbrook; those concerns have continued during MTC’s period as contractor at every inspection since 2016. In 2020, however, the Ministry of Justice decided to extend MTC’s tenure by the maximum two years to June 2023, a decision we shall discuss further in this report.

4. HM Inspectorate of Prisons (HMIP), Ofsted and the Care Quality Commission (CQC) jointly conducted an Annual Inspection between 17 and 21 February 2020 and reported in April 2020. Among the concerns raised were: high staff turnover and low staff experience level; children not managed equitably when they arrived at Rainsbrook (boys and girls being treated differently); and poor education provision, with many children refusing to attend lessons. The inspectors judged Rainsbrook as ‘Requires improvement to be good’—exactly the same judgment made at the previous three inspections in October 2018, June 2017 and October 2016. The inspectorates made 19 recommendations in April 2020; nine to be actioned immediately and 10 within three months.<sup>2</sup> As will be seen, these were largely ignored.

5. Six months on, between 26 and 29 October 2020, Ofsted, CQC and HMIP returned to Rainsbrook and found new and serious concerns. Most alarmingly, for their first 14 days at the centre, children were allowed out of their rooms for only 30 minutes a day, spending

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1 [Q34](#)

2 Ofsted, Care Quality Commission and HM Inspectorate of Prisons, [Rainsbrook STC: Annual Inspection](#) (February 2020), p 20

the remaining 23 and a half hours locked inside. The inspectors noted that there was “no rationale to support this practice”, which was “tantamount to solitary confinement” and “highly likely to be damaging to children’s emotional and physical well-being”.<sup>3</sup>

6. The joint inspectors notified senior managers in the Ministry of Justice (MoJ) and the Youth Custody Service (YCS). At an urgent meeting with the Ministry of Justice and Youth Custody Service on 5 November 2020 the inspectorates received assurances that immediate actions would be taken to ensure the safety and wellbeing of children.

7. On 18 November, the Secretary of State for Justice, rt hon. Robert Buckland QC MP, wrote to Ofsted saying improvements were under way. Mr Buckland had been misinformed, or in his own phrase “played for a fool”.<sup>4</sup> The inspectors made another (unannounced) monitoring visit on 10 December 2020 and found that leaders and managers at Rainsbrook had made limited progress.<sup>5</sup> As a result on 16 December 2020 they invoked the Urgent Notification (UN) process.<sup>6</sup>

8. We took evidence on 9 March 2021 as to what had happened, and we heard from Angus Mulready-Jones, Lead for Children and Young Adults, HM Inspectorate of Prisons, Nick Stacey, HM Inspector, Ofsted, Christine Williams, Deputy Director of Social Care and Regulatory Practice, Ofsted; Ian Mulholland, Managing Director, MTC; Robert Buckland QC MP, Lord Chancellor and Secretary of State for Justice, Helga Swidenbank, Executive Director, Youth Custody Service (YCS), and Jo Farrar, CEO, HM Prison and Probation Service (HMPPS). We were shocked and appalled by what we heard and are deeply concerned about MTC’s ability to manage the Rainsbrook contract. The failures identified over five years are not, though, the responsibility only of the provider, MTC. The Youth Custody Service and Ministry of Justice, as the contracting authority, have a responsibility to ensure that the contracts they let are delivered effectively and to prevent such situations from occurring. They have, in this case, failed to exercise their responsibilities as a contracting authority, and we consider that departmental oversight has been inadequate, contributing to the appalling and consistent failures at Rainsbrook.

**9. We recognise that all prisons and other custodial institutions face additional pressures during the current covid-19 pandemic, but we do not consider those to be justification or excuse for the continued poor conditions at Rainsbrook and the repeated absence of effective action to remedy them by staff employed by MTC at Rainsbrook and senior staff at the Ministry of Justice and Youth Custody Service.**

3 Ofsted, Care Quality Commission and HM Inspectorate of Prisons, [Rainsbrook STC: Assurance Visit](#) (October 2020), p 3

4 [Q116](#) [Robert Buckland QC MP]

5 Ofsted, Care Quality Commission and HM Inspectorate of Prisons, [Rainsbrook STC: Monitoring Visit](#) (December 2020).

6 Letter from Amanda Spielman, HM Chief Inspector, Ofsted to Robert Buckland QC MP, Lord Chancellor and Secretary of State for Justice, [Urgent Notification: Rainsbrook Secure Training Centre](#), 18 December 2020

## 2 Inspectorate findings

10. When HM Inspectorate of Prisons, Ofsted and the Care Quality Commission (CQC) visited Rainsbrook on 10 December 2020 they found that previously raised concerns had not been addressed and that leaders at Rainsbrook were failing the children in their care.<sup>7</sup> Inspectors described conditions as “bleak” and wrote to the Secretary of State, setting out their reasons for invoking the Urgent Notification Protocol, noting that (not an exclusive list and **emphasis added**):

- Five recently admitted children independently told inspectors that they had been locked into their bedrooms for up to 14-days and **allowed out each day for only up to 30 minutes for fresh air.**
- [Children] continue to receive a spartan regime. **They receive little encouragement to get up in the mornings and there are very few determined efforts by staff to engage meaningfully with children.**
- The centre acknowledge that one boy was placed on an ‘incorrect management plan’ in Reverse Cohort Unit conditions due to miscommunications about his medical vulnerabilities. **Between 26 November 2020 and 10 December 2020 this child had a total of four hours out of his room.** The centre has launched an internal investigation.
- [MTC’s] **senior managers were unaware of the regime being implemented by staff.** They were given the opportunity to provide additional evidence after the site visited ended. They failed to present any compelling or substantive evidence that the experiences children reported to inspectors is in doubt.<sup>8</sup>

### October Assurance Visit

11. We questioned the inspectors about their findings from October 2020 to the point at which the Urgent Notification was invoked in December. Commenting on the October 2020 assurance visit, inspectors told us that Reverse Cohort Units were in operation because of the covid-19 pandemic, as set out in the Exceptional Delivery Model to ensure that children isolated for 14 days on reception to the centre. It was these children who were kept in their cells for 23.5 hours a day, a state of affairs that did not apply at similar centres operating covid-secure measures.

12. The inspectors questioned this practice, and senior MTC managers gave no reasonable assurance or explanation, then or later.<sup>9</sup> At the time of that inspection, 43 children were detained in a facility that can hold 87. Although some staff were absent as a result of covid,

<sup>7</sup> The urgent notification process was formally introduced in November 2017. The protocol is drawn up between the MOJ and HM Inspector of Prisons and sets out the role of each organisation and the role of “principle individuals.” It restates the independence of both the Chief Inspector and the Inspectorate and gives an escalation process to resolve conflict between MOJ and the Chief Inspector in the event that the default position of ongoing dialogue is not sufficient. If the Chief Inspector identifies “significant concerns with regard to the treatment and conditions of those detained” he or she will “write to the Secretary of State within seven calendar days of the end of the inspection, providing notification of the significant concern, and reasons for those concerns. The Secretary of State must respond publicly to concerns within 28 calendar days.

<sup>8</sup> Letter from Amanda Spielman, HM Chief Inspector, Ofsted to Robert Buckland QC MP, Lord Chancellor and Secretary of State for Justice, [Urgent Notification: Rainsbrook Secure Training Centre](#), 18 December 2020

<sup>9</sup> [Q2](#) [Nick Stacey]

managers assured inspectors that staffing was sufficient. Angus Mulready-Jones of HMIP said inspectors were told an austere regime was necessary and in line with Public Health England requirements, but that:

Even if you did not want children mixing with each other, there was sufficient time in that day to have them out of their rooms for three, three and a half or perhaps even four hours at a stretch. This was a problem of culture and it became easier to put children in their rooms than to get them out and think creatively about how to ameliorate the impact of the necessary restrictions due to covid on the wellbeing of children.<sup>10</sup>

13. The Inspectorates further clarified the operational procedures that MTC referred to, justifying their position, during inspection:

During the visit Rainsbrook STC provided us with operational procedures, which were formulated using central guidance by Her Majesty's Prison and Probation Service: COVID-19 Operational Guidance—exceptional Regime & Service Delivery. The Guidance stated:

- As a minimum, all prisoners must receive 30 minutes in the open air daily.
- However, it should always be our aim to provide more than the minimum consistently and establishments should aim to provide an equivalent regime to other areas of the establishment.<sup>11</sup>

14. Nick Stacey, HM Inspector, Ofsted, told us similar institutions had not locked up children 23.5 hours a day: Oakhill Secure Training Centre, for example, had similarly isolated children in reverse cohort units spending 3–4 hours a day out of their cells.<sup>12</sup>

15. After their October assurance visit, inspectors recommended that the practice of locking children in their cells for 23.5 hours a day cease immediately, and the outstanding recommendations from February 2020 be “decisively addressed”.<sup>13</sup>

### Follow-up from the October Inspection

16. The inspectorates met the Youth Custody Service in October and again in November to raise concerns about Rainsbrook, particularly in regard to the time children were spending out of cell, the poor quality of education provision for children and the absence of action on the 19 recommendations made by inspectorates six months earlier in February 2020. Of the 19 recommendations the inspectors had made, there was evidence of only one having been acted on. The Youth Custody Service reassured them that the practice of keeping children in their cells for 23.5 hours a day would cease. The inspectors told us they left the Youth Custody Service with a very clear understanding of what their concerns were and received reassurances that these concerns would be dealt with.

17. Inspectors also wrote to the Secretary of State for Justice about their findings. They received “reassurances in correspondence that they [MTC and the Youth Custody Service] would be addressing the issues; they took the issues of concern very seriously and they

10 [Q11](#) [Angus Mulready-Jones]

11 Ofsted, CQC and HMIP letter (Appendix)

12 [Q3](#) [Nick Stacey]

13 [Q2](#) [Nick Stacey]

would be making some progress to address the particular issue of newly admitted children. We felt they knew what the issues were and that they were going to address them at that point.”<sup>14</sup>

18. Inspectors told us that on 5 November the YCS presented the actions they had taken, including increased management oversight and immediately ceasing isolation of the children. Christine Williams, Deputy Director of Social Care and Regulatory Practice, Ofsted, said: “our understanding was—there was no reason to disbelieve it at the time—that some of those actions and recommendations would be addressed.”<sup>15</sup>

## December Assurance Visit

19. The inspectors went unannounced to Rainsbrook again in December 2020 to follow-up on progress. What they found resulted in their invoking Urgent Notification. Christine Williams told us that children were still being locked in their rooms for 23.5 hours a day and that this practice had not, in spite of the assurances given, in fact ceased.<sup>16</sup> Children gave the inspectors a number of examples of the practice still occurring, Inspectors challenged managers on-site and were told that this was not so. But those managers were unable to provide information to the contrary, either then or later, and what information they did provide in the form of written logs tended, the inspectors felt, to support what the children had told them.<sup>17</sup>

20. Angus Mulready-Jones told us two key elements in inspectorate findings in December led them to invoke Urgent Notification. First, there was the continued treatment of children and the practice of locking them up for long periods during their early days in custody. Secondly, long-standing deficiencies in education provision had not been dealt with. The February 2020 inspection report found that:

Far too many children refuse to go to education [...] Children who refuse to attend education remain on their residential units during the school day and do not receive adequate support, supervision or direction to encourage them to engage in learning, or to plan their prompt return to school. Some staff allow children to wear their pyjamas in the early afternoon, and this does not encourage their readiness to engage in activities.<sup>18</sup>

In addition, teaching staff sometimes “appear overwhelmed by the scale of children’s poor behaviour” with half of some lesson time lost to disruption.<sup>19</sup>

21. The inspectors said: “we do not disagree that there is a need for different models of education to be delivered, particularly if you are short of staff, but, bearing in mind this was December and the pandemic started in March, we would have expected some plan to be put in place to deliver a coherent system of education to 45 children who were there in December.”<sup>20</sup> Mr Mulready-Jones expanded on that point:

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14 [Q5](#) [Christine Williams]; See also Appendix

15 [Q7](#) [Christine Williams]

16 [Q7](#) [Christine Williams]

17 [Q7](#) [Christine Williams]

18 Ofsted, Care Quality Commission and HM Inspectorate of Prisons, [Rainsbrook STC: Annual Inspection](#) (February 2020), paras 19–20

19 Ofsted, Care Quality Commission and HM Inspectorate of Prisons, [Rainsbrook STC: Annual Inspection](#) (February 2020), para 21

20 [Q15](#) [Angus Mulready-Jones]

To put this into context, STCs hold children who are deemed to be too vulnerable to be put into YOIs. These regimes were experienced by children as young as 15 and continued even when there was evidence that the child was at risk of self-harm or exhibited signs of distress.

The size of the institution is important. We are not talking about a sprawling American establishment. It is a small site and it would have taken a matter of minutes for managers or YCS monitors to check if this poor treatment had been stopped. Therefore, the fact that it was not checked, or, if it was checked, it was not escalated, shows failure both at the centre with MTC and the YCS and wider in the Ministry of Justice to have the Secretary of State writing things in a letter on 18 November that we then found were not being implemented in December.<sup>21</sup>

**22. Staffing at Rainsbrook was affected by covid-19, but so was the number of children at the centre, down to around half of capacity. The staff-to-child ratio was broadly unaffected and additional financial resource was provided to MTC by the Ministry of Justice. We cannot fathom why children were left in their cells for 23.5 hours a day after that practice had been identified and criticised and had supposedly ceased. Even more, we cannot understand why that fact went unnoticed and unaddressed by managers and monitors whose offices were two minutes' walk from the children's cells. It seems extraordinary that MTC managers and YCS monitors did not leave their offices to find out for themselves the condition in which the children in their care were kept.**

## Inspectorate recommendations and response

23. Inspectors told us how disappointing and frustrating it was that recommendations were simply not acted on. Angus Mulready-Jones explained: "This is a leadership and management problem; it is about being able to create an action plan that works and implementing it after it has been written down on a piece of paper [...] they had done only the first part of it. It had written down an action plan but took no action".<sup>22</sup>

24. Mr Mulready-Jones told us, too, that inspectorates regularly have to repeat recommendations (and not just at Rainsbrook). For example, "at Rainsbrook over the previous five years we have repeated whole or part recommendations in areas like violence, bullying, use of force, self-harm, suicide prevention, education delivery, behaviour management and provision for girls."<sup>23</sup> Christine Williams added:

Children being locked in their rooms for that length of time is totally unacceptable, but the other part of it is the number of recommendations still outstanding that they had not done anything with over a period of time. We can continue to make recommendations, but they have to implement them. We will continually check and highlight those and escalate them to the highest level, but, at the end of the day, they have to do something with them. We continue to make the same or similar ones.<sup>24</sup>

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21 [Q15](#) [Angus Mulready-Jones]

22 [Q28](#) [Angus Mulready-Jones]

23 [Q28](#) [Angus Mulready Jones]

24 [Q28](#) [Christine Williams]

25. Nick Stacey also identified a cultural problem in leadership and management at Rainsbrook:

Senior managers issue instructions; they write procedures and protocols, which are often very detailed, but they are not implemented at middle and junior management levels. That is where the cultural problem is, because they do not have the means and quality assurance frameworks in place effectively to follow through to make sure these things happen on a day-to-day basis, so they just keep recycling and repeating, compounded by turnover of staff and changing teams in the education block and in senior management.<sup>25</sup>

26. We asked inspectors whether they were satisfied with how MTC, MoJ and YCS had responded to recommendations. Christine Williams said:

You cannot be satisfied when you have to make the same recommendations because ultimately it is about the service that those children are receiving, which is woefully inadequate. That cannot be acceptable to anyone. One of the things inspection does is identify what some of the issues are and you expect the provider and YCS to put those right so that it makes a difference for those children living there. That has not happened.<sup>26</sup>

## Response by MTC

27. On 9 March, Ian Mulholland, Managing Director, MTC told us: “I would like to start by apologising unreservedly and expressing my deep regret and the deep regret of the organisation for the very obvious failings that inspectors found initially in October and then again when they revisited in December.” We asked Mr Mulholland why children had been locked up for 23.5 hours a day, and he explained:

People were absolutely focused on trying to protect children and staff from covid. In doing that they did the wrong thing, which resulted in children being locked up for excessive periods of time. As I said at the beginning, I am not going to try to defend that. That was wrong.<sup>27</sup>

28. Mr Mulholland said he was surprised that only one of 19 recommendations had been acted on. Mr Mulholland became managing director on 4 January this year and sought to persuade us that new management is in place, but he appeared reluctant to accept that recommendations made by the inspectorates should be followed through as a matter of course. He set out MTC’s current position:

We need to have a proper process to make sure that we only accept recommendations that we think are fair and grounded in evidence. Once we have accepted those recommendations, we need to make sure that we are putting an action plan together with realistic timescales that we believe we can meet. Once we have done both of those things, we get on and do it, and do it in such a way as is embedded, sustainable and measurable. We will then, from my external assurance process, check that the actions that

25 [Q28](#) [Nick Stacey]

26 [Q32](#) [Christine Williams]

27 [Q50](#) [Ian Mulholland]

we are claiming to have delivered are being delivered on a consistent basis and we are not leaving it solely to the leadership in the centre. There has to be a bit of external rigour taking place as well.<sup>28</sup>

29. When challenged on whether he intended to act only “on the recommendations that you like”, Mr Mulholland said “It is not within my gift only to accept recommendations that we like [...] It is not only about doing the stuff that you like to do. I am sorry if I gave you that impression”.<sup>29</sup>

30. **We are glad that new management is in place at MTC, particularly a new director on site and a new head of education, and that the YCS has taken steps to improve its on-site presence. We note the promises Mr Mulholland made to improve matters, but the experience of the inspectorates over the past 12 months has been that promises are worth less than the paper they are written on and we expect to see evidence of real change at Rainsbrook. We are concerned by Mr Mulholland’s statement that he plans to accept only recommendations “we think are fair or grounded” and recommend that he make a clear, public commitment to implementing the change the inspectorates, as independent external bodies, tell Rainsbrook to make unless there are clear, evidenced and transparently recorded reasons for doing otherwise in any specific case.**

31. Ian Mulholland wrote to us following the hearing, stating that: “Since the Urgent Notification, I am pleased to be able to report that Ofsted have acknowledged the progress we have made however, we recognise there is much more to do and we are committed to maintaining ongoing improvements making sure we have the right people in place, redesigning our activity and education programme and investing in the centre’s environment.”<sup>30</sup>

32. HMPPS told us that improvements are now taking place since the UN, but more are needed. Jo Farrar, CEO, HMPPS, said that “they [MTC] really need to address recommendations in the February 2020 review.”<sup>31</sup> The Secretary of State told us that it is “an opportune time” to look into the way in which the prison service responds to recommendations.<sup>32</sup>

## Historical problems

33. Although our evidence session primarily focused on the findings of the most recent round of inspections, we cannot avoid pointing out that Rainsbrook has under-performed ever since the Ministry of Justice awarded MTC the contract to run it in 2016. As Mr Mulholland rightly told us, not all is negative and some improvements have been made: he cited resettlement provision and work in supporting children, particularly in maintaining ties with their families, and good work in healthcare.<sup>33</sup> Nick Stacey of Ofsted also praised “good offender reduction work, substance misuse work and interventions around sexually harmful behaviour”.<sup>34</sup> Whatever the failings of managers at Rainsbrook, we would point out that many of the frontline workers at the centre have at times been considered by the

28 [Q59](#) [Ian Mulholland]

29 [Q59](#) [Ian Mulholland]

30 MTC Letter [Appendix]

31 [Q101](#) [Jo Farrar]

32 [Q121](#) [Robert Buckland]

33 [Q47](#) [Ian Mulholland]

34 [Q26](#) (Nick Stacey)

inspectors to have good relationships with the children in their care, and it is, of course, the case that those staff are doing remarkably difficult jobs for often comparatively little reward.

34. All the same, the inspectors have repeatedly judged the centre overall as “requires improvement to be good” (in October 2018, June 2017 and October 2016). This problem predates MTC: Rainsbrook was last deemed “good” in 2013.<sup>35</sup> Nick Stacey told us of a variety of reasons for these failings; among others, many staff at the centre have a background in the adult custodial estate and, he said, essentially import an adult custodial model into a children’s place of detention.<sup>36</sup> There is a long history of ineffective senior management grip and oversight to make improvements at pace. Performance management systems for improvements have been based on what may be counted rather than what is meaningfully done.<sup>37</sup> High turnover of frontline custody officers is also a substantial and chronic problem, with staff typically staying in post not much over a year.<sup>38</sup>

**35. High staff turnover experienced at Rainsbrook, has, without a doubt, contributed to the significant failings at the centre. Youth custodial institutions are vastly different to the adult estate, and require staff who have an understanding and experience of the environment they will be working in. *While there is nothing wrong with staff moving across to the youth estate from the adult estate, it is not appropriate for these staff to operate as though they are in the adult estate. We recommend that the management at MTC set out clearly what they are doing to address the existing issue of staff retention, including what incentives and support they offer to staff. MTC should also set out what training is given to staff to ensure that staff are adequately skilled and equipped to work in the youth custodial estate. If consideration has not been given to this, MTC should set out what plans it has in place to ensure that staff are adequately trained and supported to work well in a youth custodial environment.***

36. There has been intermittent progress in some areas over the years but without consistent overall improvement. Christine Williams said: “The difficulty is that as one thing improves something else deteriorates and there needs to be a consistent offer of good support and service for children from when they go in, to a good transition and resettlement period when they leave. That is what we are not able to see.”<sup>39</sup> Angus Mulready-Jones told us lack of progress reflects fundamental weakness across the STC sector, noting that “Oakhill has required improvement since 2017, and before it closed Medway was inadequate or required improvement for the last four years, so there are systemic failures around STCs”.<sup>40</sup> Mr Mulready-Jones went on:

There will always be some improvement, but the issue is that the majority of children’s experience just is not good enough, and that practice continues over time. That is what we have seen at Rainsbrook.<sup>41</sup>

**37. The children held in secure institutions have committed often very serious crimes but also include some of the most vulnerable members of society. Those in detention at**

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35 [Q24](#) [Angus Mulready-Jones]

36 [Q21](#) [Nick Stacey]

37 [Q21](#) [Nick Stacey]

38 [Q21](#) [Nick Stacey]

39 [Q26](#) [Christine Williams]

40 [Q27](#) [Angus Mulready-Jones]

41 [Q27](#) [Angus Mulready-Jones]

Rainsbrook were considered too vulnerable to be placed in Young Offender Institutions. The evidence we have heard is shocking; it is unacceptable to lock children in their cells twenty three-and-a-half hours a day, with limited meaningful social contact, a practice tantamount, as the three inspectorates rightly say, to placing them in solitary confinement. Whatever crimes they have committed, children—vulnerable children—deserve to be treated with dignity and respect, and it is clear that this has not been so at Rainsbrook.

38. It is a startling indictment of senior managers at MTC that the overwhelming majority of recommendations made by the joint inspectorates in February 2020 were not actioned. Those managers and the company appear largely to have ignored those recommendations until the Urgent Notification was invoked. A picture has been painted of a bureaucratic response built on managing the requirements of a contract, producing pieces of paper, and providing assurances that all was well when nothing was being done to make it so—even to the extent that the Secretary of State put his name in good faith to a letter saying that improvement was happening when it was not. An action plan without any action is pointless. MTC Managing Director Mr Mulholland told us he plans to accept only recommendations he thinks fair, a response that gives little confidence that the new management installed since Urgent Notification is demonstrating the necessary grip or understanding.

39. *We are not confident in MTC's ability to deliver the action required by recommendations repeatedly made over a period of years by the three inspectorates. We recommend that MTC and the Youth Custody Service report to us by June 2021, setting out in detail what progress has been made against the action plan now developed. MTC should also set out what impact changes made have had on children at the centre. If no substantial improvement is then apparent, the Ministry should consider taking Rainsbrook back in house.*

40. It is clear that further work needs to be done on the way in which the prison service more generally responds to recommendations. It is important for all organisations that they are able to learn from external sources of assurance. Inspectorates have told us, in this and in other inquiries, that they repeatedly make the same recommendations over a sustained period without effective action resulting. This brings into question how seriously the prison service takes the recommendations made. *The Ministry of Justice should set out in detail, what work they are doing to ensure that recommendations made by Inspectorates are taken seriously and acted upon quickly and effectively.*

### 3 Oversight of Rainsbrook STC

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41. Our evidence session on 9 March 2021 highlighted significant failings by MTC management, but also failings in oversight of how Rainsbrook STC was being run. The Ministry of Justice, the Youth Custody Service and HMPPS are equally responsible for some failings at Rainsbrook because of significant and fundamental failings in the way they have overseen what was happening there and oversight and received assurance that performance was good or improving. The three inspectorates told us that this failure in oversight and assurance was one of the primary reasons for invocation of the Urgent Notification process, and it is a question that goes wider than the poor management of one custodial institution.

42. Managers both at Rainsbrook and within the YCS and Ministry of Justice manifestly failed to understand what the conditions were at Rainsbrook. This was demonstrated when inspectors made their unannounced visit in December, by which time those managers were well aware of initial concerns inspectors had raised after their October visit and at various resulting meetings throughout October and November. MTC bear direct responsibility for failings at the Centre, but the MOJ and YCS having substantial failings to address to. The inspectors told us that those with the power and responsibility to seek and affirm improvements did not take the action they should have. Angus Mulready-Jones said:

You cannot lay this solely at the door of the provider. The YCS when it contracts a service does not absolve itself of responsibility for making sure the service is delivered appropriately. We told the YCS and the YCS told us it was taking action and that action was not effective, despite the fact that the YCS has staff on site. The YCS is an agency of the MOJ. You cannot separate out the responsibility and just point to one of these agencies.<sup>42</sup>

43. The inspectorates were given repeated assurances between October and December by MTC and the YCS. In spite of those assurances, the necessary and promised actions had not in fact been taken. We asked inspectors whether they felt they had been misled or lied to by the operators. Christine Williams told us:

When we met and had the information from the YCS they believed that things had happened and so the failing was that they did not know and should have known. When we met them, they gave us lots of information and explained that the reverse cohorting and all those issues had been addressed and that they were making sure children had activities. I can say only that they believed all the things they said to us were happening. Clearly, they were not and that is a massive failure. They should have known and they did not. Neither the director and senior managers at Rainsbrook nor YCS knew what was happening for those children in those units, because they would not have sent us the letter with the detail they did.<sup>43</sup>

44. Nick Stacey told us: “When I sat in the room with the director and deputy director and said, “Children are still being locked up for 23.5 hours a day,” and they said, “We don’t think they are,” I do not think they were lying; I just do not think they knew the basic principle of going down once a day to talk to the children—there were only a small

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42 [Q33](#) [Angus Mulready-Jones]

43 [Q34](#) [Christine Williams]

number, four or five—and the officers looking after them. They just were not doing it; they did not know. I do not think they were lying; I think it was utter incompetence.”<sup>44</sup> Mr Stacey added that it would have taken a matter of minutes for managers to walk from their office to the Children’s unit to check what was going on.

45. On what the managers were actually doing, Angus Mulready-Jones told us:

I think it is clear that they were not doing what they ought to have been doing during this time. There is not a paucity of managers at these centres. There were 43 children on one visit, 45 at the next and 37 at the next. If you take first-line managers as well, managers probably outnumber children. It is clear that what managers are doing is spending a lot of time in their offices in meetings and on contract compliance, but some of these managers work for the YCS as well as the contractor.<sup>45</sup>

46. It seems almost inconceivable that managers whose offices were a two-minute walk from children being held in their cells all day were unaware of the fact, and remarkable that none of them appears to have simply taken that walk to find out whether what they were being told about their action plans was true, even if covid was restricting face-to-face contact at the time. It is alarming that no flags were raised by managers or YCS monitors on site but none of them seems to have been aware that criticised practices were continuing after promises had been given to stop them.

47. We asked the Youth Custody Service what their monitoring team were doing at Rainsbrook. Helga Swidenbank, Executive Director, Youth Custody Service, told us: “I have a monitoring team of three. My monitoring team had a blended approach. Some of the work that we were doing was face to face. They were walking around the site of inspection. Some of it was via telephone and some of it was viewing CCTV evidence. They had a blended approach. They were also working alongside the director’s team and getting assurances from the director’s team that their staff team were delivering the action plan.”<sup>46</sup> Whatever approach YCS staff were taking to monitor the contract provider performance, it failed to ensure that MTC were resolving fundamental problems. We are concerned that YCS staff relied on reassurances from MTC’s directors rather than finding out for themselves whether children were still being kept in their cells for 23.5 hours a day.

48. Jo Farrar, CEO, HMPPS, accepted a need to reinvigorate the leadership culture at Rainsbrook: “We were having very senior high-level conversations with MTC in relation to the director, who had at that point handed in his notice but was working through his notice period. We were concerned that there was not the energy that we were looking for in relation to the leadership at Rainsbrook and agreed that a member of staff would go on gardening leave and [...] the current interim director, would come in. We had identified a lack of energy and impetus there and were keen to see a new leader at Rainsbrook who would bring that to the problems that we knew we all had.”<sup>47</sup>

49. We asked the Youth Custody Service whether they felt they had been misled by management at Rainsbrook between October and December. Helga Swidenbank replied:

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44 [Q34](#) [Nick Stacey]

45 [Q36](#) [Angus Mulready-Jones]

46 [Q76](#) [Helga Swidenbank]

47 [Q95](#) [Jo Farrar]

MTC were very assertive in the position they took in relation to what they believed was happening on the site. I had a conversation with the then MD, who was very reassuring to me that they had indeed followed up on the actions that the inspectors had recommended.

We were disappointed that the inspectors found what they found. As I said earlier, we also know that we have some learning to do in relation to the nature of our monitoring to make sure that we double-check or triple-check for ourselves that things are happening that we were being told are happening.<sup>48</sup>

50. Ian Mulholland, Managing Director, MTC told us “The issue between the failure to respond fully between October and December is one that troubles me—and troubled me in the same way as it clearly troubles you [...] I was surprised at the lack of external assurance. I was surprised at the lack of operational leadership outside the centre to support the centre and have the resources available to them to take action and make investment where things were not good enough”<sup>49</sup> Commenting on what MTC have done since Urgent Notification was invoked, Mr Mulholland said: “Probably the most important feature I wanted to stress is that I have put in place a new assurance process, both within the centre and, critically, externally within MTC. I have brought in the people who were responsible for designing and implementing the HMPPS assurance process because, as the panel has heard, it clearly is not acceptable for either the people running the centre or the people running MTC not to know what is going on there. You will not hear me trying to defend that.”<sup>50</sup>

**51. We welcome the implementation of a new assurance process. More is required than that, however, given what we have heard about action plans being written but not acted on. Those charged with overseeing previous assurances processes failed in the basic task of checking for themselves what was going on and we need greater confidence that a new process will improve upon the existing one. We recommend that MTC set out what their new assurance process is and how it differs from the one previously in existence. In particular, what practical steps will MTC take to ensure that its senior managers at the centre know, for themselves, whether improvements reported to them are real and long-lasting? We also recommend that the Ministry of Justice and the Youth Custody Service set out clearly what they will do to assess the provider’s new assurance processes to ensure that they are operating effectively, and to confirm, for themselves, that what they are being told is true.**

## Independent oversight

52. The question of what independent oversight there was of the action being taken, or not taken, by Rainsbrook’s managers is a crucial one. Aside from annual or follow-up inspections by the three inspectorates (HMIP, Ofsted and the Care Quality Commission), witnesses told us that there is “a real issue about the independence and various people children have at their disposal to raise concerns.”<sup>51</sup> Angus Mulready-Jones said: “There are on-site monitors from the YCS with whom the children should have been able to raise

48 [Q97](#) [Helga Swidenbank]

49 [Q51](#) [Ian Mulholland]

50 [Q57](#) [Ian Mulholland]

51 [Q18](#) [Angus Mulready-Jones]

concerns and who should have spotted this and told the YCS. There is also a commissioned advocacy service, which should have raised concerns about this, as well as local partners and others who should have been aware. In reality, we found out about this only when we walked through the door and spoke to the children, so there were significant weaknesses in those systems designed to protect children.”<sup>52</sup> What appears clear is that while the inspectors walked through the door and spoke with the children in Rainsbrook, the YCS staff whose roles involved in being on-site managing the centre and overseeing delivery of that contract did not.

53. Mr Mulready-Jones added that routine management is better placed than irregular inspectors to drive improvement:

[W]e made recommendations for the leadership and management of the centre and the YCS to oversee that improvement, but it has to be said that there are systems in place that are meant to safeguard these children and they did not alert anyone that this practice was continuing.

54. We asked Inspectors whether there should be independent oversight in STCs, such as, for example, Independent Monitoring Boards in Prisons and YOIs. Angus Mulready-Jones thought that there should be independent oversight of practice in STCs, whether an independent monitoring board, or monitoring service that works well.<sup>53</sup> “[T]he issue,” he said, “is about independence and the people who undertake that role remaining independent from the provider. What we have seen here is that quite a lot of people are in theory independent from MTC—you have the YCS monitor and the Barnardo’s advocacy service—but no one raised the alarm bells to say that the practice we found in October and December was unacceptable. That could only have been because they either did not see or they thought it was reasonable. Both those things are fairly damning indictments of those services.”<sup>54</sup>

55. Christine Williams, Deputy Director of Social Care and Regulatory Practice, Ofsted, added: “We are the inspectorate; we are not the regulator. That makes it difficult. We can go in and say what we have seen and escalate it, in the way we have done, but we cannot regulate in the way we do with our children’s homes where, if there is a breach of regulations, we can take enforcement action. That has to be for the YCS, whose contract it is; it has to take that responsibility and action to do that.”<sup>55</sup>

56. We questioned whether the YCS and HMPPS more generally need to examine their internal monitoring processes. Jo Farrar, CEO, HMPPS, told us:

It is something that we are considering, and we are always trying to strengthen our monitoring. In the YCS monitoring, this was embedded in the organisation, in the actual institution. That is good and right to have that. We have also learned that that does not work on its own. We need more external monitoring, and that is why we have asked the wider team from HMPPS and why we had an independent review to look at exactly what had happened. We are learning lessons about the monitoring. We expect to strengthen that in future so that we have at least some independence from

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52 [Q18](#) [Angus Mulready-Jones]

53 [Q25](#) [Angus Mulready-Jones]

54 [Q25](#) [Angus Mulready-Jones]

55 [Q30](#) [Christine Williams]

the actual bit of the service itself and so that we can have the assurances in place that we need.<sup>56</sup>

57. Helga Swidenbank, Executive Director, YCS, added that she was actively considering how the YCS “might think of monitoring in the future—probably a mixture of embedded staff and some people who work across contracts and are able to bring a slightly detached world view. We are also thinking about skills mix and about remit. We are doing some good-quality work thinking about how monitored teams work and how they can have the impact we need them to have.”<sup>57</sup>

**58. The Ministry of Justice, Youth Custody Service, HMPPS and MTC failed in their management and oversight of Rainsbrook STC, and the evidence suggests that, in varying degrees, that failure was not limited to one body. We are deeply concerned that processes in place to oversee Rainsbrook failed to fully safeguard children in the care of the establishment. We welcome work being done to address failings, but the issues identified here in poor leadership and oversight are not new and a greater sense of urgency is required. We welcome the independent review being carried out to understand what went wrong, directed by HMPPS, and recommend that HMPPS share its findings with the Committee and set out clearly what changes will be made to national oversight to ensure that HMPPS, YCS and MoJ have sufficient grip and oversight on all institutions, both contracted and public.**

**59. We recommend that the Ministry of Justice review monitoring processes in place across the youth secure estate to ensure that robust central monitoring is in place. The Ministry should also set out how they intend to learn lessons from the failings at Rainsbrook, and ensure that the same mistakes are not made in the delivery of secure schools**

**60. Embedding YCS staff within the institutions whose performance they are monitoring is clearly good practice in principle but is not sufficient on its own. The Minister should consider having additional monitors travelling around sites, or a further form of independent monitoring. We recommend that the Ministry consider how it can manage the risk of its staff either failing to see what is happening or failing to challenge it. Whichever of those things happened at Rainsbrook, neither is acceptable.**

## Contract Management and Assurance

61. The contract to manage Rainsbrook, valued at £50.4 million, was awarded to MTC Ltd from 5 May 2016 to 4 May 2021. MTC say that since the contract began in 2016 to the end of 2021, their projected total investment into the centre is £917k, with a projected loss of £1.4 million.<sup>58</sup>

62. The original contract required MTC to “deliver a service that places Young People at its heart and considers their needs wants and wishes at all stages of their stay at the STC”. The provider is supposed to offer high standards of education and training, but inspectors found education was very poor and children were not getting the education they deserved.<sup>59</sup> Ian Mulholland, Managing Director, MTC, since January this year, told

56 [Q99](#) [Jo Farrar]

57 [Q102](#) [Helga Swidenbank]

58 MTC Letter

59 [Q2](#) [Nick Stacey]; [Q15](#) [Angus Mulready-Jones]; [Q26](#) [Christine Williams]

us a new Head of Education was in place and that MTC are “doing things about leadership and education, which over an extended period of time has not been good enough.”<sup>60</sup>

63. Chapter 14 of the original contract for Rainsbrook STC—Contract for the Delivery of Youth Detention Accommodation—sets out requirements for quality of leadership and management:

“Young People are recipients of a service that is led by a qualified, motivated and focused leadership, who lead by example and have the experience, understanding and ability to effectively and efficiently deliver the vision for the Custodial Service.

- 14.1.1. The Contractor shall have in place a robust management structure and processes, populated by suitably qualified and experienced managers who shall lead the STC, motivate and support Contractor’s Staff and have a shared commitment to delivering the vision for the Secure Training Centre.
- 14.1.2. The Contractor shall ensure that the leadership has the capacity and capability to secure ‘Good’ or ‘Outstanding’ outcomes as defined by Ofsted.

64. Since MTC took over the contract in 2016, there have been four different directors in charge of the centre, with some other interim directors in place in-between.<sup>61</sup> Significant concerns have been raised about the quality of leadership and management at Rainsbrook, as is clear from the previous contents of this report. Mr Mulholland confirmed that MTC is required to meet a range of performance measures, but, perhaps surprisingly given his position, he was not aware of what the financial penalties were.<sup>62</sup> He said the company had ‘broken even’ on the contract in the past two years but expected, as a result of substantial investment this year, to make a loss this year.

65. Jo Farrar, CEO, HMPPS, confirmed sanctions were in place for MTC: “There have been two improvement notices, which are our way of holding MTC to account. There have also been financial sanctions, one set to do with performance since May 2019 but also financial sanctions through the covid period. I should say that some of that is offset because there is also some covid relief for institutions. There was a sanction which meant that overall there was a deduction... The sanctions were £270,000 between May 2019 and April 2020; with the covid relief, now they are £76,000 [in total].”

## Contract extension

66. Early in 2020, the MoJ granted the maximum possible two-year extension to the contract, taking the end date to May 2023. Given that concerns already existed by then about MTC’s performance and sanctions were already in place, this decision looks misjudged. Given what has happened since, it looks like a serious error of judgment. We asked the Secretary of State whether consideration had been given to taking Rainsbrook back in-house on the basis that the failures were so gross that MTC could not be trusted to safely carry out its contractual responsibilities.<sup>63</sup> Robert Buckland QC MP, Lord Chancellor and secretary of State for Justice told us:

60 [Q42](#) [Ian Mulholland]

61 [Q63 -Q64](#) [Ian Mulholland]

62 [Q66](#) [Dr Mullan and Ian Mulholland]

63 [Q80](#) [Chair]

I will not make glib remarks about last chance saloons or people being on probation, but it is very clear to me that, as a result of the incidents that we are dealing with and your Committee is seized of, MTC have frankly a lot to demonstrate to make me satisfied that the future at Rainsbrook can be one that we can be confident about. But they have that contract. They need to get on with the job and demonstrate that they can deliver. As I have said, that particular consideration is very much in my mind in the months ahead.<sup>64</sup>

67. We questioned whether there would be enhanced monitoring of the regime and provider and the Secretary of State confirmed that: “from my point of view as Secretary of State, I shall be speaking regularly with Ms Swidenbank and Dr Farrar about the issues.”<sup>65</sup> Helga Swidenbank set out the measures that were being put in place to monitor MTC:

Since the UN we have reinforced our monitoring team with a senior operational manager grade. She is now on site full time, overseeing the action plan.

Coupled with that, we have regular weekly meetings with the operators—improvement meetings—and I chair a senior urgent notification board, which happens monthly and has the operator representatives, commercial representatives and operational delivery partners, including health, around the table.

In addition, we are using our commercial levers in relation to the contract. We have issued two improvement notices in relation to the UN and subsequent concerns we have had about delivery. We are very much working closely with the provider but holding them to very close account and meeting them almost daily in relation to their delivery at Rainsbrook.<sup>66</sup>

**68. We are concerned that Ministry of Justice awarded MTC the maximum possible contract extension. Based on the evidence heard on 9 March, coupled with the inspectorates’ findings, it is clear that MTC have failed to fulfil a number of contractual obligations. The company clearly did not fulfil the requirement to “deliver a service that places Young People at its heart and considers their needs, wants and wishes at all stages of their stay at the STC”. While the difficulties of re-letting a contract and potentially changing a Secure Training Centre provider during the covid-19 pandemic may be considerable, there can be little justification for retaining the services of a badly under-performing contractor, and even less for giving them two more years of that contract. Notwithstanding the complications of letting a contract during a pandemic period, no one’s needs, and in particular the needs of some of our society’s most vulnerable children, should be placed second to administrative considerations.**

***69. We seek a clear explanation of why the Ministry of Justice chose to extend MTC’s contract by two years when the contractor’s ability to deliver was already in question, and we ask what ministerial involvement there was in making that decision and, in particular, in signing it off.***

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64 [Q84](#) [Robert Buckland]

65 [Q85](#) [Robert Buckland]

66 [Q85](#) [Helga Swidenbank]

**70. Consistently sub-standard performance of a contract does not merit renewal in any circumstances. We recommend that the Secretary of State urgently reviews whether his Ministry plans to renew any other contract or any contractor whose performance is similarly consistently poor.**

71. On the basis of the assurances given by MTC to the YCS and to the Ministry of Justice in October and November, the Secretary of State for Justice, rt hon. Robert Buckland QC MP, wrote to Ofsted on 18 November saying that improvements were in train. Mr Buckland told us:

I was given assurances as to future conduct and immediate future improvement that then did not happen. I have looked again carefully at my letter, and I am giving Ofsted a lot of assurances about what is about to happen. [...] I can assure you I do not like being played for a fool. The message should be out there loud and clear that this will not happen again. Otherwise, the consequences will be extremely serious for those responsible.<sup>67</sup>

**72. We are glad to hear the Secretary of State, rt hon. Robert Buckland QC MP, say “I absolutely take and hold accountability overall, which I am prepared to accept, and I do so in front of the Committee”.<sup>68</sup> No-one likes, in his own phrase, being “played for a fool” and we appreciate his commitment to ensure that there are serious consequences in store should any attempt be made to mislead him or his Ministry again about what is being done at Rainsbrook.**

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67 [Q116](#) [Robert Buckland QC MP]

68 [Q89](#) [Robert Buckland QC MP]

# Conclusions and recommendations

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## Introduction

1. The litany of inaction and what one inspector called “utter incompetence” at Rainsbrook year after year provides a cautionary tale of how badly an arms-length relationship between the Ministry of Justice as a client and MTC as the company hired to deliver on contract can fail to deliver basic standards of care to vulnerable children. (Paragraph 2)
2. We recognise that all prisons and other custodial institutions face additional pressures during the current covid-19 pandemic, but we do not consider those to be justification or excuse for the continued poor conditions at Rainsbrook and the repeated absence of effective action to remedy them by staff employed by MTC at Rainsbrook and senior staff at the Ministry of Justice and Youth Custody Service. (Paragraph 9)

## Inspectorate findings

3. Staffing at Rainsbrook was affected by covid-19, but so was the number of children at the centre, down to around half of capacity. The staff-to-child ratio was broadly unaffected and additional financial resource was provided to MTC by the Ministry of Justice. We cannot fathom why children were left in their cells for 23.5 hours a day after that practice had been identified and criticised and had supposedly ceased. Even more, we cannot understand why that fact went unnoticed and unaddressed by managers and monitors whose offices were two minutes’ walk from the children’s cells. It seems extraordinary that MTC managers and YCS monitors did not leave their offices to find out for themselves the condition in which the children in their care were kept. (Paragraph 22)
4. We are glad that new management is in place at MTC, particularly a new director on site and a new head of education, and that the YCS has taken steps to improve its on-site presence. We note the promises Mr Mulholland made to improve matters, but the experience of the inspectorates over the past 12 months has been that promises are worth less than the paper they are written on and we expect to see evidence of real change at Rainsbrook. *We are concerned by Mr Mulholland’s statement that he plans to accept only recommendations “we think are fair or grounded” and recommend that he make a clear, public commitment to implementing the change the inspectorates, as independent external bodies, tell Rainsbrook to make unless there are clear, evidenced and transparently recorded reasons for doing otherwise in any specific case.* (Paragraph 30)
5. High staff turnover experienced at Rainsbrook, has, without a doubt, contributed to the significant failings at the centre. Youth custodial institutions are vastly different to the adult estate, and require staff who have an understanding and experience of the environment they will be working in. *While there is nothing wrong with staff moving across to the youth estate from the adult estate, it is not appropriate for these staff to operate as though they are in the adult estate. We recommend that the management at MTC set out clearly what they are doing to address the existing*

*issue of staff retention, including what incentives and support they offer to staff. MTC should also set out what training is given to staff to ensure that staff are adequately skilled and equipped to work in the youth custodial estate. If consideration has not been given to this, MTC should set out what plans it has in place to ensure that staff are adequately trained and supported to work well in a youth custodial environment. (Paragraph 35)*

6. The children held in secure institutions have committed often very serious crimes but also include some of the most vulnerable members of society. Those in detention at Rainsbrook were considered too vulnerable to be placed in Young Offender Institutions. The evidence we have heard is shocking; it is unacceptable to lock children in their cells twenty three-and-a-half hours a day, with limited meaningful social contact, a practice tantamount, as the three inspectorates rightly say, to placing them in solitary confinement. Whatever crimes they have committed, children—vulnerable children—deserve to be treated with dignity and respect, and it is clear that this has not been so at Rainsbrook. (Paragraph 37)
7. It is a startling indictment of senior managers at MTC that the overwhelming majority of recommendations made by the joint inspectorates in February 2020 were not actioned. Those managers and the company appear largely to have ignored those recommendations until the Urgent Notification was invoked. A picture has been painted of a bureaucratic response built on managing the requirements of a contract, producing pieces of paper, and providing assurances that all was well when nothing was being done to make it so—even to the extent that the Secretary of State put his name in good faith to a letter saying that improvement was happening when it was not. An action plan without any action is pointless. MTC Managing Director Mr Mulholland told us he plans to accept only recommendations he thinks fair, a response that gives little confidence that the new management installed since Urgent Notification is demonstrating the necessary grip or understanding. (Paragraph 38)
8. *We are not confident in MTC’s ability to deliver the action required by recommendations repeatedly made over a period of years by the three inspectorates. We recommend that MTC and the Youth Custody Service report to us by June 2021, setting out in detail what progress has been made against the action plan now developed. MTC should also set out what impact changes made have had on children at the centre. If no substantial improvement is then apparent, the Ministry should consider taking Rainsbrook back in house. (Paragraph 39)*
9. It is clear that further work needs to be done on the way in which the prison service more generally responds to recommendations. It is important for all organisations that they are able to learn from external sources of assurance. Inspectorates have told us, in this and in other inquiries, that they repeatedly make the same recommendations over a sustained period without effective action resulting. This brings into question how seriously the prison service takes the recommendations made. *The Ministry of Justice should set out in detail, what work they are doing to ensure that recommendations made by Inspectorates are taken seriously and acted upon quickly and effectively. (Paragraph 40)*

## Oversight of Rainsbrook STC

10. We welcome the implementation of a new assurance process. More is required than that, however, given what we have heard about action plans being written but not acted on. Those charged with overseeing previous assurance processes failed in the basic task of checking for themselves what was going on and we need greater confidence that a new process will improve upon the existing one. *We recommend that MTC set out what their new assurance process is and how it differs from the one previously in existence. In particular, what practical steps will MTC take to ensure that its senior managers at the centre know, for themselves, whether improvements reported to them are real and long-lasting? We also recommend that the Ministry of Justice and the Youth Custody Service set out clearly what they will do to assess the provider's new assurance processes to ensure that they are operating effectively, and to confirm, for themselves, that what they are being told is true.* (Paragraph 51)
11. The Ministry of Justice, Youth Custody Service, HMPPS and MTC failed in their management and oversight of Rainsbrook STC, and the evidence suggests that, in varying degrees, that failure was not limited to one body. We are deeply concerned that processes in place to oversee Rainsbrook failed to fully safeguard children in the care of the establishment. We welcome work being done to address failings, but the issues identified here in poor leadership and oversight are not new and a greater sense of urgency is required. *We welcome the independent review being carried out to understand what went wrong, directed by HMPPS, and recommend that HMPPS share its findings with the Committee and set out clearly what changes will be made to national oversight to ensure that HMPPS, YCS and MoJ have sufficient grip and oversight on all institutions, both contracted and public.* (Paragraph 58)
12. We recommend that the Ministry of Justice review monitoring processes in place across the youth secure estate to ensure that robust central monitoring is in place. The Ministry should also set out how they intend to learn lessons from the failings at Rainsbrook, and ensure that the same mistakes are not made in the delivery of secure schools. (Paragraph 59)
13. *Embedding YCS staff within the institutions whose performance they are monitoring is clearly good practice in principle but is not sufficient on its own. The Minister should consider having additional monitors travelling around sites, or a further form of independent monitoring. We recommend that the Ministry consider how it can manage the risk of its staff either failing to see what is happening or failing to challenge it. Whichever of those things happened at Rainsbrook, neither is acceptable.* (Paragraph 60)
14. We are concerned that Ministry of Justice awarded MTC the maximum possible contract extension. Based on the evidence heard on 9 March, coupled with the inspectorates' findings, it is clear that MTC have failed to fulfil a number of contractual obligations. The company clearly did not fulfil the requirement to "deliver a service that places Young People at its heart and considers their needs, wants and wishes at all stages of their stay at the STC". While the difficulties of re-letting a contract and potentially changing a Secure Training Centre provider during the covid-19 pandemic may be considerable, there can be little justification for retaining the services of a badly under-performing contractor, and even less for

giving them two more years of that contract. Notwithstanding the complications of letting a contract during a pandemic period, no one's needs, and in particular the needs of some of our society's most vulnerable children, should be placed second to administrative considerations. (Paragraph 68)

15. *We seek a clear explanation of why the Ministry of Justice chose to extend MTC's contract by two years when the contractor's ability to deliver was already in question, and we ask what ministerial involvement there was in making that decision and, in particular, in signing it off.* (Paragraph 69)
16. Consistently sub-standard performance of a contract does not merit renewal in any circumstances. *We recommend that the Secretary of State urgently reviews whether his Ministry plans to renew any other contract or any contractor whose performance is similarly consistently poor.* (Paragraph 70)
17. We are glad to hear the Secretary of State, rt hon. Robert Buckland QC MP, say "I absolutely take and hold accountability overall, which I am prepared to accept, and I do so in front of the Committee". No-one likes, in his own phrase, being "played for a fool" and we appreciate his commitment to ensure that there are serious consequences in store should any attempt be made to mislead him or his Ministry again about what is being done at Rainsbrook. (Paragraph 72)

# Appendix

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## Letter from Amanda Spielman to Secretary of State

Dear Secretary of State

### Rainsbrook Secure Training Centre (RSTC)

I am writing to you as Her Majesty's Chief Inspector, Ofsted, and on behalf of my fellow Chief Inspectors from Her Majesty's Inspectorate of Prisons and the Care Quality Commission following the recent assurance visit to RSTC. The visit was announced on 26 October 2020 and concluded on 29 October 2020.

Ofsted inspects secure training centres (STCs) jointly with Her Majesty's Inspectorate of Prisons (HMIP) and the Care Quality Commission (CQC) under the Education and Inspections Act 2006, which enables me as Her Majesty's Chief Inspector to act jointly with another public authority for the efficient and effective exercise of my functions. Due to the COVID-19 pandemic, Ofsted, HMIP and CQC suspended inspections of STCs in March 2020. In order to provide assurance that children are being appropriately cared for and their safety and wellbeing promoted during this period, we agreed with our partner inspectorates to undertake assurance visits to STCs.

The assurance visit to RSTC concluded that there are 'serious or widespread concerns' because children are at risk of inadequate protection or significant harm.

Our visit found:

- Children admitted to the centre, some of who are as young as 15 years of age and experiencing custody for the first time, are required to isolate for 14 days in line with Public Health England guidance. During this 14-day period, children are being locked into their rooms for 23.5 hours every day. There is no evidence that there is meaningful interaction by STC staff with children during this period of time. This is damaging to children's emotional health and well-being.
- Almost one in four children (23%) reported that they felt unsafe
- Not all staff are aware of the specific risk management or reduction strategies in place to keep children safe, such as those associated with suicide and self-harm plans
- Complaints records indicate a rise in emotional abuse towards children during the COVID-19 pandemic. This mostly relates to reported incidents of staff swearing at children. External agencies also note this to be a concern. Senior centre staff recognised this as a growing issue
- Some children told inspectors that they did not feel that all senior staff were willing to listen to them, were accessible to them, nor took their concerns seriously or addressed them
- Until three weeks ago children were not able to access their full entitlement of education hours. No rationale has been provided as to why this could not have resumed earlier

- Progress on the action plan to address the recommendations made at the last inspection has been too slow. A number of areas are recorded as no action taken or show that little progress has been made. There is no evidence or rationale to suggest that this lack of progress was influenced by the impact of the Covid-19 pandemic.

Ofsted and partner inspectorates have asked the Ministry of Justice and the Youth Custody Service to convene an urgent meeting to share our concerns about the children living at RSTC. This meeting will discuss what actions are needed and to decide whether a further monitoring visit is required to ensure RSTC is keeping children safe and ensuring their basic needs and entitlement to education is being met.

Yours sincerely

**Amanda Spielman**

Her Majesty's Chief Inspector

## Letter from Secretary of State to Amanda Spielman

Dear Amanda,

### OFSTED ASSURANCE VISIT – RAINSBROOK SECURE TRAINING CENTRE (STC)

Thank you for your letter of 5 November regarding the recently concluded assurance visit to Rainsbrook STC, run by private provider MTC, conducted by Ofsted. I am grateful for you bringing these important issues to my attention and for the continued scrutiny you provide, especially in these challenging times.

I know you (Ofsted) have since met with MoJ policy and Youth Custody Service (YCS) colleagues to discuss the findings of the report in more detail. Since the assurance visit—and this meeting—Rainsbrook has experienced a notable upturn in positive COVID-19 cases, and PHE declared an outbreak at the centre on Monday 9 November. YCS, the provider and health authorities are managing the outbreak in line with health guidance. I want to assure you that this in no way limits or reduces the need for the centre to respond to the issues raised by the Inspectorate, and in some respects makes tackling them even more pressing. The YCS and the provider have taken swift action to address some of the most pressing concerns raised by inspectors, and I hope the information below provides you with the necessary assurance that we are taking the findings very seriously, despite the fact that some of the planned short- and medium-term actions may be delayed until the outbreak has concluded.

The first point raised in your letter concerns the amount of time children on “reverse cohorting” at Rainsbrook were spending in their rooms. While we are committed to make every effort to restrict the potential spread of COVID-19 within secure establishments in order to protect children and staff, we have been clear with all our establishments that children in reverse cohorting or protective isolation should still have sufficient opportunities for meaningful social interaction with staff, and where possible, with peers to support their mental and emotional wellbeing. The YCS took immediate steps after the inspection to get the provider to expand opportunities for such interaction for the

children in Rainsbrook's Reverse Cohorting Unit and this took effect from the weekend following the inspection. Rainsbrook has now developed a different model for those arriving new into the centre so they can have at least three hours each day out of their rooms, and wherever possible have that time with peers, mixing in a COVID-safe fashion. Where occupancy on those units for new arrivals allows, the time out of room each day will be greater. During the outbreak period the schedule each day will be adjusted where necessary. In addition, each young person has access to a phone in their room, which has unlimited credit. This helps children to keep in touch with caseworkers, nurses, advocates, family and other supportive adults, as well as talking to staff based on their living units who have been reminded of the key importance of supporting children whilst they are spending time in their rooms. Rainsbrook will also produce a weekly plan for each child and ensure that plan is kept up to date capturing what interactions they have had and how those interactions have gone.

The YCS has also taken immediate steps to improve how safe children at Rainsbrook feel by ensuring that the children identified as the most complex and vulnerable have bespoke, multi-disciplinary plans in place to keep them safe. Staff have worked through those plans with particular children in their care to reassure them how those plans will keep them safe and are developing child-friendly versions of those plans for children who require them, so that they can keep in their rooms to refer to and provide them with comfort over the steps being taken to protect them. Early feedback from the children in having a copy of their plan in their rooms has been positive and this is an approach they will be looking to expand across the centre.

The provider will also redesign its quarterly centre survey which children complete in their rooms on tablet devices. In their latest survey from August 2020, 83% of children who responded (n= 35 of 42 responses of 50 young people at the centre at the time) said they feel safe and supported in the centre; however, the survey does not provide further detail on the remaining 20%, therefore the survey will be redesigned to help better understand children's views in this area to look for common themes. With the support of YCS, the centre will also undergo the Promoting Risk Intervention by Situational Management (PRISM) assessment which will highlight areas where safety can be improved. This was originally scheduled for week commencing 9 November but is being rescheduled due to the COVID-19 outbreak at Rainsbrook as above. The centre will develop an action plan following the assessment and implementation will be monitored by the YCS.

With regard to awareness of risk management and risk reduction strategies within the centre, the YCS have commenced a review of the risk management plans of a number of particularly complex young people at Rainsbrook to ensure they are of appropriate quality and are clearly communicated to the frontline staff working with those young people. Managers at the centre will place an emphasis on staff familiarising themselves with relevant plans when arriving for the start of a shift, with the opportunity to staff to ask any resulting questions which may arise, with managers questioning staff during shifts on their understanding of the steps in place to work with specific young people.

The provider is also taking urgent steps to address the issues raised by the inspectors on emotional abuse and swearing at children. This had been identified as an issue earlier in the year and the provider introduced a requirement for staff who had been involved in such incidents to deploy their body worn cameras for any interaction with young people. Although this resulted in an improvement in interactions and reduction in occasions of

unacceptable language towards young people, the provider has acknowledged that it has not been eradicated and further work is required. Managers will therefore also hold a series of briefings with staff to remind them of the effect of their behaviour on young people's emotional wellbeing and regularly reinforce acceptable standards of behaviour. This issue will be a focus for increased monitoring activity and the YCS will make clear to the provider that we expect swift and robust action on any unacceptable behaviour.

In response to concerns around visibility and accessibility of senior staff, the centre is making sure that senior managers are deployed to areas where young people are present, such as the education centre and on living units, to increase access. The provider will display pictures of senior managers, along with their roles and responsibilities, on the young people's tablets as well as including this information in the induction material. Managers will also oversee a review of the weekly plans to understand the interactions that children have had with staff at various levels to provide assurance that young people have had an opportunity to access staff at all levels.

Education for children and young people in custody remains a particular priority. The relevant Exceptional Delivery Model (EDM) at Level 3 for Rainsbrook included a plan for recovery. This built up the education delivery until it was back to 25 hours of classroom-based teaching. Whilst this recovery was a positive development, the phased approach to opening up classrooms and allocating teachers meant it took time to return to the full offer being available. This phasing also required balancing the opening up of education alongside expanding other parts of the wider regime in a measured fashion so that an increase in COVID-19 cases in the centre would have been quickly identified and traced to the relevant area rather than resulting in a wider lockdown of the centre.

Rainsbrook have made some headway on the recommendations from the previous inspection and have now updated their action plan to show progress and highlight those recommendations that have been affected by the COVID-19 pandemic. From reviewing and checking this version, the YCS have assured itself that some progress has been made but that more is needed and is working with them on outstanding points. Since the assurance visit, the YCS have increased their on-site presence to supplement regular monitoring of the service provided to children at Rainsbrook. As you may be aware, the Director at Rainsbrook is due to leave the centre in January 2021. I want to assure you that senior YCS staff are meeting with the Interim Managing Director of MTC to discuss their succession plan and ensure a smooth transition.

I am grateful to the Inspectorate for the continued hard work during this difficult period. I am committed to ensuring the YCS and the provider take the necessary steps to improve the experience of children at Rainsbrook STC.

Yours sincerely

**RT HON ROBERT BUCKLAND QC MP**

## Letter from Amanda Spielman to Secretary of State

Dear Secretary of State

### **Rainsbrook Secure Training Centre (STC)**

Thank you for your detailed and considered response to the concerns that the joint inspectorates raised following the assurance visit to Rainsbrook STC.

In line with the joint inspection framework for secure training centres, we plan to carry out a monitoring visit to Rainsbrook STC within eight weeks of the assurance visit. The purpose of the monitoring visit is to assess that adequate steps have been taken to safeguard and protect the welfare and wellbeing of children, and it will result in a published report.

We hope that during the monitoring visit, the joint inspectorates will see the improvements that you have outlined in your letter and that they have been embedded into practice.

Yours sincerely

**Amanda Spielman**

Her Majesty's Chief Inspector

## Letter from Amanda Spielman to Secretary of State

Dear Secretary of State

### **Urgent Notification: Rainsbrook Secure Training Centre**

I am writing to update you on the findings of the recent monitoring visit to Rainsbrook STC. The concerns that the joint inspectorates found at this visit are serious. As a result, in accordance with the joint inspection framework for secure training centres (STCs) that refers to the protocol between HM Chief Inspector of Prisons and the Ministry of Justice (MoJ), we intend to invoke the Urgent Notification (UN) process.

As you are aware, an assurance visit to Rainsbrook STC was carried out by Ofsted, Her Majesty's Inspectorate of Prisons (HMIP) and the Care Quality Commission (CQC) between 26 and 29 October 2020. The inspectorates notified our findings to senior managers in the Ministry of Justice (MoJ) and Youth Custody Service (YCS). In particular, we were concerned that newly admitted children were being locked into their bedrooms for a 14-day period and only allowed out each day for 30 minutes. An urgent meeting was convened with the MoJ and YCS on 5 November 2020, where the inspectorates received assurances that immediate actions would be taken to address the concerns. In addition, these deficiencies were set out in my letter to you of 5 November 2020, and we were pleased to receive your reply of 18 November 2020 confirming that appropriate action had been taken.

A further joint monitoring visit was carried out on 10 December 2020 to assess the actions taken by the STC to ensure the safety and wellbeing of children. Inspectors found that leaders and managers have made limited progress. Of significance is that children have continued to be locked in their bedrooms for substantial periods of time.

Key findings include:

- Five recently admitted children independently told inspectors that they had been locked into their bedrooms for up to 14-days and only allowed out each day for up to 30 minutes for fresh air.
- Children in the Reverse Cohort Unit (where children newly admitted isolate to prevent the spread of COVID-19) have had little time out of their rooms and substantially less than the four hours per day cited as the regime by the STC.
- Children's daily experiences are bleak. They continue to receive a spartan regime. They receive little encouragement to get up in the mornings and there are very few determined efforts by staff to engage meaningfully with children.
- There is no girls Reverse Cohort Unit as there is for boys, despite some empty residential units due to the lower population. As a result, a girl was placed separately on a mainstream girl's residential unit with other children who were no longer isolating. This child had no time out of her room on two days and only very brief periods of less than 40 minutes on three subsequent days.
- The centre acknowledge that one boy was placed on an 'incorrect management plan' in Reverse Cohort Unit conditions due to miscommunications about his medical vulnerabilities. Between 26 November 2020 and 10 December 2020 this child had a total of four hours out of his room. The centre has launched an internal investigation.
- The regime states that children should complete three hours education each day in their rooms. Education work packs are issued, and children use an electronic tablet to upload their work. Records are poor and there is no evidence that children's education entitlement is being met.
- Senior managers were unaware of the regime being implemented by staff. They were given the opportunity to provide additional evidence after the site visited ended. They have failed to present any compelling or substantive evidence that the experiences children reported to inspectors is in doubt.

As required by the Protocol referenced in the joint inspection framework, we have set out the key evidence underpinning the decision to invoke the UN process. We have informed the Director of Rainsbrook STC, the Executive Director of the YCS and officials of the MoJ of our decision. We will publish a monitoring visit report shortly.

The decision to invoke the UN process in relation to STCs is determined by the judgement of the chief inspectors of Ofsted, HMIP and CQC. This decision is informed by evidence from the monitoring visit, and as referenced in the joint inspection framework for STCs as set out in the Protocol between HM Chief Inspector and the MoJ, may include:

- Poor healthy prison test assessments (HMI Prisons' inspection methodology is outlined in the HMI Prisons Inspection Framework)
- The pattern of the healthy prison test judgements
- Repeated poor assessments

- The type of prison and the risks presented
- The vulnerability of those detained
- The failure to achieve recommendations
- The Inspectorate's confidence in the prison's capacity for change and improvement.

The joint inspection framework for STCs sets out that this letter will be placed in the public domain, and that the Secretary of State commits to responding publicly to the concerns raised within 28 calendar days. The response should explain how the care, safety and wellbeing of children at the STC will be improved in both the immediate and longer term.

We do not underestimate the challenges that the COVID-19 pandemic presents for the leaders and staff at Rainsbrook STC. However, this does not excuse the failings the inspectorates have found.

We have decided to invoke the UN process because of the continued poor care experienced by children, the lack of leadership grip and lack of oversight of practice by local and national leaders. Since 2015, every joint inspection has judged the centre as 'requires improvement to be good' with the effectiveness of leaders and managers being judged 'inadequate' on two occasions. This provides little confidence in the centre's capacity to improve the care, wellbeing and safety of children.

In light of these serious concerns an expedient response would be appreciated to provide reassurance of the actions being taken to improve the safety, welfare and care of the children at Rainsbrook STC.

Yours sincerely

**Amanda Spielman**

Her Majesty's Chief Inspector

## Letter from Secretary of State to Amanda Spielman

Dear Amanda,

### **RAINSBROOK SECURE TRAINING CENTRE**

I am writing to you to acknowledge your letter dated 16 December regarding the recent assurance visit conducted by Ofsted, HM Inspectorate of Prisons and the Care Quality Commission, which resulted in the Urgent Notification protocol being invoked at the Rainsbrook Secure Training Centre (STC).

I can assure you that I take the findings very seriously and senior officials from the Youth Custody Service, HM Prison & Probation Service, Ministry of Justice and MTC (as the provider for Rainsbrook STC) are working together to develop an action plan which will be published by 15 January—alongside my written response to you—setting out the immediate actions being taken to address the serious issues you have raised.

Yours sincerely

**RT HON ROBERT BUCKLAND QC MP**

## **Letter from Chair to Amanda Spielman**

Dear Amanda,

### **URGENT NOTIFICATION – RAINSBROOK SECURE TRAINING CENTRE**

Thank you for your letter dated 16 December 2020, setting out your concerns following the assurance visit to Rainsbrook Secure Training Centre (STC), run by MTC. I am providing you with a response within 28 days of the invocation of the Urgent Notification as set out in the protocol.

I take the issues you raise very seriously and have provided an overview of the immediate actions we have taken and prioritised to address your concerns. I also enclose an action plan which provides more detail on the specific activities that have been completed or are underway.

Since 11 January, the YCS, the provider and health authorities have been dealing with increasing numbers of COVID-19 at the centre. We will continue to manage this outbreak and any future outbreaks in line with health guidance. This in no way reduces the need for the centre to make the necessary improvements, as set out in the 28-day action plan, however such outbreaks may place additional pressures on delivery in line with stated timescales.

On receipt of your letter, the Youth Custody Service (YCS) immediately took the decision to temporarily pause new placements of boys into Rainsbrook and have looked to place new girls in an appropriate Secure Children's Homes in the first instance. However, we recognise there may be exceptional cases where placement of a girl into Rainsbrook would be more appropriate. This position will be reviewed over the coming months until such time as there is sufficient evidence that children newly arriving at the centre will be appropriately supported.

Despite the challenges faced by the leadership at Rainsbrook during the pandemic, I share your frustrations and concerns around a lack of operational grip and oversight, not least following assurances which had been provided after your initial assurance visit on 28–29 October. Minister Frazer met with the new Managing Director for MTC before Christmas, who provided her with his personal assurance that MTC would address the failings identified at the centre. There will be a particular focus to improve on-site leadership, and a regular senior presence at the centre to oversee the necessary improvement actions. The YCS have deployed an experienced operational manager to Rainsbrook to provide additional support and give robust operational oversight.

It remains as important as ever that children in custody have an active and engaging daily programme of quality activities. MTC are remodelling the programme at Rainsbrook to focus on meaningful interaction and engagement to encourage children to participate. The programme will be presented in a variety of formats to staff and children, in order to cater to a range of learning needs, which will be re-enforced through staff briefings.

The Rainsbrook Director will personally undertake regular and frequent tours each week with the Duty Director visiting units daily to support staff and oversee regime delivery. A newly appointed Head of Transformation and Compliance will provide additional assurance and oversight around improvement activity outlined in the action plan.

The centre has also introduced daily occurrence books in which staff will record the delivery of the programme and any divergences from it, giving reasons for those divergences. The Duty Director will conduct daily audits of the books and learning from how the programme is being implemented will be shared at operational meetings.

The limited regime for children 'reverse cohorting' upon their arrival at the centre, emphasised with the examples specified in your letter, was particularly concerning. Whilst I too recognise the significant challenges establishments face during this time, as referenced in your letter, I am also in full agreement that this does not excuse the serious issues identified.

As an immediate response, any children newly admitted to Rainsbrook will be placed on an Interim Support Plan, setting out clearly the plan for their care, so staff understand how to support the child. This will also allow risks relating to individual children are quickly identified and monitored with further assessments sequenced appropriately. The Duty Director will visit all new children regularly during their first 14 day period to ensure they have settled into the centre and understand how they will be cared for. All children in reverse cohorting, whether newly arrived or not, will be offered a balance of meaningful activity in and out of room, and including education and access to fresh air.

Rainsbrook have recently appointed a new Head of Education, who took up post on 4 January. They will undertake a review of the curriculum to ensure it is fit for purpose, of sufficient quality and suitably engages the child. The Director will also work with the new Head of Education to ensure record keeping, attendance, delivery and punctuality of all children is closely monitored.

The YCS have increased their monitoring activity at the centre with and have ensured there has been a daily onsite presence since the UN was invoked. In addition to this the amount of time spent on site by the commissioned advocacy service provided by Barnardo's has been increased. HMPPS are undertaking an internal review of monitoring and contract management arrangements to ensure that the arrangements are appropriate. HMPPS also plan to provide assurance independent from MTC and YCS on the immediate actions taken to improve the centre and guide future improvement activity. The YCS will continue to develop its strategic relationship with key delivery partners such as local safeguarding leads and children's services leaders to strengthen and assure the safety and well-being of children at Rainsbrook.

Finally, a full unit painting and decorating programme is being commissioned, taking into account children's views and is commencing this month, to make the physical environment at Rainsbrook feel more homely.

Thank you for the robust scrutiny Ofsted and your inspectorate partners continue to provide. I am committed to improving the conditions for children in our care and want to assure you that appropriate action is being taken by the provider and the YCS in order to address the issues raised in both the Urgent Notification and the Ofsted Assurance Visit report which I understand will be published shortly.

Yours sincerely

**RT HON ROBERT BUCKLAND QC MP**

## **Letter to Secretary of State from Amanda Spielman**

Dear Secretary of State

### **Rainsbrook Secure Training Centre**

Thank you for your letter of 15 January 2021 and the detailed action plan in response to the Urgent Notification.

In line with the inspection framework for secure training centres, the joint inspectorates will carry out one or more further visits to assess the progress the centre has made to improve the safety, care and wellbeing of children. We will make sure that colleagues at the Ministry of Justice and Youth Custody Service are aware of our findings.

Yours sincerely

**Amanda Spielman**

Her Majesty's Chief Inspector

## **Letter to Chair from Amanda Spielman**

Dear Sir Bob

Further to the oral evidence session you had with members of my team and HMI Prisons, I am pleased to attach correspondence between the inspectorates and Secretary of State for Justice, Robert Buckland MP. Some of this correspondence has been published, however, the letter from myself dated 5 November and the Secretary of State's response dated 18 November are unpublished.

During the session the inspectorates also said they would provide further information on what was provided to the inspectorates about operational procedures relating to the reverse cohort unit in Rainsbrook STC.

Public Health England has issued national guidance for places of detention. This guidance defines cohorting as, 'A public health strategy for the care of large numbers of people who are ill, or who are vulnerable and present heightened risk of severe disease if infected. Cohorting involves gathering these groups of people together into a limited number of areas and establishing effective barrier control between these groups and the wider population.'

The guidance establishes that 'cohorting strategies should consider arrangements to protect those at risk of severe illness from COVID-19 (those who are clinically vulnerable and clinically extremely vulnerable), measures to isolate those who are symptomatic (and any cell or room-sharers) and provision to hold newly received prisoners or detainees separated from the main population. To minimise the risk to other prisoners or detainees during periods of sustained community transmission of COVID-19, all new and transferred prisoners or detainees should be isolated.' The guidance clarifies that is the responsibility

of the person in charge of the facility to conduct risk assessments on the co-location of people who would normally be kept separated. Leaders of an establishment should be able to provide details on the cohorting of individuals in their specific establishment.

During the visit Rainsbrook STC provided us with operational procedures, which were formulated using central guidance provided by Her Majesty's Prison and Probation Service: COVID-19 Operational Guidance – exceptional Regime & Service Delivery. The guidance stated:

- As a minimum, all prisoners must receive 30 minutes in the open air daily.
- However, it should always be our aim to provide more than the minimum consistently and establishments should aim to provide an equivalent regime to other areas of the establishment

Rainsbrook STC also provided us with information on their exceptional delivery model and associated risk assessment relating to the reverse cohort unit. It stated the following main points:

- Young people remain reverse cohorted, therefore do not have access to the communal areas.
- Staff are to have minimal contact only with young people who are reverse cohorted

The inspectorates' concern was that the STC had provided children with the minimum time out of their rooms cited by Her Majesty's Prison and Probation Service (HMPPS) guidance; that being 30 minutes each day. Public Health England guidance and HMPPS guidance do not restrict the time that children can spend out of their locked rooms and responsibility lies with each establishment to risk assess and deliver appropriate regimes within their operational capability. The inspectorates considered the circumstances of the establishment during visits. Due to the relatively low numbers of children being in placement and there being ample staffing resources, it was within the operational capability of Rainsbrook STC to provide children with significantly more time out of their rooms than the 30 minutes they have been receiving, to engage in education, activities and to socialise.

The practice at Rainsbrook was in contrast to our findings of the practice at Secure Children's Homes, Young Offender Institutions and Oakhill STC, all of which received the same advice from Public Health England and Her Majesty's Prison and Probation Service but had a much more child appropriate response.

I hope you find this information helpful.

Yours sincerely

**Amanda Spielman**

Chief Inspector, Ofsted

## Letter to Chair from Ian Mulholland

Dear Sir Robert

Thank you again for the opportunity to give evidence to your Committee on Rainsbrook Secure Training Centre (STC) on behalf of MTC.

I wanted to write to you to provide the committee with the information requested in regards to profit and investment in the centre and clarify a number of points raised by members during the session. More importantly, I wanted to again reiterate MTC's apologies for what happened at the centre.

### Progress

Since the Urgent Notification, I am pleased to be able to report that Ofsted have acknowledged the progress we have made however, we recognise there is much more to do and we are committed to maintaining ongoing improvements making sure we have the right people in place, redesigning our activity and education programme and investing in the centre's environment.

### Improvements

Since 2016 MTC has invested in dedicated care officers, key workers, and forensic psychology to support the children. We think it is important for the committee to note that the Centre has been rated "good" in healthcare and resettlement. I wanted to make clear there are good things going on as we seek to address the failings.

I acknowledge that there is more to be done. We are committed to further investment in the physical environment of the centre and in embedding our new governance and assurance processes.

### Follow up

I said I would follow up with your team on our financial performance and investment in the centre since we took over arrangements. I can confirm that since operations commenced in 2016 to end of 2021 we project total investment into the centre at £917k and total profit after tax of negative £1.4 million. We have enclosed a commercially sensitive table not to be published publicly in Appendix A.

### Clarifications

I also wanted to clarify two points:

- A misunderstanding about the role of my permanent predecessor as Managing Director in the UK, David Hood. David started a new global role for MTC on 4 August 2020, before Ofsted's visit in October. David and MTC continue to be committed to provide me and my team with the investment we need to tackle the challenges at Rainsbrook STC. We are seeing the impact of this commitment as we recruit people such as Andrew Dickinson to help us tackle the challenges at the centre.
- MTC does not and has not operated any prisons in Egypt as suggested by a member of the committee. MTC currently work with over 26,300 individuals across 22 facilities in the US, Australia and the UK.

We are determined to make the changes needed at the centre to create an environment which ensures children leave us better equipped to make more positive life choices and overcome the challenges they face. I would welcome the opportunity to personally host you and the Committee at the centre to see some of these changes at a time that suits you.

I remain at your disposal to discuss any of these matters further.

Yours sincerely

Ian Mulholland

**Managing Director**

# Formal minutes

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## Tuesday 23 March

Members present:

Sir Robert Neill, in the Chair

Rob Butler	Maria Eagle
James Daly	Dr Kieran Mullin
Miss Sarah Dines	Andy Slaughter

Draft Report (*Rainsbrook Secure Training Centre*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 72 read and agreed to.

Eight papers were appended to the Report.

*Resolved*, That the Report be the Seventeenth Report of the Committee to the House.

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

*Ordered*, That the provisions of Standing Order No. 134 apply to the Report.

[Adjourned till Wednesday 24 March at 9.30 am

# Witnesses

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

## Tuesday 09 March 2021

**Angus Mulready-Jones**, Lead for Children and Young Adults, HM Inspectorate of Prisons; **Christine Williams**, Deputy Director of Social Care and Regulatory Practice, Ofsted; **Nick Stacey**, HM Inspector, Ofsted

[Q1–38](#)

**Ian Mulholland**, Managing Director, MTC

[Q39–68](#)

**Robert Buckland QC MP**, Lord Chancellor and Secretary of State, Ministry of Justice; **Helga Swidenbank**, Executive Director, Youth Custody Service, Ministry of Justice; **Jo Farrar**, CEO, HM Prison and Probation Service

[Q69–121](#)

## List of Reports from the Committee during the current Parliament

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

### Session 2019–21

Number	Title	Reference
1st Report	Appointment of Chair of the Office for Legal Complaints	HC 224
2nd Report	Sentencing Council consultation on changes to magistrates' court sentencing guidelines	HC 460
3rd Report	Coronavirus (COVID-19): The impact on probation services	HC 461
4th Report	Coronavirus (Covid-19): The impact on prisons	HC 299
5th Report	Ageing prison population	HC 304
6th Report	Coronavirus (COVID-19): The impact on courts	HC 519
7th Report	Coronavirus (COVID-19): the impact on the legal professions in England and Wales	HC 520
8th Report	Appointment of HM Chief Inspector of Prisons	HC 750
9th Report	Private prosecutions: safeguards	HC 497
10th Report	Sentencing Council consultation on sentencing guidelines for firearms offences	HC 827
11th Report	Sentencing Council consultation on the assault offences guideline	HC 921
12th Report	Children and Young People in Custody (Part 1): Entry into the youth justice system	HC 306
13th Report	Sentencing Council: Changes to the drugs offences definitive guideline	HC 751
14th Report	Appointment of the Chair of the Independent Monitoring Authority	HC 954
15th Report	Appointment of the Chief Inspector of the Crown Prosecution Service	HC 955
16th Report	Children and young people in custody	HC 922
1st Special Report	Prison Governance: Government Response to the Committee's First Report of Session 2019	HC 150
2nd Special Report	Court and Tribunal Reforms: Government Response to the Committee's Second Report of Session 2019	HC 151
3rd Special Report	Transforming Rehabilitation: Follow-up: Government Response to the Committee's Nineteenth Report of Session 2017–19	HC 152
4th Special Report	Coronavirus (COVID-19): The impact on probation systems: Government Response to the Committee's Third Report of Session 2019–21	HC 826

<b>Number</b>	<b>Title</b>	<b>Reference</b>
5th Special Report	Coronavirus (Covid 19): The impact on the legal professions in England and Wales: Government Response to the Committee's Seventh Report of Session 2019–21	HC 898
6th Special Report	Ageing prison population: Government Response to the Committee's Fifth Report of Session 2019–21	HC 976
7th Special Report	Court and Tribunal reforms: Further Government Response to the Committee's Second Report of Session 2019 and Coronavirus (Covid 19): The impact on courts: Government Response to the Committee's Sixth Report of Session 2019–21	HC 1008
8th Special Report	Coronavirus (Covid-19): The impact on prisons: Government Response to the Committee's Fourth Report of Session 2019–21	HC 1065
9th Special Report	Children and Young People in Custody (Part 1): Entry into the youth justice system: Government Response to Committee's Twelfth Report of Session 2019–21	HC 1185