



Standing Committee for Youth Justice

SCYJ – Response to the children’s young offender institution (YOI) Expectations for children Consultation

The Standing Committee for Youth Justice

The Standing Committee for Youth Justice (SCYJ) is an alliance of fifty non-profit organisations working to improve the youth justice system in England and Wales. SCYJ’s members range from large national charities, such as NSPCC, Barnardo’s and the Prison Reform Trust, to smaller grassroots service provision charities.

General comment

We applaud the intention of HM Inspectorate of Prisons (HMIP) in preparing the third edition of its ‘Expectations for children’ document, to locate its criteria for assessing the treatment of children and conditions in prisons within the context of international human rights standards. We believe this approach is largely very successful, and we congratulate HMIP on this.

There are, however, both some gaps in the document and also some weaknesses in adopting a mainly outcome driven focus that we believe could be easily accommodated within this overall framework, and we would urge HMIP to consider doing this.

Overall performance of the prison – response to previous recommendations

We are struck by the fact that the Chief Inspector reported in the summer of 2017 that most YOIs were now failing to have made progress with the majority of the recommendations of previous inspections on re-inspection, the first time this has been the case. Performance in respect of implementing previous recommendations needs to be given a higher prominence than in the past and as such we would assert that this should become a fifth, and most significant, healthy prison test thus:

‘Leadership and Management The Prison and the Youth Custody Service (YCS) demonstrate that they have real grip in implementing the recommendations made by past inspection against the ‘healthy prisons’ test.’

Performance should be examined in this area with the same level of scrutiny as is applied in the other four test areas.

This will drive improvements for children.

Under this new heading we would also propose that a further indicator state:

‘Senior managers promote a positive child care culture.’

Measurement of outcomes

On only a handful of occasions does the ‘Expectations’ document identify actual measurable indicators to include amongst its ‘indicators’ listed under each ‘expectation’. Examples of actual indicators that we could find are the statements ‘Incidents of self-harm reduce over time’, listed under ‘Suicide and self-harm prevention’ Expectation No. 6; and the reference to ‘Levels of bullying and violence reduce over time’ under Expectation No. 15.



While we are sympathetic with the difficulties of finding real measurement in some of the areas, and also well aware of the dangers associated with the 'what can be measured gets done' syndrome, we feel this is an under-developed area in the current draft.

For example, HMIP has a rich source of data from its survey of children's views that accompanies each inspection. We feel data comparison from this source should always be included amongst the relevant 'indicators'. So, for example, under safety, the views of children should be included as an indicator in this area, and each inspection should be looking for an improvement in the same way as a reduction in self-harm (referred to above) is being sought. We would be happy to discuss this further if our point is not clear.

Equality and diversity

We do not believe the current draft goes far enough in this area. This is given added importance as the racial disparity of children held in custody grows.

The key indicator is, to our mind, the local strategy to which reference is made in the very first indicator under 'strategic management' (Expectation No. 38). First, this should explicitly be described as a written strategy, and then more detail should be sought as to what is expected to be found within the strategy. For example, an area on which the current draft 'Expectations' are silent is around the development of a workforce within each prison who are able to deliver relevant and accessible services to a diverse child population. There is ample evidence from elsewhere that such a workforce, including within it members of staff with a Genuine Occupational Requirement to provide services to children from Black and other minority ethnic communities, is critical, but as yet the 'Expectations' document is silent on this. So also is the question of developing a need-led analysis of the specific issues faced by children from diverse backgrounds, and the existence of custom made programmes to respond to these. We would urge some expansion here.

Within the Expectation (No. 46) relating to the needs of trans and intersex children we believe reference should also be made to the views of the parent and local authority (when the child is in care) concerning the appropriateness of the location/placement of the child.

Programmes to address the causes of children's offending behaviour

We are extremely surprised that there is no reference in Section Three 'Purposeful Activity' to programmes designed to address the causes of children's offending behaviour. This is such an obvious omission in what is in other ways a very comprehensive document that we wonder whether we have simply misunderstood the presentation of material in the document.

How to respond to breaches of outcome indicators that are no fault of the prison

In at least two obvious areas, arrival and resettlement, the Governor/Director may regularly find her/himself powerless to deliver the desired outcome through no fault of the prison itself (e.g. late arrivals or failures to develop a settled resettlement plan at least 14 days before release). We would welcome some clarity in the 'Expectations' about what a good response to such failure would be, and in particular believe that HMIP should be looking for clear evidence that every such failure should be referred on both to the Director of the Youth Custody Service and the relevant local safeguarding forum scrutinising the prison (see next section).



Safeguarding

The document was prepared before the publication of 'Working Together 2018' and as such was clearly laboring under some difficulties (see for example the fourth bullet point under Expectation No. 4). In anticipation that each new Local Safeguarding Partnership covering areas that include children's prisons will include in their published plan their arrangements for ensuring there are local multi agency arrangements for scrutinising safeguarding performance at their custodial establishments (which would be an echo of your own indicator under Expectation No.4 concerning effective scrutiny by an external body), we would welcome further clarity about what matters should be referred to this body.

This would include:

- Children arriving at the prison with 'no docs';
- Outcomes of all disciplinary investigations into allegations of staff misconduct;
- Operation of the complaints system;
- Inadequate or incomplete resettlement arrangements;
- Injuries to children in custody, including incidents of self-harm;
- Late arrivals;
- Safeguarding/child protection referrals and concerns;
- Training available to different groups of staff on safeguarding;
- Transportation of children to prisons; and
- Use made of restraint/use of force.

The role of advocates in relation to safeguarding appears undefined.

Searching

We are concerned that the previous wording in respect of 'strip-searching' (your phrase), that such a search should only be carried out after a thorough risk assessment has identified serious risk of harm to the child or others, appears to have been replaced by the more permissive incitation that '*searches are intelligence-led*' (Expectation No. 8). We believe this is a mistake, and that a thorough risk assessment, undertaken in the context of a possible risk of harm, is the correct standard for a health prison to follow.

We also believe that a system of debriefing, as used in relation to restraint, should be introduced after a full search (surely the more accurate way to describe this process) has been carried out.

Promoting health and well-being

We found the whole document very light on emotional well-being. We could find no references to social and emotional skills, and nor could we find anything tangible on how staff would support a 'whole prison' approach in this area of work. Adding the following indicators under Expectation No. 51 could strengthen this:

'All staff had adequate trauma-informed training and understanding of how to support the emotional well-being/development of the social and emotional skills of the children in their care.'

'Children demonstrate improved social and emotional skills including a capacity to better regulate their emotions and articulate their needs, and also higher levels of empathy towards each other.'



We believe there are acceptable proxy measures in this regard and our member Khulisa, in particular, would happily discuss these further.

Mental illness

We believe that the children with severe and enduring mental illness as described in Expectation No. 55 should not be held within YOIs, however sensitively they may be cared for. We would urge HMIP to reconsider whether a healthy prison should be considered a fit place to accommodate such children. The current 'Expectations' document appears to believe that it is.

In practical terms we do not know how HMIP would plan to measure the Indicator under Expectation No. 13 that 'Children who lack the capacity to obey a rule because of mental illness or disability are not subject to formal proceedings.' A standard or expectation that cannot in practical terms be measured or observed is useless.

Bullying and violence reduction

We believe that this section (Expectation No. 16) would be strengthened by the addition of further indicators in order to support the adoption of more effective violence reduction/behavioral-change programmes, which could also be used to demonstrate 'distance travelled' in this area. We would recommend the following: '*Children understand the root-cause of their violent behaviour (self-awareness)*', '*Children understand and develop alternative non-violent coping skills (practical skills development)*' and '*Children report lower levels of violence tendencies and aggression, and higher level of conflict-management capacity.*'

Our member Khulisa has used these measures across the children's and adults' custodial estates in the UK, and can successfully demonstrate the connection between social and emotional literacy (understanding the root-cause of behaviour, developing new coping skills) and violence reduction.

The use of force

Under Expectation No. 17 we note your use of the formula '*Pain is not used deliberately to gain compliance*'. This appears to be a change in HMIP's position on the deliberate infliction of pain, which we previously interpreted to be one of complete opposition. Could you clarify if such a change has taken place?

We also believe that under Expectation No. 17 it is important to state that an officer (or officers) involved in restraint be involved in the subsequent debrief. Such an approach would be consistent with the adoption of a restorative approach to discipline.

Release on temporary license (ROTL)

We were disappointed that more was not made of the importance of prisons seeking to maximise the use of ROTL in the 'Expectations' document. This is surely a characteristic of a healthy prison yet the language used in this document is much more ambivalent. HMIPs expectations should drive improved performance in this area.

Key worker/Personal Officer systems

YOIs have consistently underplayed the importance of developing a strong personal bond between a member of staff and each child during their period in custody. There is ample evidence as to the importance of personal relationships in leading transformative change within a desistance framework. We would therefore like to see



a clearer reference to the importance of the 'key worker/personal officer' scheme operated in each prison. Length of relationship can be measured, and organisationally driven arrangements (for example a personal officer will be assigned to a group of cells rather than a group of children) that artificially fracture relationships are readily observable and should be discouraged by inspection.

On a specific item, we would welcome the inclusion, under Expectation No. 3, that Key workers/Personal Officers should meet 'their' child in person within 24 hours of arrival at the prison (accepting the need to caveat this for the operation of the shift rota in place).

We also believe that a question about the operation of the key worker system should be included in the inspection questionnaire so that children have an opportunity to comment on whether there is an individual member of staff assigned to them in whom they have confidence. This would provide an important insight into the effectiveness of any such system.

Health treatment outside the prison

We believe there should be clear expectations about health treatment provided to children outside of prison, for example as a result of more serious injuries sustained while in the prison. We would urge HMIP to prepare indicators governing this situation as there remain a considerable number of children who are treated outside their YOI each year.

In doing this we would also recommend that Inspectors pay particular attention to the degree to which out patient appointments are kept, as we are aware of evidence that performance in this area has been poor in places in the past. It is also important to assert that in a healthy prison parents and the local authority (when the child is in care) are notified of any out of prison health treatments at the earliest opportunity.

Resettlement

We support the adoption of a 'strengths-based' approach to resettlement, and with this in mind would propose a series of additions.

Under Expectation No. 69 we would recommend an additional indicator:

'Families are encouraged and given opportunities to feed into the process of identifying constructive goals for the child.'

Under Expectation No. 73 we would like to see the phrase 'explore pro-social strengths and goals,' before the final phrase.

Under Expectation No. 74 we would recommend an additional indicator:

'Training or remand management plans are clearly linked to constructive goals identified by the child.'

Research produced by our member NACRO (as part of the 'Beyond Youth Custody' programme) has highlighted the fact that children find the release process stressful and disorientating, and we would therefore propose the following additional indicator under Expectation No. 81:



‘Children are prepared for disorientation on release, through the use of release on temporary license to aid reorientation, and by ensuring that day of release plans are prepared and confirmed at least two weeks before leaving custody.’

Finally, under Expectation No. 85 we would recommend an additional indicator:

‘Interventions are available which support children to identify strengths and which provide the child with personal and practical support to work towards positive goals.’

We would also favour the inclusion of some reference to the preparation of contingency plans so that purposeful support, as against firefighting, can be provided in such circumstances. Contingency planning should cover, at least, the areas of accommodation, education and health support.

Transport to prisons

While the standards described against Expectation No. 1 are good in themselves, they are also vague. It would be sensible to attach figures to descriptors such as ‘Children are given adequate toilet breaks ...’.

Incentives scheme

We would recommend that it be made clear that all newly arrived children start at the higher levels of any incentives scheme.

The contents of this document do not necessarily reflect the views of all member organisations of SCYJ

