



22 October 2021

Victoria Atkins MP

By email

Dear Victoria Atkins

COVID-19 DILUTION OF CHILDREN'S LEGAL PROTECTIONS IN CUSTODY

Thank you for your response, dated 12 October, to our letter to the Secretary of State for Justice.

Your letter notes the government's intention to expire Schedule 21 to the Coronavirus Act, to which the transmission control period (TCP) is linked (upon which the statutory instruments reducing the protections to children in prison are predicated). We have also taken in the House of Commons debate on 19 October, and the Secretary of State for Health and Social Care's confirmation during that debate that this provision will expire.

We are alarmed to hear that the government intends to make use of the three-month transition period provided in The Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020. We cannot see any justification for keeping this statutory instrument in place once the TCP ends.

You point to secure training centres being smaller institutions, and therefore presumably more able to adapt to the resintstamenet of children's legal protections.

There is only one secure training centre remaining, and that has had the number of children reduced following recent excoriating inspection findings. The reality is that children in both young offender institutions and secure training centres have suffered greatly from punitive arrangements put in place during the pandemic. You will be aware of the latest urgent notification in respect of Oakhill secure training centre which found, "Children's experiences [while kept in their rooms for 19 hours a day] were bleak, and barely met minimum standards of human decency".

As we stated in our initial letter to the Secretary of State for Justice, we understand there were no children's rights impact assessments or equality impact assessments undertaken

for these emergency changes to secondary legislation. In a legal challenge brought by Article 39 last year, the Secretary of State for Education was found to have acted unlawfully by removing and diluting legal protections for children in care – also through amendments to secondary legislation – due to his failure to consult the Children’s Commissioner for England and other organisations concerned with the rights and interests of children.

If you are not willing to revoke both statutory instruments at the same time, please set out the evidence for continuing to restrict the protections afforded to vulnerable children in young offender institutions, a number of whom would have previously been detained in Rainsbrook secure training centre before it was urgently decommissioned.

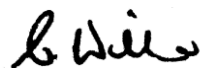
We also repeat our request that you publish a children’s rights impact assessment and an equality impact assessment which demonstrate the department has carefully considered the implications of continuing to keep emergency regulations in force.

Given the importance of this issue, we will again publish this correspondence on our websites. We look forward to hearing from you.

Your sincerely,



Frances Crook OBE
Chief Executive
Howard League for Penal Reform



Carolyne Willow
Director
Article 39

cc: Keith Fraser and Claudia Sturt, Youth Justice Board