

Submission to the Public Accounts Committee's inquiry on secure training centres and secure schools

23 May 2022

Key points

- Secure training centres (STCs) have a long history of safeguarding failures, including the deaths of two children due to unlawful restraint and revelations of child abuse at Medway STC
- The contractual issues which prevent the Ministry of Justice from ending the contract with G4S – which runs Oakhill – raise wider questions about imprisonment for profit
- No form of youth custody except for secure children's homes (SCHs) is capable of meeting the needs of children in custody, who have often been failed repeatedly by adults and statutory services
- Young offender institutions (YOIs) are especially harmful, trapping children in an antagonistic and retraumatising environment which can only make them less safe
- Black children are far less likely to be placed in SCHs than children of other ethnicities, adding to the racial disparities which are compounded at every stage of the criminal justice system
- While educational provision in STCs and YOIs is inadequate, children in SCHs tend to get education every day
- A future increase in children sent to custody is not inevitable or necessary. The government should focus on promoting diversion wherever possible, in line with the UK's obligations under the UN Convention on the Rights of the Child.

1. **Secure training centres (STCs) have a long history of safeguarding failures**

- 1.1. The recent scandals at Rainsbrook and Oakhill STCs underline long-standing problems in youth custody. Though STCs are designed to take children who are younger and more vulnerable than those placed in young offender institutions (YOIs), their history has been punctuated by scandal and abuse.
- 1.2. Six years ago, a Panorama documentary revealed child abuse, coercion and the falsification of records at Medway STC (Howard League, 2016). Medway was finally closed in 2019, though the site will now be repurposed for the new

secure school. Last year, inspectors found that the two remaining STCs were unable to keep children safe and issued Urgent Notifications for both, following a previous Urgent Notification for Rainsbrook (Ofsted, 2021a; Ofsted, 2021b).

- 1.3. The problems in the remaining STCs were not unknown to the Ministry of Justice. Between September 2015 and February 2020, inspectors had consistently found that Rainsbrook STC required improvement to be good. The inspection reports noted high staff turnover – as high as 72 per cent among custodial care officers in 2017 – and a failure to effectively safeguard and care for young people (Ofsted, CQC and HMI Prisons, 2015; Ofsted, CQC and HMI Prisons, 2018; Ofsted, CQC and HMI Prisons, 2020).
- 1.4. Nor did the failings of STCs begin with Medway. In 2004, Gareth Myatt and Adam Rickwood died after being unlawfully restrained in two separate STCs. The Howard League launched an inquiry into restraint, solitary confinement and strip-searching in youth custody in response to Gareth Myatt's death. It concluded that children's treatment in custody would trigger a child protection investigation in any other context (Carlile, 2006).
- 1.5. In 2008, the Court of Appeal found that the use of restraint for good order and discipline in STCs amounted to inhuman and degrading treatment (*R(C) v Secretary of State for Justice* [2008] EWCA Civ 882). In a High Court judgment four years later, Foskett J noted that in the two decades between the establishment of STCs and 2008:

there can be little doubt that a large number of detainees were treated unlawfully ... The children and young persons sent to STCs were sent there because they had acted unlawfully and to learn to obey the law, yet many of them were subject to unlawful actions during their detention (The Children's Rights Alliance for England v Secretary of State for Justice [2012] EWHC 8(Admin), §77–78).
- 1.6. The stark failings of STCs, and the fact that they are under a different inspection regime, should not distract from the fact that YOIs are even more harmful environments which have weaker protections for children (see 2.8 and 2.9 below). Almost a decade after *CRAE v Secretary of State for Justice*, the Youth Custody Service produced a draft behaviour management framework which wrongly treats restraint for good order and discipline as acceptable in YOIs – an approach which risks legitimising assaults on children (Howard League, 2021).
- 1.7. Rather than learning from the mistakes of the past and commissioning more places in local authority secure children's homes (SCHs), the Ministry of Justice is considering reopening Rainsbrook STC. It expects that this will be necessary to meet the "demand" caused by the recruitment of additional police officers: in other words, to allow for the unnecessary imprisonment of more children (National Audit Office, 2022).

- 1.8. Oakhill STC remains open. At a Justice Select Committee evidence session in November, the Prisons Minister explained that the Ministry of Justice is locked into a 25-year contract with G4S for running Oakhill, and that the contract has eight years still to go (Justice Committee, 24 November 2021, HC 841).
- 1.9. While the minister expressed her hope that the department never signs another contract like that for Oakhill, it remains deeply concerning that the government can end up in a position where it must continue to pay a private provider which has so catastrophically failed. In the Howard League's view, this raises wider questions about imprisonment for profit.

2. The needs of children in custody can only be met in secure children's homes

- 2.1. The Howard League believes that if children are going to be held securely, it should be in secure children's homes (SCHs) rather than large institutions which cannot care for them or keep them safe.
- 2.2. In a parliamentary answer published on 16 May 2022, the Prisons Minister claimed that while the number of children in custody was expected to increase,

we are confident there will still be capacity to place the increased numbers of children and young people into custody in the next five years with children placed according to their individual needs (HC Deb 16 May 2022, cW776).

- 2.3. In practice, very few children are placed in establishments where their needs can be identified and met. In its direct legal work with children in custody, the Howard League has found that SCHs are the only form of youth custody which can adequately support children with their mental health and learning needs. STCs and YOIs instead exacerbate mental health problems and fail to provide adequate education.
- 2.4. The recent Independent Review of Social Care has similarly found that the "*state of child detention in England is abysmal*" and that "*Young Offender Institutions (YOIs) or Secure Training Centres (STCs) are wholly unsuitable for children*" (MacAlister, 2022). Its final report concludes that:

Secure children's homes are almost always better able to provide a more caring, less institutionalised and more supportive environment for young people to recover, learn and eventually return to their family, carer or the community. YOIs and STCs should be phased out within the next ten years and replaced by local secure children's homes or 'Secure Schools' run or commissioned by RCCs [Regional Care Cooperatives, a new regional public sector body proposed by the review].

- 2.5. The Youth Custody Service should commission more SCH beds and work to understand the reasons for under-occupancy. In 2020, for example, 28 per cent of SCH capacity went unused. Staff told the Independent Review of Social Care that this was because of inadequate design, staffing issues, some placement refusals, and the reservation of places for children living locally (MacAlister, 2022).
- 2.6. Children in custody have often been failed repeatedly by adults and statutory services, with a lasting impact on their education and health. In 2019/20, 81 per cent of children sentenced to custody were assessed as having mental health needs, 77 per cent as having speech, language and communication needs, and 54 per cent as having physical health needs (Ministry of Justice and Youth Justice Board, 2021).
- 2.7. The operational guidance for placing children in custody suggests that children who are “*emotionally mature and resilient*” will be sent to YOIs, while children who need “*high levels of support*” will be sent to SCHs or STCs (HMPPS and YCS, 2017).
- 2.8. Yet despite the high levels of need recorded in practitioner assessments, more than three-quarters of children in custody are held in YOIs. Only 17 per cent of children in custody are held in an SCH, even after the closure of Rainsbrook and the reduction in capacity at Oakhill (HMPPS and YCS, 2022).
- 2.9. Black children are even less likely to be held in an SCH. As of 31 March 2021, 29 per cent of all children in custody were Black, compared to nine per cent of children in SCHs (Department for Education, 2021). This means that Black children in custody are overwhelmingly placed in penal institutions where they will receive little support and excessive punishment. It also means that SCHs end up being overwhelmingly white environments which can be racist and alienating for Black children who are, exceptionally, placed in them.
- 2.10. The government and criminal justice agencies must urgently reflect on a status quo in which Black children are treated more punitively at every stage of the criminal justice system, from arrest to placements within youth custody. The Howard League recently launched a dedicated programme of work on race and youth justice, which will make practical recommendations about how criminal justice agencies can end these shameful inequalities.
- 2.11. Five years after Peter Clarke’s conclusion that no YOI was a safe place for children (HMI Prisons, 2017), the Chief Inspector for Prisons has found deeply troubling conditions in Werrington and Cookham Wood YOIs. The inspection report for Werrington describes devastating levels of violence and use of force among a population of less than 70 children. In the six months leading up to the inspection, 31 children had been hospitalised after an assault and children had been subject to physical restraint 468 times (HMI Prisons, 2022).
- 2.12. Last year, an inspection report for Cookham Wood described an unsafe and unfulfilling environment characterised by high levels of violence, failings in the

care of the most vulnerable children, long periods of segregation and too little time out of cell. Inspectors

observed assaults and fights throughout the inspection, often erupting simply in response to name calling or because children on the units were from different sub-groups. Paradoxically, the act of reducing group sizes to reduce violence had created yet more division and conflict among the children (HMI Prisons, 2021).

The Chief Inspector for Prisons has explained that a further inspection report for Cookham Wood, which is not yet published, continued to find “very worrying” problems with violence and a lack of purposeful activity (Justice Committee, 17 May 2022, HC 224).

- 2.13. Children are unable to make meaningful educational progress in most of the youth secure estate. As an upcoming Howard League and Independent Provider of Special Educational Advice (IPSEA) briefing sets out, educational provision in YOIs and STCs is deeply inadequate in both quality and quantity. Children with special educational needs often receive less education, with their learning time determined by the number of other children who need time with the outreach worker (Howard League and IPSEA, 2022).
- 2.14. In contrast, children in SCHs tend to get education every day. The educational standard is that “*children make measurable progress towards achieving their educational potential and are helped to do so*” (Children’s Homes (England) Regulation 8(1)).
- 2.15. Children who are held securely must not be placed in harmful and counterproductive penal institutions. However, a future increase in the number of children in custody is not inevitable or necessary, and the Ministry of Justice and Youth Justice Board must also focus on promoting diversion wherever possible. Only this approach can meet the UK’s obligations under Article 37 of the UN Convention on the Rights of the Child, which requires that children “*should be arrested, detained or imprisoned only as a last resort and for the shortest time possible*” (UNICEF UK, 1989).

Legislation and case law

Children’s Homes (England) Regulations 2015

R(C) v Secretary of State for Justice [2008] EWCA Civ 882

The Children’s Rights Alliance for England v Secretary of State for Justice [2012] EWHC 8(Admin), §77–78

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