

August 2018



CLINKS
RESPONSE

Clinks' response to the Ministry of Justice's consultation on secure schools

About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system (CJS). Our aim is to ensure the sector and those with whom it works are informed and engaged in order to transform the lives of people in the criminal justice system and their communities. We do this by providing specialist information and support, with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships and provide innovative services that respond directly to the needs of their users.

We are a membership organisation with 500 members, including the voluntary sector's largest providers as well as its smallest. Our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin Light Lunch and our social media activity, we have a network of over 15,000 contacts. These include individuals and agencies with an interest in the CJS and the role of the voluntary sector in rehabilitation and resettlement.

For more information see www.clinks.org

About this response

Clinks welcomes the opportunity to respond to the Ministry of Justice's (MoJ) draft guidance on applying to open secure schools. This non-statutory guidance from the MoJ, the Department for Education, the Department of Health and Social Care and NHS England is intended to help proposer groups to make an application to open a secure school. It has been published in draft form to allow interested parties to comment on the proposed secure school model. Following this the Ministry of Justice will produce a final version in which they will invite applications to establish secure schools.

We have focused our short response on the draft quality indicators included in the guidance which will form part of the oversight, monitoring and accountability structures proposed for secure schools. They are intended to be measurable quality indicators which reflect the services to be provided, the aspirations and vision of the secure school model and the standards the MoJ is looking to obtain.

The draft guidance provides a high-level view of the initial work undertaken on quality indicators and outlines a range of key areas to be measured. It requests feedback on what the MoJ should look to measure; how it should measure it; and what they should aspire to meet in terms of standards or results for those measures.



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In providing feedback on these quality indicators we have drawn extensively on our response to the Review of the Youth Justice System in England and Wales (the Taylor Review).¹ This response was informed by 89 individuals, representing 65 voluntary sector organisations.

Proposed Quality indicators

Improving the safety and wellbeing of students and staff

- Leadership and workforce
- Providing an integrated service

Clinks supports the inclusion of this performance indicator. Providing an integrated service is essential to ensuring the multiple and complex needs of the children and young people in the criminal justice system are met.

We suggest this quality indicator draws upon HM Inspectorate of Prisons indicators for adult male prisons.² Expectation 80 states that "prisoners' needs are met by coordinated rehabilitation services."

Some of the indicators that may show this expectation being met, are:

- Staff have a good working knowledge of the rehabilitation services available and actively promote them
- Relevant voluntary and community sector organisations are supported to work with prisoners
- A named manager is responsible for coordinating the work of voluntary and community sector organisations
- Partners are encouraged to take part in prison training, for example suicide and self-harm prevention.

These indicators are just as relevant to providing an integrated service in secure schools as coordinated services in the adult male estate.

In particular, we would suggest that to meet this quality indicator secure schools must be able to demonstrate meaningful involvement and partnership working with the voluntary sector. The voluntary sector plays a vital role in youth justice, with organisations providing a wide range of services vital to rehabilitation. Smaller voluntary sector organisations in particular have a great deal of local expertise and community connections, providing a route for young people to reconnect with, and develop a stake in, their local communities.

Clinks' recent Good prison project highlights how coordination of voluntary sector services in a prison can assist prisons in meeting HM Inspectorate of Prisons expectations. Although the project was piloted in three adult male prisons, it used a bespoke model of voluntary sector coordination suitable for adaptation in response to the needs of each prison's population.

This project demonstrated the positive impact of co-ordinated better engagement of the voluntary sector in creating a safe prison environment and delivering more effective rehabilitation and resettlement.³

- Recruiting and retaining specialised staff

As we highlighted in our response to the Taylor Review, children in trouble should be receiving psychologically-informed support based on their need at any point of their journey through the justice system and beyond. There is a requirement at every level for well trained, highly skilled, and adequately paid staff.

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We reiterate our recommendation for national training standards to be introduced, rooted in an understanding of children's psychosocial development and the importance of relationships. This needs to take place alongside greater opportunities for continuous development and recognised career progression for staff working in all settings with troubled children and young people. Training of staff in secure schools should be judged against these national standards.

Proactive steps should be taken to ensure that staff are representative of the children and young people they are working with. As is highlighted in the guidance document, children and young people from black, Asian and minority ethnic communities are overrepresented in the youth justice system. This is something that was also detailed in the Lammy Review into the treatment of, and outcomes for, black, Asian and minority ethnic individuals in the criminal justice system.⁴ We reiterate recommendation 28 from the Lammy Review which states "leaders of prisons with diverse prisoner populations should be held particularly responsible for achieving [a diverse staff team] when their performance is evaluated" and highlight the need for this to form part of the quality indicators used to measure secure schools.

Although they comprise only a fraction of the young people held in secure conditions, girls have particular risks and vulnerabilities that require a distinctive, gender-sensitive approach. Staff need to be recruited who either have the skills or receive training to enable them to meet the specific needs of girls.

A therapeutic environment

- **Creating and maintaining an environment that promotes health and wellbeing, including eliminating environmental stressors such as noise and providing opportunities for social support**

To fully achieve a therapeutic environment Clinks supports the adoption of small units which hold children close to home, capable of responding to the particular requirements of children with multiple and complex needs, outlined by Charlie Taylor in his review of the youth justice system.⁵

Secure schools must be mindful of the needs and experience of children and young people in the youth justice system, and must tailor their therapeutic environments to ensure these needs can be met. Thirty-eight percent of children in Young Offender Institutions and 52% of children in Secure Training Centres have been in care and more than a third have a diagnosed mental health disorder.⁶ Neurodevelopmental disorders are much more common among young people in custody than among those in the general population, particularly dyslexia (43% of young people in custody compared to 10% of the general population) and communication disorders (60% of young people in custody compared with 5% of the general population). Ninety-one percent of young people convicted for violent offences have experienced abuse and/or loss and 65% of young people in custody have a traumatic brain injury compared to 24% of the general population.⁷

In a thematic inspection of the work of youth offending teams published in 2017, HM Inspectorate of Probation examined the case files of 115 young people who had been convicted for violent, sexual and/or other offences where there were potential public protection issues. It found that more than three in four had experienced emotional trauma or other deeply distressing or disturbing things in their lives, including separation and estrangement from parents, the death of a parent or main carer, sexual abuse, severe physical chastisement, serial domestic abuse and parental substance misuse. Domestic abuse was prevalent: one-third had grown up in a household where there was a formal record of domestic abuse.⁸



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Approaches to support children and young people should take into account the effect of previous experiences of trauma which can erode a young person's capacity to: judge social situations, form attachments, cope with stress, consider long-term consequences, negotiate their way out of difficult situations and respond to authority.⁹ Trauma-informed practice is defined in a number of ways but most definitions focus on awareness-raising and training, the provision of safe environments, reducing the scope for re-traumatisation, and the coordination of provision designed to increase resilience and support.¹⁰ To support the development and implementation of a trauma-informed approach to working with children and young people, we recommend secure schools utilise the knowledge and expertise of voluntary organisations who currently work in this way.

- Providing a range of enrichment activities that engage and support the students

Clinks welcomes that the guidance highlights the requirement for secure schools to have a varied and full schedule of activities for students including education, health appointments, sentence planning meetings, family visits, enrichment, sport and leisure activities.¹¹ In addition, arts programmes can act as a 'hook' into formal education, particularly for those who may have previously had negative experiences of education. Further, engaging in the arts can support someone on their desistance process, supporting them to see themselves differently and not just as someone who has committed an offence, as well as supporting them to develop cooperation and joint working skills. We recommend that the education provision in secure schools not only includes a range of arts subjects, but the enrichment activities available to the children and young people also include access to the arts outside of the formal curriculum.¹²

Rehabilitation and resettlement

- Planning for resettlement or transition from admittance

A vital quality indicator in this area will be timely and thorough resettlement planning which is undertaken in partnership with the child or young person. As we outlined in our response to the Taylor Review, resettlement should be a key focus of any custodial sentence. Community-based opportunities need to be identified and planned for at the earliest opportunity to provide a seamless transition from the secure school on release. As outlined above, voluntary organisations have a wide range of knowledge, expertise and experience in providing resettlement services to children and young people; it is therefore essential that they are proactively engaged in the resettlement planning process.

A single, consistent worker should be attached to the young person throughout their sentence and licence period, to ensure continuity of care. Looked after children will require particular attention in this regard to maximise their opportunities for longer-term stability.

Continuity of education within a wraparound package of support beyond the secure school must be assured, and planning for resettlement should include judgement of the quality of students' learning plans. The government's response to the Taylor Review said that the government would ensure each detained child has a learning plan with clear goals including what their education, employment or training destination will be when they leave the establishment.¹³ The planning process should include input from the young person's youth offending team worker and enable access to the young person by relevant local agencies, in order to provide a seamless transition to the community services supporting their resettlement, and a seamless handover for the community part of their sentence.¹⁴

Release on temporary licence (ROTL) is essential for supporting the resettlement



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process; enabling students to take part in activities to prepare them for release as part of an integrated plan for meeting their education, health, care and wellbeing needs. Clinks recommends that the Ministry of Justice includes an additional quality indicator that measures children and young people's access to and use of ROTL.

- **Measuring the outcomes and timeliness of accommodation placements on release**

Joint research from Nacro and Centrepoin has highlighted the multiple barriers young adults face to accessing safe and stable accommodation on release from custody.¹⁵ It urges the government to take action to improve housing, financial and social support for young people leaving custody to prevent further reoffending. This includes use of ROTL to help maintain family relationships and support networks, guaranteeing deposits to secure private rented accommodation where needed and financial support on release including immediate access to Universal Credit. Given the challenges many young people face when trying to access secure accommodation, it is important that resettlement planning takes place at the earliest opportunity, well in advance of a young person's release. It is also important that this is measured longitudinally to track whether young people have been able to access stable accommodation on release from secure schools.

As outlined in the Taylor Review, local authorities should ensure that all children know where they are going to live at least two weeks before discharge. If this has not taken place, the school should be able to show that they have challenged the local authority on this. The Taylor Review also highlights that if the children or young people are in care or will be living away from the family home, they should have the opportunity to visit the accommodation, see their room and meet the staff who will look after them.¹⁶

Additional quality indicators

- **Meeting the needs of specific groups of children and young people**

We are surprised not to see a quality indicator relating to meeting the needs of children with protected characteristics¹⁷, and those with specific vulnerabilities. Looked after children and those from black, Asian and minority ethnic communities are overrepresented in the youth justice system yet girls constitute a minority of young people in secure settings. In all three of these cases specific responses are required to recognise these groups' needs and ensure they are met. Clinks therefore recommends the MoJ adds quality indicators specifically to measure how secure schools are proactively working to meet the needs of the children in their care who have protected characteristics.



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End Notes

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17. Protected characteristics are defined by the Equalities Act (2010) as including age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.

CLINKS

Clinks supports, represents and advocates for the voluntary sector in criminal justice, enabling it to provide the best possible opportunities for individuals and their families.

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