



Bob Neill MP

Chair of the Justice Committee
House of Commons
London
SW1A 0AA

27 February 2018

Dear Bob,

FOLLOW-UP TO EVIDENCE SESSION ON YOUNG ADULTS AND THE YOUTH CUSTODIAL ESTATE

Thank you for your letter of 29th November requesting further information on aspects of the youth custodial estate and the treatment of young adults in the criminal justice system. Your original letter did not appear to have been received.

I was grateful for the opportunity to be able to update the committee on the developments regarding the youth estate and young adults in November.

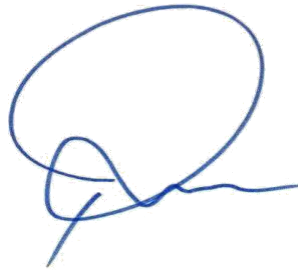
The annex to this letter covers those issues that you have raised and we can provide more details where you feel it would be useful. As you are aware, the responsibility for the areas in question sit across ministerial portfolios, the Youth Custodial Estate within mine and Young Adults within Minister Stewart's. I will ensure that Minister Stewart is aware of the work that the previous committee achieved and our recent exchanges

We share a commitment to improving the experience and outcomes for young people in custody and I want to stress how important this is to me personally. I believe a key contributor to this will be the new secure schools, places where children and staff feel safe, and where children will be able to engage with integrated care, health and education services.

While the Government has not reached the same conclusion as the previous Committee on the need for an explicit strategy on 18 to 25-year olds, we agree that there are particular needs for those who are yet to achieve their appropriate level of maturity and, in our constant efforts to improve practice, we will take these into account when and where it is possible for us to do so.

The constructive interest and expertise that the Committee has shown in the past on this agenda is very welcome and I look forward to it continuing to inform our thinking and decisions.

Yours Ever,

A handwritten signature in blue ink, consisting of a large, rounded loop at the top, followed by a smaller loop and a series of horizontal strokes extending to the right.

DR PHILLIP LEE MP

Young Adults in the Criminal Justice System

Summary outline of developments

In line with the JSC's review of young adults in the Criminal Justice System we have:

- Developed a "key worker" role with a case load of about six prisoners, rolling it out across the prison estate by March 2019
- Begun pilots for a maturity resource pack and
- Begun pilots to train staff to identify and support those with brain injury.
- Published full policy response to the review on race and disproportionality by David Lammy and established a governance structure to oversee progress.

Although we did not concur with the Committee on the need for a separate strategy on young adults, we accepted the JSC's specific recommendations in relation to and acknowledging maturity and 18-25 year olds in the criminal justice system as a distinct group.

We accepted that young men continue to mature into their mid-twenties, and this is informing practice in the following ways:

- **A resource pack to promote maturity (with individuals).** We are currently piloting a "resource pack" to support staff to identify and work with 18-25 year olds; the group identified as specifically needing to develop maturity by the JSC. The pilots are in four establishments for six months and we would look to make the resource pack available more widely to both custody and community sites. We know that the development of maturity is fluid and that older and younger men and women could benefit from the selected exercises and will therefore be aiming to extend the target group post pilot. This development has been presented to members of Transition to Adulthood Alliance.
- **Assessments and screening for maturity (in groups of offenders).** We have now published analysis of the maturity screening tool and the testing of its reliability and validity. We are incorporating this into our "Segmentation Tool", to help prison and probation providers profile their populations. Better screening will help providers determine how many young adults under their care are likely to require services or interventions to promote maturation.
- **Acquired brain injury.** We are improving identification and support of brain injury through grant funding to the Disabilities Trust. This will pay for a pilot in four English prisons, a Welsh prison and a Welsh Approved Premises. It will develop and test how we understand and meet the needs of those with Acquired Brain Injury (ABI) or Traumatic Brain Injury (TBI). This work includes staff awareness training in relation to brain injuries and training in the administration of a screening measure.
- **Training court staff in brain injury.** In Wales, we are funding Brain Injury Staff Awareness training from The Disabilities Trust. This targets court-based staff, as well as staff from other HMPPS sites across Wales. This will improve awareness at the sentencing level to ensure an individual's risk and needs are appropriately considered and alternative rehabilitation or treatment pathways are considered. Training events are scheduled for early 2018.

- **Dedicated officers/key workers.** The JSC wanted clearer day to day responsibility for individuals' progress. Our plan is to roll-out the new key worker role, part of the new Offender Management model which will enable staff to manage a case load of about six prisoners each, across the estate by March 2019. This is for all age groups.
- **Prosecution.** Training in maturity is currently being delivered to CPS specialist youth prosecutors across England and Wales and all prosecutors were reminded in September that when weighing up whether a prosecution should be brought, age and maturity should be considered.
- Training for prosecutors includes a section on the importance of considering the 'maturity' of young adults (18-24 year olds), as part of the prosecutors' review and decision-making process. More specifically, the face-to-face training allows prosecutors to consider and discuss the implications of maturity, including where it may be a relevant matter for cases involving young adults (18-24 year olds).
- **Sentencing.** 'Age and/or lack of maturity' is considered a mitigating factor when passing sentence on a number of offences. Pre-sentence reports (PSRs) are prepared by the Probation Service to help the court determine the most suitable sentence for the offender. PSRs for offenders 18 to 25 must now include a consideration of the offender's maturity to inform sentencing decisions.
- **Race Disparity Audit and Lammy.** We have welcomed the work done to review the experiences of Black and Minority Ethnic (BAME) people in the Criminal Justice System and the Government has provided a full response to the independent review by David Lammy. Co-ordinated by Cabinet Office, an inter-ministerial group on race disparity has been established and the MoJ will be actively contributing to its work.
- **Employment:** We are currently creating the New Futures Network to support governors to broker relationships between prisons and employers more effectively, in particular to ensure that work in prison is better linked to job opportunities on release.

Referring to the specific areas of interest in your letter

Overarching strategy and governance

Measures relating to young adults are reflected in a number of initiatives (some of which have been listed above) and those workstreams have their own governance and reporting arrangements.

A specific development worth bringing to the Committee's attention however is the National Young Offender Governance Board for the NPS which involves representatives of the NPS divisions in England and Wales and members of the Youth Justice Board. It is chaired by an NPS divisional director. The board oversees seven strands of work in its delivery plan, including governance, disproportionality, looked after children and care leavers, health, management information, transitions (between youth and adult systems), courts and maturity assessments.

Assessment of maturity

There is a maturity screening tool and a maturity resource pack which, although appropriate to use together, are distinct products.

The maturity screening tool is being used on an individual basis to identify suitable candidates for the maturity resource pack in the four prison pilot sites. The maturity resource pack is still being piloted within the custodial setting. The pilot was launched in September 2017, although delays have since been experienced so the review intended at the end of February 2018 will be extended.

Delivery plans are now however in place at each site, except HMP/YOI Nottingham, and each site is at a different stage of delivery. We are currently waiting to hear about Nottingham's future involvement, given their recent urgent notification.

The aim of the initial process review will be to examine the experiences of those involved in the pilots of the Resource Pack (staff and participants) to determine if the content met their needs, what worked well and what needs further development. Later reviews will investigate whether any behavioural changes occurred, such as the number of adjudication, levels of engagement with the regime and meaningful activities, and emotional management, after delivery of the Resource Pack.

Assessment and roll out of the screening tool

The research behind the development and validation of the screening tool has now been published on gov.uk (<https://www.gov.uk/government/publications/development-and-validation-of-a-screening-assessment-of-psychosocial-maturity-for-adult-males-convicted-of-crime>).

The maturity screening tool was originally designed to support commissioning decisions and inform practice in prisons and probation. It will soon be available to prisons and probation via a *Segmentation Tool*. This will allow both prisons and probation providers to profile their populations in terms of maturity. We are embarking on discussions with individual prisons, HMIP, probation and psychological services to help them understand how the maturity screening tool can be used.

Young adults in the community and courts

We maintain an interest in finding approaches in adult courts that are appropriate to young adults and have looked at the useful externally-funded (Barrow Cadbury Trust) feasibility studies in this space. Though these feasibility exercises have not gone onto being tested in practice, we have learned a great deal and may find opportunities to use this learning in the future.

We have referred (above) to the work being led by the National Probation Service on young offenders and would be happy to provide additional information about any of the workstreams there were of interest to the committee.

Young adults in prison, the Offender Management in Custody model and additional investment

The new Offender Management in Custody model (OMiC) has a clear vision that everyone in prison should have the opportunity to transform their lives by using their time in custody constructively to reduce their risk of harm and reoffending; to plan their resettlement; and to improve their prospects of becoming safe, law-abiding and valuable members of society. In operation it will much more clearly tailor offender management activities to the individual, according to their needs.

The OMiC model has two distinct but interconnected parts: **key work** and **case management**. A new role of **key worker** has been created which sits within the job description of a residential prison officer/prison custody officer. The role of the key worker is to develop constructive, motivational relationships with people in prison, supporting them to make appropriate choices and giving them hope and responsibility for their own development through one-to-one key work sessions. All civil, remand and

sentenced people in prison will have a dedicated prison key worker. Each residential prison officer/prison custody officer will undertake key work sessions with around 6 people in prison.

The case management part of the OMiC model relates to OM activities undertaken in both custody and the community for people who are serving a custodial sentence. Under the OMiC model, people in prison will experience offender management, either through **core** or **specialised** offender management:

- **Core** OM will be provided to CRC allocated individuals serving shorter sentences and who are low risk of serious harm and both NPS and CRC Fixed Term Recalls
- **Specialised** OM will be provided to CRC allocated individuals serving long sentences and/or those who are medium risk of serious harm, CRC care leavers, NPS determinate and indeterminate sentenced individuals and CRC and NPS standard recalled individuals.

Those receiving **core** OM will all have a key worker and a prison offender manager will undertake OM tasks on a duty system; tasks could include home detention curfew (HDC) / release on temporary licence (ROTL) assessments, or categorisation (or any other OM task).

Those receiving **specialised** offender management will also have a key worker and will have a dedicated prison offender manager who will undertake all relevant OM activities, including: OASys risk assessments, sentence planning meetings, one-to-one supervision and pre-release boards when handing over the offender management responsibility to the community (or any other OM task).

Since April 2017 Prison Governors have been empowered to have greater input into decision making with NHS England commissioners. While primary health services, mental health and substance misuse services in English prisons are still directly commissioned by NHS England, the MOJ is working with Governors to ensure they are enabled to work collaboratively with NHS Commissioners, contributing their knowledge of their prison cohort's particular needs to support the commissioning and provision of high quality prison health services.

Reform Prisons and the use of mixed institutions for young adults

As outlined in our Response to the JSC's 2016-17 Report on Young Adults, we are evaluating the findings and lessons learned from the 6 Reform Prisons. As four of these are dual-designate sites which include YOI provision for 18-25 year olds, we were keen to establish where and how empowered Governors can adapt their freedoms specifically to help meet the rehabilitative needs of this cohort of young offenders. We would be pleased to provide the final report of this evaluation to the JSC once it has been completed (expected Summer 2018).

From April 2018, we will begin an exercise to look at the how dual designated establishments are operating and identifying any good practice. This will be helped by the secondment of a specialist in young adults from a voluntary sector mental health charity (which is also a member of the Transition to Adulthood alliance).

Disproportionality and outcomes

The Government published its response to the Lammy review on 19th December 2017. We are taking forward almost every recommendation in some way, and where a recommendation cannot be implemented in full or exactly as recommended, further work will be carried out and an alternative approach will be found that achieves the same aim. We are already publishing more and better data, for example in the Race and Creflecriminal Justice stats (published November 2017), diversifying the prison

workforce and developing stronger performance measures for prisons. We are embedding the principle of “explain or change” throughout the organisation, to apply to identified disparities.

We have set up a Race and Ethnicity Board that will hold the key partners across the CJS responsible for improvement in their areas. The board held its first meeting on 18th January and will be setting priorities for implementation of the recommendations, and disparities for “explain or change”. Disparities identified in the youth justice system were of greatest concern to David Lammy, and will be one of the thematic priorities, going forward.

The earlier work provided by Baroness Young’s independently commissioned review of improving outcomes of young black and Muslim men came within the scope of David Lammy’s review. In responding to the Lammy Review we have maintained our involvement with Young Review Independent Advisory Group, and they continue to play an important role in informing priorities for the work of HMPPS.

Reoffending targets

There are currently no plans to set targets for the reduction in reoffending for specific groups within the offender management caseload.

Identity Matters and gangs

Identity Matters is a 1:1 intervention which aims to reduce an individual’s willingness to offend on behalf of a gang. It aims to support the journey of desistance by facilitating a process of gang disengagement. There are staff trained to deliver IM across custody on a case by case basis and there is also provision of IM in the community especially in London and the South West.

Identity Matters primarily targets adult males who are assessed as posing a high risk of serious harm, whose offending is motivated by their engagement and/or identification with a gang. IM was piloted in 2014 at HMPYOI Isis, HMPYOI Swinfen Hall, Greater Manchester Probation Trust, and West Midlands Probation Trust. A member of the Analytical Services Department (ASD) is carrying out a process evaluation concerning a sample of 22 intervention completers. This research is in the process of being written up. It is not yet at the stage where it has been peer reviewed or gone through the quality assurance stage so we do not yet have findings that we can share. It is not an outcome study so we do not have any data regarding outcomes yet.

Although IM is currently not accredited by the Correctional Services Accreditation and Advisory Panel (CSAAP) there are ongoing discussions around future accreditation and commissioning of the programme. Development work is underway in preparation for submitting the programme for accreditation. For longer term plans, if IM is taken to the Correctional Services Accreditation and Advice Panel, a research proposal will form part of the submission. If accredited, IM, like all CSAAP accredited programmes, will be kept under constant review to ensure ongoing evaluation of the effectiveness of our programmes.

Outcomes for care leavers

Within custody, the focus of our efforts has been around the identification of offenders who are care leavers and promoting understanding of the unique problems they face to staff. At present we are unable to evidence improvement in outcomes. Processes have been put in place to do so across prisons and probation but are working to a variable degree. We are linking with local authorities to try to access entitlements for care leavers but this is not routine and there is still limited understanding of the entitlements and needs of care leavers across HMPPS. A lot of work is being done in this area, but a

great deal more remains to be done against a background of the well-understood pressures for those working in prisons.

Young Justice

The youth custodial estate and performance, including Medway and Oakhill

The youth justice annual statistics cover YOIs, STCs and SCHs and include performance relating to safety and violence (assaults, self-harm, RPI, use of MMPR). These are published annually and 2016-17 was published on 25 Jan. They can be found online here <https://www.gov.uk/government/statistics/youth-justice-annual-statistics-2016-to-2017>.

HMPPS took over the operation of Medway STC on 01/07/2016 so from that date there will be no financial deductions. In terms of deductions for previous years, data for 2013/14 is not available, for 2014/15 the value is £ 833, for 2015/16 the value is £389 and for 2017 it is £3840 of retrospective deductions for performance in the last year of the G4S contract.

In relation to performance indicators, the Oakhill contract has performance indicators linked to:

- Escape from staff and centre
- Key lock compromise
- Self Harm
- Assaults on staff and trainees
- Substance abuse
- Possession of prohibited items

Similar indicators were also included in the original Medway PFI contract with G4S. These contracts included a baseline where points incurred above the baseline result in service credits.

It is important to note that any deductions linked to the above performance indicators in the Oakhill contract are triggered not by the incidents themselves but by G4S not following agreed procedures to prevent or control the management of such incidents.

For Oakhill, so far for the contract year of 2017/18 total deductions for availability (based on staffing numbers and condition of the bed units) is £46,508 and total deductions for performance points (based on failure to meet performance indicator targets) are £5,113.22. For contract year 2016/17 total deductions for availability are £1,438,621 and deductions for performance points are £39,309.94. Please note that deductions are not applied directly against G4S since they are the sub-contractor, but passed to them through the main PFI contractor, the Special Purpose Vehicle (SPV) MK STC Ltd. For 2013/14 data is not available and for 2014/15 and 2015/16 the value is 0. Over the past year incidents which have attracted deductions have included key compromise or fence climbs and assaults of trainees on trainees

Oakhill STC and OFSTED rating of overall effectiveness as “inadequate”

There is a dedicated monitoring unit in place for each STC and prior to the Ofsted team visiting Oakhill, the YCS monitoring team were already actively engaged in identifying issues relating to performance at Oakhill.

There are clear expectations in the Oakhill contract relating to the work that should be done to keep young people safe and well cared for, to provide them with high quality education and to work with them to reduce their likelihood of reoffending. Some of the indicators in the contract are detailed above. Performance is being robustly monitored against the contract and more widely across the estate we are investing £64 million to reform youth custody and increase staffing, to improve safety and reduce violence.

Officials work closely with the Inspectorates and there is regular sharing of information and concerns, including areas on which there should be a focus. In the case of Oakhill, the YCS monitoring team were already actively engaged in identifying issues in relation to performance at Oakhill and the inspection report was a useful resource to support that. We are monitoring performance against the contract and remain clear that all options are on the table.

Use of financial penalties and the use of the private sector

The Oakhill contract contains a range of levers beyond financial deductions. If performance falls below certain levels then contractual notices can be issued which, if performance doesn't improve, can ultimately result in the termination of the contract. Equally, officials work closely with all our private providers on a day-to-day basis delivering challenge and also sign-posting to areas of best practice

The private sector is involved both in the running of some establishments and in providing services across the youth custodial estate (which includes public sector establishments). We envisage the private sector will continue to be involved in these ways going forward. The key point about the role of private providers in custodial institutions is that any provider is child-focused. The new secure schools will be run by child-focused providers who will have the autonomy to set and adapt the curriculum and timetable to provide activities that best meet the needs of the children.

G4S have now appointed Richard Stedman as the permanent Director of Oakhill STC. Richard has extensive experience as a prison governor, including with young people in custody. After the inspection report, G4S brought in an interim Director from Parc with extensive experience until the permanent Director takes up position.

Parc prison is operated by G4S Custodial and Detention Services division. This is the same division that is responsible for the operation of Oakhill Secure Training Centre. Their recent inspection report was published 20th February 2018 and G4S operate a Reasonably Good Young Person's Unit at Parc.

Oakhill was designed and built and is operated under a 25-year PFI contract with Oakhill STC management company, a special purpose vehicle. G4S are the sub-contractor. G4S indicated clearly their commitment to the Oakhill STC contract, following their decision last year not to sell its youth custody business. We are therefore working with both the contractor and G4S to make sure they appreciate the seriousness of the issues and are taking steps immediately in response to the issues identified at Oakhill.

Secure Schools and success criteria

The outcome of Charlie Taylor's review was a response from the government to put education and health at the heart of the custodial estate. Part of this is the commitment to create two secure schools. The vision for secure schools is that the providers will be child-focussed and will have freedom and autonomy in leading the school, mirroring the set up that is currently in place in academies. With education as one of the core principles of a secure school - alongside other key factors such as health and care - educational attainment and progression will be a measure of success. Overall, success will be measured by the ability to improve the safety and wellbeing of students and staff and to improve the life chances of young people in custody.

Whilst providers have the autonomy to deliver their own curriculum, it is expected that they will cover English, maths, computing, physical education and sports.

A review of Sport in Youth Justice has been commissioned by Dr Phillip Lee and is due to be launched this year, auditing current provision, identifying best practice and making recommendations for improvement. The result of the review will feed into reform of the current youth estate but will also be taken into account when devising a sport strategy in secure schools. As part of this, the National Alliance of Sport for the Desistance of Crime and Professor Rosie Meek led on a range of visits to secure establishments and community organisations.

Distinct attributes of Secure Schools

The secure school vision is aligned to the key principles set out in the Taylor review. We will have proven child-focused providers who can demonstrate that they have the knowledge and skills necessary to work with young people in crisis.

Leaders of secure schools will have freedom and autonomy, similar to that enjoyed by headteachers in academies, allowing them to create a strong, integrated whole school culture across all provisions. Secure schools will have a specialised workforce who will be trained in working with young people with challenging behaviour and complex needs in a residential setting.

These principles will offer a bespoke provision for children, where education, healthcare and physical activity are key. Secure schools will be a therapeutic environment in a secure setting. It is the delivery of a service that incorporates all these principles that distinguishes secure schools from the current youth custodial provision and its predecessors.

Banning the Box

MOJ are aware of the recruitment barriers that exist for those who have a criminal conviction and are committed to ensuring that people with criminal records they are obliged to declare have the opportunity to apply for roles on an equal footing to other applicants.

The Civil Service rolled out the Ban the Box campaign in October 2016 and MOJ fully supports this initiative. As part of the pre-employment checking process, MOJ may ask for this information, for certain roles, but having conviction(s) does not automatically preclude a candidate from being offered a job.

MOJ have also been working in partnership with Cabinet Office to launch a recruitment pilot (*Going Forward Into Employment*). This will allow people with criminal records that they are obliged to declare to improve their employability and enable them to gain valuable work experience and interview practice, thus improving their future job prospects.