

<p>1 Friday, 13 July 2018</p> <p>2 (10.30 am)</p> <p>3 Welcome and opening remarks by THE CHAIR</p> <p>4 THE CHAIR: Good morning, everyone, and welcome to Day 5 of</p> <p>5 the first substantive hearing of children in custodial</p> <p>6 investigations investigation.</p> <p>7 Today we will be hearing from representatives from</p> <p>8 state institutions in England and Wales. If there are</p> <p>9 no matters to deal with prior to the hearing of</p> <p>10 witnesses, I will invite counsel to the inquiry to call</p> <p>11 the first witnesses, thank you, Ms Hill.</p> <p>12 MS HILL: Thank you, chair, good morning. Just by way of</p> <p>13 housekeeping, chair, this morning and for the rest of</p> <p>14 the day we propose to hear from Peter Savage and</p> <p>15 Sara Robinson. You will see they are both in the</p> <p>16 witness box at the moment. The plan is that we will</p> <p>17 hear from them effectively concurrently because quite a</p> <p>18 bit of their evidence overlaps and we are keen to deal</p> <p>19 with it in a proportionate way.</p> <p>20 Later on today, either at 2 o'clock or at about 2.45</p> <p>21 we will hear from Albert Heaney.</p> <p>22 Could I call, please, Peter Savage and</p> <p>23 Sara Robinson.</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 1</p>	<p>1 operated in April 2017 as a distinct service for youth</p> <p>2 custody within HMPPS. Is this right, in September 2017</p> <p>3 all YJB staff primarily involved in youth custody were</p> <p>4 transferred from the YJB into HMPPS and in January 2018</p> <p>5 a formal restructure of the new YCS was completed?</p> <p>6 MR SAVAGE: Yes. A small number who worked on commissioning</p> <p>7 moved into the Ministry of Justice, but beyond that, the</p> <p>8 vast majority moved into HMPPS.</p> <p>9 MS HILL: Your job now entails -- I think your title is you</p> <p>10 are head of operational contract management?</p> <p>11 MR SAVAGE: That's correct.</p> <p>12 MS HILL: Your job now entails overseeing the contracted-out</p> <p>13 secure training centres, secure children's homes, youth</p> <p>14 secure escort services and contracted education services</p> <p>15 within YOIs; is that right?</p> <p>16 MR SAVAGE: That's correct, yes.</p> <p>17 MS HILL: Thank you. Ms Robinson, your background and CV</p> <p>18 have been provided to us. You are the interim executive</p> <p>19 director of the Youth Custody Service; is that right?</p> <p>20 MS ROBINSON: That's correct, yes.</p> <p>21 MS HILL: As such, you're directly accountable to the chief</p> <p>22 executive of HMPPS. You are a board level member of</p> <p>23 HMPPS and you work closely with the chair of the Youth</p> <p>24 Justice Board.</p> <p>25 MS ROBINSON: That's correct.</p> <p style="text-align: center;">Page 3</p>
<p>1 MS SARA ROBINSON (affirmed)</p> <p>2 MR PETER SAVAGE (affirmed)</p> <p>3 Examination by MS HILL</p> <p>4 MS HILL: Good morning. Ms Robinson, Mr Savage, I will</p> <p>5 begin, first of all, if I may, by just confirming your</p> <p>6 professional backgrounds and positions and then formally</p> <p>7 adduce the various statements that you are going to</p> <p>8 speak to.</p> <p>9 Mr Savage, is this right, that your background is</p> <p>10 that from 2005 until 2017 you worked in various roles at</p> <p>11 to the Youth Justice Board; is that right?</p> <p>12 MR SAVAGE: That's correct.</p> <p>13 MS HILL: That you were, at the time of leaving</p> <p>14 in September 2017, head of contracts and business</p> <p>15 management, overseeing a range of contracted-out</p> <p>16 services, including Rainsbrook and Oakhill STCs, various</p> <p>17 secure children's homes, advocacy services and youth</p> <p>18 secure escort services.</p> <p>19 MR SAVAGE: That's correct.</p> <p>20 MS HILL: Your roles at the YJB had included overseeing the</p> <p>21 performance of contract providers, including public</p> <p>22 providers then named NOMS and running commissioning</p> <p>23 projects for new services?</p> <p>24 MR SAVAGE: That's correct.</p> <p>25 MS HILL: As we have heard, the Youth Custody Service was</p> <p style="text-align: center;">Page 2</p>	<p>1 MS HILL: I think your own background professionally</p> <p>2 includes working in the Probation Service; is that</p> <p>3 right?</p> <p>4 MS ROBINSON: That's correct, yes.</p> <p>5 MS HILL: You also did have a role within the Youth</p> <p>6 Justice Board yourself, I think from October 2016</p> <p>7 to April 2017, as director of commissioning and</p> <p>8 operations.</p> <p>9 MS ROBINSON: That's correct. But between April</p> <p>10 and September, when the YJB staff move moved over, I had</p> <p>11 a dual role between the YJB and HMPPS.</p> <p>12 MS HILL: Chair, can I formally adduce, please, a range of</p> <p>13 statements, because, is this right, that, Mr Savage and</p> <p>14 Ms Robinson, essentially you are both coming to give</p> <p>15 evidence but there are various statements that</p> <p>16 colleagues of yours have made that you are trying to</p> <p>17 cover in your evidence? Is that fair?</p> <p>18 MS ROBINSON: That's correct, yes.</p> <p>19 MS HILL: Chair, forgive me for a moment, please, but could</p> <p>20 I, firstly taking your evidence, Ms Robinson, formally</p> <p>21 adduce your statement of 19 June 2018, HMP000397;</p> <p>22 Mr Savage, your own statement of 20 June 2018,</p> <p>23 HMP000398; and then the background statements of your</p> <p>24 colleagues that you might speak to in various parts are</p> <p>25 the statement of Colin Allars dated 27 January 2017,</p> <p style="text-align: center;">Page 4</p>

<p>1 YJB000101; two witness statements from Clare Toogood 2 dated respectively 31 January 2018 and 29 June 2018, at 3 HMP000002 and MOJ000856. 4 Then there are a series of witness statements, nine 5 in total, from Kieron Taylor. I won't give all the 6 dates, but I will give the individual references. They 7 are at NOM000011, then 013, 008, and then HMP000001, 8 0131, 0176, 0185, 0321, and 0403. 9 Ms Robinson, I think there is one further statement 10 from you that I will come to later, but, chair, with 11 your permission, I adduce all of those statements but 12 hopefully try and deal with the evidence as logically as 13 possible. 14 You're both, I think, aware of the topics that we 15 would like to ask some questions about. I am going to 16 do the best I can to follow the topics list that you 17 have been provided with. We anticipate it will take 18 about four hours to go through your evidence, but I hope 19 to be able to complete all of it, if not the vast 20 majority of it, today. 21 Can I deal then with issue 7.1 of the issues that we 22 have been working through, and that is the issue of 23 the fact of custody, if I can call it that. So, 24 Ms Robinson, I think this is a question area really for 25 you.</p> <p style="text-align: center;">Page 5</p>	<p>1 be fully protected from sexual abuse. Would you agree 2 with that proposition? 3 MS ROBINSON: I would love to say that children could be 4 protected from abuse in any setting. I do not believe 5 that's the case. I think there are always going to be 6 individuals who will take opportunities in settings 7 where children are based, but it is incumbent on us to 8 minimise the risk as far as possible, by a whole load of 9 different interventions and protections and assurance 10 processes. 11 MS HILL: One point of detail, please, on this topic. You 12 have made clear also at paragraph 13 of your witness 13 statement that the median time spent in youth custody 14 per episode is 90 nights. Is that right? 15 MS ROBINSON: That's correct. I think that is probably 16 influenced by the number of remands we have in the 17 system. 18 MS HILL: That figure of 90 nights, or about three months, 19 reflects, does it, a median time of those on remand or 20 who are sentenced? 21 MS ROBINSON: That's correct. 22 MS HILL: We heard earlier this week from Dr Janes that her 23 understanding was quite a high percentage of children in 24 youth custody -- I think she said about a third -- are 25 children on remand. Is that broadly right, from your</p> <p style="text-align: center;">Page 7</p>
<p>1 Generally, chair, what we propose to do is 2 effectively take a lead witness on each topic, and if 3 the other witness has anything to add at the end, then 4 perhaps I can do that, if that is fair. 5 Ms Robinson, you have made clear in your witness 6 statement at paragraph 13 that custody is seen as very 7 much a last resort, and that the Youth Custody Service 8 works closely with the YJB and youth offending teams to 9 try and prevent the need for custody. We know from 10 statistics that the number of children in detention has 11 reduced significantly over recent years. 12 Is that a pattern that is likely to continue? 13 MS ROBINSON: Yes, there has been a reduction since 2006/07. 14 In 2017/18 we saw that there was a kind of steady state, 15 it didn't reduce any further, and there are some 16 concerns that it has reached its lowest point, in terms 17 of sentencing. 18 The policy unit are looking at the data to establish 19 whether there are other things that we can do to reduce 20 the populations further. We are looking at remand 21 population in particular, because that is quite high 22 proportionately, and there may be other sentencing 23 options. But at the moment it seems to have steadied. 24 MS HILL: It has been said by some witnesses, Ms Robinson, 25 that the fact of custody is such that children can never</p> <p style="text-align: center;">Page 6</p>	<p>1 understanding? 2 MS ROBINSON: It is about a quarter, as far as I understand, 3 yes, from the data I have seen recently. 4 MS HILL: Would you agree with the evidence that I think she 5 gave that, of those who are on remand, a not 6 insignificant number ultimately do not receive 7 a custodial sentence? 8 MS ROBINSON: That's correct. 9 MS HILL: Is that issue one of the areas that your policy 10 team are looking at to try and reduce the number of 11 children on remand? 12 MS ROBINSON: That's correct, and with the YJB -- alongside 13 the YJB, to look at alternatives to remand for those 14 people likely not to get a custodial sentence. 15 MS HILL: So the YCS accepts the proposition broadly, does 16 it, that if somebody is ultimately not going to get 17 a custodial sentence, there is a need to look very 18 carefully at why they are remanded in custody in the 19 first place? 20 MS ROBINSON: Absolutely. It should be the last resort. 21 MS HILL: Even as a remand prisoner; is that right? 22 MS ROBINSON: Even as a remander. The purpose of remand is 23 to protect that individual and potential victims, but 24 there are ways of doing that that don't necessarily 25 require a custodial or a remand into a custodial</p> <p style="text-align: center;">Page 8</p>

<p>1 provision.</p> <p>2 MS HILL: If I have remembered it correctly, Dr Janes</p> <p>3 suggested that part of the problem was that when</p> <p>4 children were remanded in custody, often that was</p> <p>5 because there was not appropriate accommodation</p> <p>6 available in the community as an alternative. Is that</p> <p>7 something that you share an understanding of or not?</p> <p>8 MS ROBINSON: I do share that understanding. There are</p> <p>9 definite challenges around accommodation for children</p> <p>10 and young people.</p> <p>11 MS HILL: So part of the solution to reducing the number of</p> <p>12 young people on remand, or children and young people on</p> <p>13 remand, might be looking at why there is a lack of</p> <p>14 community-based provision for them?</p> <p>15 MS ROBINSON: Yes, and specialised provision, so it is not</p> <p>16 just the accommodation, it is what other protective</p> <p>17 factors can be put into place to manage the risks that</p> <p>18 those children pose, potentially pose.</p> <p>19 MS HILL: Is there anything else either of you would like to</p> <p>20 add on that topic, the fact of custody at all?</p> <p>21 MS ROBINSON: No.</p> <p>22 MS HILL: Thank you. I would like to move on, then, please,</p> <p>23 to look at different types of establishment, and could</p> <p>24 I perhaps, Mr Savage, just ask you to assist a little</p> <p>25 bit with some of the detail from your witness statement.</p> <p style="text-align: center;">Page 9</p>	<p>1 the price of those places and some service requirements,</p> <p>2 and oversight sits with the YCS. You do gather some</p> <p>3 quality information. Is that right?</p> <p>4 MR SAVAGE: We do. So the homes provide us with monthly</p> <p>5 data. They also copy us into key pieces of information,</p> <p>6 so notifications they make to Ofsted, visits they</p> <p>7 receive under regulation 44, so independent visitors,</p> <p>8 they share those with us as well, and we, on occasion,</p> <p>9 will make visits if there are areas of concern that</p> <p>10 appear from the information we have or from other</p> <p>11 sources, and work with the homes on areas that concern</p> <p>12 us.</p> <p>13 MS HILL: Would you regularly receive the Ofsted reports on</p> <p>14 particular homes?</p> <p>15 MR SAVAGE: We do, yes.</p> <p>16 MS HILL: Help us then, please, with the next paragraph,</p> <p>17 paragraph 11, which is about the contracted-out secure</p> <p>18 training centres?</p> <p>19 MR SAVAGE: Sure. So we have two contracted-out secure</p> <p>20 training centres. Oakhill, which is in Milton Keynes,</p> <p>21 which is let through a private finance initiative</p> <p>22 contract with a special purpose vehicle holding company</p> <p>23 but in effect is operated on a day-to-day basis by G4S,</p> <p>24 and then near Rugby we have Rainsbrook Secure Training</p> <p>25 Centre, which is operated by MTC Novo, and those</p> <p style="text-align: center;">Page 11</p>
<p>1 If you could turn up, please, your paragraph 10.</p> <p>2 Perhaps we can bring this up, actually. It is</p> <p>3 HMP000398_003. Scroll in, please, on paragraph 10.</p> <p>4 Mr Savage, this is material that we have covered to</p> <p>5 some degree before, but please just help us now in</p> <p>6 understanding what you have told us here about the</p> <p>7 oversight or the structural framework around secure</p> <p>8 children's homes as far as the YCS is concerned.</p> <p>9 MR SAVAGE: Sure. So secure children's homes are -- all the</p> <p>10 ones we use are operated by local authorities. They are</p> <p>11 operated to a set of standards that the DfE produce,</p> <p>12 which are quality standards that support regulations.</p> <p>13 MS HILL: As we heard yesterday from Ms Willison.</p> <p>14 MR SAVAGE: Right, okay. And Ofsted have an inspection</p> <p>15 framework which tests those standards and Ofsted can</p> <p>16 make recommendations to DfE around licensing.</p> <p>17 We hold commercial contracts with those homes, and</p> <p>18 we place into them and we have some additional</p> <p>19 requirements within our contracts to help those homes</p> <p>20 sit within the justice system, but broadly the standards</p> <p>21 set out are the standards within the quality standards</p> <p>22 that the DfE have published for secure children's homes.</p> <p>23 MS HILL: I think you make clear here that the contracts</p> <p>24 that the MoJ holds with individual homes stipulate the</p> <p>25 number of places available for the justice placements,</p> <p style="text-align: center;">Page 10</p>	<p>1 contracts are let by the MoJ but the YCS oversees the</p> <p>2 performance of those.</p> <p>3 With the contracted-out sites, we have a particular</p> <p>4 function, in that there is a role in statute from the</p> <p>5 STC Rules for an STC monitor who is based at site, has</p> <p>6 an office on site, is part of a team, and carries out</p> <p>7 a number of functions that are laid out in the</p> <p>8 STC Rules, as well as doing contract monitoring for us.</p> <p>9 MS HILL: That role was something that was in place under</p> <p>10 the YJB framework, was independent?</p> <p>11 MR SAVAGE: It was, yes.</p> <p>12 MS HILL: As far as YOIs are concerned, can we go to your</p> <p>13 paragraph 12, please? Help us understand the framework</p> <p>14 there.</p> <p>15 MR SAVAGE: The YOIs in England are all operated directly by</p> <p>16 HMPPS. So the management of those sites is by public</p> <p>17 sector governors who report through a management</p> <p>18 structure within the YCS and ultimately to Sara. In</p> <p>19 addition, we have some semi-separate oversight from</p> <p>20 audit teams within HMPPS who are able to go and do</p> <p>21 deep-dive pieces of work in those establishments and we</p> <p>22 have the inspectorates, et cetera, but the primary focus</p> <p>23 is through the line management chain for those sites.</p> <p>24 Then we place into a small unit at Parc Prison in</p> <p>25 Wales, which is a small young persons unit within</p> <p style="text-align: center;">Page 12</p>

<p>1 a large adult site, and that site is operated by G4S and 2 is managed under contract. 3 MS HILL: Can I bring up, please, part of the REA that 4 I think we have looked at already, SOL000245_032. This 5 is a chart that looks at the different kinds of 6 provision. Can you just help the chair and panel 7 understand, towards the bottom of this chart, the cost 8 per place of the different types of placement that we 9 are talking about, and, broadly, it goes up across the 10 piece. Statistics gathered by the REA are telling us 11 that a YOI place in 2014 was about £65,000, an STC place 12 in 2014 was about £178,000 a year, and an SCH place was 13 about £212,000 a year. I think it should be on screen 14 in front of you, if you can see it there. 15 MR SAVAGE: Sure. There are slightly more up-to-date 16 figures, but broadly speaking, those figures are 17 correct, yes. 18 MS HILL: Is the pattern there retained today, that they go 19 up as you go across the piece? 20 MR SAVAGE: That's correct. 21 MS HILL: Do you want to give us the more exact figures? 22 MR SAVAGE: No. I mean, I don't think it adds anything. 23 MS HILL: Are they not significantly different from these? 24 MR SAVAGE: No, minor increases in the YOI expenditure, 25 slight changes.</p> <p style="text-align: center;">Page 13</p>	<p>1 MS HILL: Is there any accommodation across the estate that 2 you are aware of that holds only girls apart from, 3 presumably, that mother and baby unit? 4 MR SAVAGE: No, and that mother and baby unit is part of 5 the Rainsbrook site. 6 MS HILL: But across the estate, there is no girls-only 7 provision? I see Ms Robinson shaking her head. 8 MR SAVAGE: No. 9 MS HILL: We can bring that down. Thank you very much. 10 The evidence that the REA gathered, we can bring it 11 up if we need to, I'm not sure we need to, suggests 12 there is a certain amount of evidence that secure 13 children's homes and smaller establishments generally 14 provide better safety to the children. 15 Is that evidence that the YCS accepts, that 16 generally children are safer in those smaller 17 environments or in the SCHs? Forgive me, I'm looking at 18 you now, Ms Robinson. It is really for you. 19 MS ROBINSON: I think that the evidence certainly from the 20 inspectorates would be that the secure children's homes 21 provide a safer environment generally. But when we are 22 looking at small units, we are also looking at the rate 23 of interventions that we can actually deliver and the 24 quality of the interventions that we can deliver. So, 25 yes, I would say that smaller units do provide</p> <p style="text-align: center;">Page 15</p>
<p>1 MS HILL: Broadly, if we look at these figures, we can see 2 an SCH place is about three and a half times as much, is 3 it, pricewise than a YOI place, roughly? 4 MR SAVAGE: Yes, so the figures which are unpublished -- 5 I have 2018, is a secure children's home is £231,000 and 6 a YOI is £81,000. 7 MS HILL: That's the proportion? 8 MR SAVAGE: Yes, slightly less than three times. 9 MS HILL: Just while we are in the REA, could I go back 10 a page, please, to 031, the table that looks at the 11 different units by gender. I think there are some 12 questions perhaps about where girls are kept relative to 13 boys. I think this is right, is it, that on gender only 14 boys are kept in the YOIs? 15 MR SAVAGE: That's correct, yes. 16 MS HILL: Boys and girls are kept in STCs and SCHs. There 17 is one male-only STC at Rainsbrook. 18 MR SAVAGE: Oakhill. 19 MS HILL: Forgive me, sorry? 20 MR SAVAGE: Oakhill is the male-only. 21 MS HILL: Is it? That's obviously changed or an error in 22 the REA. There is a mother and baby unit -- I have 23 misread it, sorry, Oakhill is male-only and Rainsbrook 24 has the mother and baby unit; is that right? 25 MR SAVAGE: That's correct.</p> <p style="text-align: center;">Page 14</p>	<p>1 opportunity, but that doesn't mean to say that larger 2 units are unsafe. There are examples of where smaller 3 units could be unsafe and larger units safer. So it 4 does depend on the regime that's being operated there 5 and leadership and culture and things like that. 6 MS HILL: When you are talking, Ms Robinson, about 7 "interventions", do you mean interactions between 8 a member of staff and the children or do you mean 9 courses for the children? What do you mean by 10 "interventions"? 11 MS ROBINSON: They vary. So it could be the level of 12 engagement between staff and the children, the key 13 worker systems, it may be the quality of the educational 14 provision, what sort of activities are being undertaken, 15 whether health is engaged effectively or not with those 16 young people. I don't know if it is necessarily the 17 size, as I said. It is more about the quality of 18 the interventions that are being delivered there. 19 MS HILL: And the more that there are of those good-quality 20 interventions, the more safety there is? 21 MS ROBINSON: The better outcome for the young person, yes. 22 MS HILL: Do you think it is fair, then, to map across that 23 conclusion to the sexual abuse proposition? So do you 24 think it is fair to say that if children are generally 25 safer in those environments where there is a higher</p> <p style="text-align: center;">Page 16</p>

<p>1 number of better-quality interventions, that they are 2 generally also better protected from sexual abuse in 3 those environments? 4 MS ROBINSON: I still think it is not necessarily about the 5 size of the operation, it is more around the culture of 6 the leadership, the interventions and the processes that 7 are in place to safeguard children. So I think we have 8 to be careful not to just think small is best. 9 MS HILL: I asked you the question based on interventions. 10 So if there is, however big or small the unit is, 11 a larger number of high-quality interventions that 12 promote safety, will that also promote protection from 13 sexual abuse? 14 MS ROBINSON: I agree with that point, yes. 15 MS HILL: I'd like to ask you some questions about 16 privately-run establishments as opposed to publicly-run 17 establishments. Just by way of background, we have 18 heard quite a bit about the Medway Improvement Board, 19 but I don't think we actually brought up the Medway 20 Improvement Board documentation. So can I ask, please, 21 for MED000003_006 to be brought up. This is a two-page 22 executive summary of the findings of the Medway 23 Improvement Board, with which you will be familiar. One 24 of the concerns raised by the board was about whether or 25 not there'd been a concern about a focus on the contract</p> <p style="text-align: center;">Page 17</p>	<p>1 a different Alan Wood. 2 It is in your volume 10. We can bring it up. 3 Perhaps, Ms Robinson, you can just help orientate 4 the panel because we haven't looked at this document 5 before. What was the Youth Custody Improvement Board? 6 MS ROBINSON: It was set up on -- basically, back in 2016, 7 there were a number of concerns around youth custody, 8 which resulted in a number of reviews and boards, of 9 which the youth custody board was one of them, and it 10 was established in the aftermath of the Medway Panorama 11 incident, and it was to look at youth custody as a whole 12 and to make recommendations to the government of 13 the time on what steps should be taken to improve the 14 current system. It was running alongside a number of 15 other reviews that were taking place, including the 16 review that Charlie Taylor undertook on wider youth 17 justice reform. 18 MS HILL: For the panel's purposes, is this right, if we go 19 to _003, please, that at the top of that page -- 20 I appreciate there are different reviews going on at the 21 time, Ms Robinson, but part of this Youth Custody 22 Improvement Board's role was to explore and report on 23 the current state of the youth custodial estate and 24 recommend how the system could be improved, particularly 25 focusing on any current risks to safety and well-being.</p> <p style="text-align: center;">Page 19</p>
<p>1 delivery rather than the welfare of the children. 2 I mean, that's a fairly broad summary, but that is one 3 of the themes that came out of the Medway Improvement 4 Board, isn't it? 5 MS ROBINSON: Yes. 6 MS HILL: Certainly one of the concerns was that there was 7 too much focus on, it says here, as a place of coercion 8 where the culture and incentives as designed in the 9 contracts were centred around corralling and controlling 10 the children rather than their full rehabilitation. 11 That goes back, I think, to early 2016, the spring of 12 2016. Is that right? 13 MS ROBINSON: Yes. 14 MR SAVAGE: Yes. 15 MS HILL: We also know, I think, is this right, that the 16 Youth Custody Improvement Board have more recently 17 raised questions about privatisation of the youth 18 estate. Is that right? 19 MS ROBINSON: Yes, I think there are different views around 20 privatisation, definitely. 21 MS HILL: Perhaps we can pull up the more recent report of 22 the Youth Custody Improvement Board, 24 February 2017, 23 INQ001618_001 for the front page, please. Chaired by 24 Alan Wood, who is not the Alan Wood you heard from 25 yesterday. That's caused some confusion. It is</p> <p style="text-align: center;">Page 18</p>	<p>1 MS ROBINSON: That's correct, yes. 2 MS HILL: The board have noted at least controversy around 3 the private provision of the secure estate for children. 4 Go, please, to internal page 8, paragraph 25. It said: 5 "The introduction of for-profit providers in the 6 running of STCs has not been without controversy. The 7 appalling situation at Medway and the decision of G4S to 8 sell its remaining STC contract indicate that these 9 arrangements have not played out as intended. It raises 10 questions as to the capacity to manage contracts and 11 suggests the contracting arrangements are insufficiently 12 flexible to deal with underperformance, ensure 13 high-quality provision and effective recruitment and 14 retention of skilled staff. 15 "This would require a very clearly different 16 approach to the current YOIs and not be run according to 17 Prison Service rules or instructions. It would not 18 restrict the option of inviting other providers, 19 including from the commercial sector, to run secure 20 schools once the pilot had been assessed." 21 It's talking here, I think, about considering direct 22 management of the secure schools; is that right? 23 MS ROBINSON: At that point of secure schools? 24 MS HILL: If you look at the recommendation in the box at 25 the bottom of the previous page:</p> <p style="text-align: center;">Page 20</p>

<p>1 "... the MoJ should consider direct management of 2 the 2 secure schools through a national agency, 3 government compartment or local authority model." 4 MS ROBINSON: That was certainly the recommendation, yes. 5 MS HILL: But part of the background for that seems to be 6 a concern about the private provision in the STCs. Is 7 that right? 8 MS ROBINSON: That's correct. There's definitely polarised 9 views around whether or not private provision should be 10 used, but there are definitely examples of where private 11 provision have been successful. Medway was not one of 12 those examples. 13 MS HILL: Certainly the Prison Officers' Association has 14 been outspoken in its views on this area; is that fair? 15 MS ROBINSON: That is fair. 16 MS HILL: And on a range of other topics. If one brings up, 17 please, a fairly recent press release from January of 18 this year, INQ001493_001, and if you look at the third 19 paragraph down, please, it says there that governors 20 have had to run prisons with not-fit-for-purpose 21 contracts which fail to deliver the promised service: 22 "This has impacted on our ability to deliver both 23 a decent, safe and rehabilitative environment for the 24 men and women in our care. The debacle that is the 25 contracting out of facility management to Amey and</p> <p style="text-align: center;">Page 21</p>	<p>1 there have been issues around safety across the public 2 sector as much as there has been in the private sector, 3 and, equally, there has been good practice in the 4 private sector, as there has in the public sector. 5 I think what we are looking at is the governance, the 6 leadership, the culture. There are lots of other things 7 that sit underneath the running of an establishment. 8 MS HILL: We will come to look at those figures in due 9 course, but it is right to acknowledge, isn't it, that 10 across the estate there are safety concerns, even in 11 publicly-run institutions. 12 MS ROBINSON: There have certainly been safety concerns, 13 particularly identified in 2017. 14 MS HILL: Is it right, then, that part of the reason for the 15 answer you just gave is because the publicly-run estate 16 is suffering real challenges at the moment as well? 17 MS ROBINSON: That's correct, yes. 18 MS HILL: Does it follow, then, that if the question put to 19 you is, are children likely to be better protected from 20 sexual abuse in establishments run by state bodies, that 21 your answer is similar? 22 MS ROBINSON: No. I would say that it is incumbent on us to 23 run a whole system, whether it is public or private, and 24 that we should be putting protections into both. 25 I would not suggest, and I have not seen any evidence to</p> <p style="text-align: center;">Page 23</p>
<p>1 Carillion has come back to haunt the government in all 2 its glory this week. These contracts have failed in 3 their entirety to meet the needs of prisons, leaving 4 accommodation and maintenance in a far worse state than 5 when governors owned their own works departments. Too 6 much of senior management time has been spent trying to 7 deal with these contracts instead of strategically 8 managing prisons at probably the most challenging time 9 in recent history. 10 "Once again, the Prison Governors' Association" -- 11 forgive me, I may have said the "Prison Officers' 12 Association"; I meant the Prison Governors' Association 13 -- "repeats its call for a public inquiry into 14 government policy this decade which has led our service 15 into this appalling state." 16 They have been pretty outspoken about the challenge 17 posed by contracting; is that fair? 18 MS ROBINSON: They have. It supports the view that there is 19 a polarised position around privately contracted 20 services. 21 MS HILL: Is there a view that the YCS has about whether or 22 not children are generally safer in establishments run 23 by state bodies rather than private contractors? 24 MS ROBINSON: I would suggest that that's actually not borne 25 out by the evidence that we have at the moment; that</p> <p style="text-align: center;">Page 22</p>	<p>1 suggest, that children are safer or not safer in the 2 public or private sector. 3 MS HILL: The evidence does seem to be coming to this, that 4 what is significant is, on your evidence, having 5 high-quality interventions for children and having the 6 proper regime around children, that your view is that it 7 is those sort of things that make them safer rather than 8 smaller SCH or privately run or not privately run. It 9 is perhaps more the whole package rather than the nature 10 of the institution. Is that what you are trying to say? 11 MS ROBINSON: That is correct. The challenges that have 12 caused the safety issues over the recent years are the 13 increased complexity and concentration of the young 14 people that we are working with and it is really 15 important that we get the right services commissioned to 16 meet their particular needs. As the cohort has reduced 17 over the last ten years, the services that we should be 18 commissioning need to adapt to that, and the skills of 19 the staff that are working with them need to adapt to 20 that. I think that's been one of the challenges, across 21 the private sector and public sector, STCs and YOIs have 22 experienced. 23 MS HILL: I was going to ask you whether or not there is any 24 policy move to try and divert more children into smaller 25 establishments or secure children's homes or</p> <p style="text-align: center;">Page 24</p>

<p>1 publicly-run establishments. It seems unlikely?</p> <p>2 MS ROBINSON: Well, no, the current policy position is to</p> <p>3 test out the theory of Charlie Taylor's review</p> <p>4 proposals, which was for a secure school, which is built</p> <p>5 on a principle of smaller provision, looking at 60/70</p> <p>6 beds, it's more geographically based, that is led by</p> <p>7 a culture that is more akin to education and health and</p> <p>8 security being secondary, although it is a primary</p> <p>9 factor in terms of safety for children. So we are</p> <p>10 looking at that policy development but it is going to</p> <p>11 take time to deliver that.</p> <p>12 We are also looking at --</p> <p>13 MS HILL: Pause there, Ms Robinson. We haven't actually</p> <p>14 heard very much about this initiative. This is</p> <p>15 something that was proposed I think in the</p> <p>16 Taylor Review.</p> <p>17 MS ROBINSON: That's correct.</p> <p>18 MS HILL: The secure school would operate for what age of</p> <p>19 children?</p> <p>20 MS ROBINSON: The secure school, I think they are looking at</p> <p>21 the -- I think it is the 12 --</p> <p>22 MR SAVAGE: Full range.</p> <p>23 MS ROBINSON: Full range but not the younger age group</p> <p>24 because we would be looking at still retaining the</p> <p>25 secure children's homes. But, yes, from the 12- to</p> <p style="text-align: center;">Page 25</p>	<p>1 children's homes and indeed some of the other examples</p> <p>2 we have seen, but ensure that we get the value across</p> <p>3 the piece, across the country.</p> <p>4 MS HILL: Would the secure school only house justice</p> <p>5 placement children?</p> <p>6 MS ROBINSON: At this moment in time, that's what we are</p> <p>7 developing. The principle is it's for justice beds.</p> <p>8 But that doesn't mean to say that it could not develop</p> <p>9 in time.</p> <p>10 MS HILL: If we were to look at that chart of the different</p> <p>11 types of provision for children, broadly, the chart</p> <p>12 suggested that those children with greater resilience</p> <p>13 and so on are placed in YOIs at the moment, and it goes</p> <p>14 sort of down the piece, if you like. What sort of</p> <p>15 children would you envisage being cared for in secure</p> <p>16 schools?</p> <p>17 MS ROBINSON: The proposal currently is that the secure</p> <p>18 school is an option, potential option, to replace YOIs</p> <p>19 and STC sector, but we need to test the principle. That</p> <p>20 was Charlie Taylor's vision, is it would replace part of</p> <p>21 the system. But we have to test the principle and test</p> <p>22 the ability to manage some of the most challenging young</p> <p>23 people that we have within the YOIs in that environment,</p> <p>24 where education is primary and where a lot of those</p> <p>25 children find it very difficult to engage in education</p> <p style="text-align: center;">Page 27</p>
<p>1 17-year-old age group. They are using DfE legislation,</p> <p>2 so secure children's homes legislation and academy</p> <p>3 legislation for 16- to 19-year-olds. So it is</p> <p>4 a different model that we are proposing.</p> <p>5 MS HILL: Would the regulations that we looked at yesterday</p> <p>6 that cover secure children's homes that have things like</p> <p>7 those quality standards about positive relationships and</p> <p>8 safety and things like that, is it that sort of</p> <p>9 framework that the secure school would operate to?</p> <p>10 MS ROBINSON: Absolutely. So the idea is the individualised</p> <p>11 approach around the child and the education standards</p> <p>12 and care standards, health standards, would be applied</p> <p>13 in those settings. At the moment, the framework is up</p> <p>14 for consultation, the proposed framework is up for</p> <p>15 consultation, about the vision for the secure school.</p> <p>16 MS HILL: How would that sort of provision differ from the</p> <p>17 secure children's homes provision that we already know</p> <p>18 exists for young offenders?</p> <p>19 MS ROBINSON: The main difference is it's run by an</p> <p>20 education authority rather than the local authority. So</p> <p>21 they are looking at potentially academy schools or head</p> <p>22 teachers to run this provision. It will be on a bigger</p> <p>23 scale, so it won't be 24 beds, it will be 60 to 70 beds.</p> <p>24 So there are variations between the two, but we are</p> <p>25 trying to take the best practice from the secure</p> <p style="text-align: center;">Page 26</p>	<p>1 and have been excluded for many years.</p> <p>2 MS HILL: I see. Mr Savage, anything to add on that topic</p> <p>3 before I move on?</p> <p>4 MR SAVAGE: No.</p> <p>5 MS ROBINSON: May I add one other point? Whilst we talked</p> <p>6 about secure schools, we have also part of the support</p> <p>7 programme looking at enhanced support units which are</p> <p>8 smaller units for children and young people who are</p> <p>9 finding it difficult to engage in larger regime, in</p> <p>10 YOIs, so for those who have extreme conduct disorders</p> <p>11 and things like that. So we have a pilot running at</p> <p>12 Feltham at the moment. It is a small four-bed unit,</p> <p>13 where they are educated on site so they don't have to</p> <p>14 engage in the standard education regime. So we are</p> <p>15 testing looking at opportunities to provide smaller</p> <p>16 environments for children who are struggling to engage</p> <p>17 in the wider regime.</p> <p>18 MS HILL: In terms of size, the secure school you are</p> <p>19 talking about would be quite a bit bigger than a typical</p> <p>20 secure children's home; is that right?</p> <p>21 MS ROBINSON: That's correct, yes. It's a mid-range between</p> <p>22 a YOI -- it's more akin to the STC.</p> <p>23 MS HILL: I'd like to move on now, please, if I play, to</p> <p>24 certain issues arising from the custodial environment</p> <p>25 itself, the physical environment. Mr Savage, I think</p> <p style="text-align: center;">Page 28</p>

<p>1 this is perhaps for you. I have posited some questions 2 for you about children sharing cells. Can I ask you 3 some questions about that, please? 4 MR SAVAGE: Sure. 5 MS HILL: I think you have accepted in your witness 6 statement that a small number of rooms in the estate are 7 for two children to share, but I think the position is 8 that it's understood -- this is paragraph 48 of your 9 statement, forgive me -- that single rooms minimise the 10 risk of harm caused to a young person by another young 11 person. I think the acceptance is that that is the 12 safest place, is that right, a single cell? Is that 13 broadly what you are trying to say? 14 MR SAVAGE: It is. I will let you finish your question, 15 sorry. Go ahead. 16 MS HILL: I'm going to ask you about the process by which 17 you decide how children do share, if they have to share. 18 But before I get to that, given that the YCS appears to 19 accept that single cells are the safest cells, if I can 20 put it that way, are there any efforts being made to 21 minimise cell sharing? 22 MR SAVAGE: We have cell sharing at the young persons' unit 23 at Parc in Wales and we don't have cell sharing in any 24 of the other YOI sites. Gradually, as we have reduced 25 the capacity of the estate, we have had an opportunity</p> <p style="text-align: center;">Page 29</p>	<p>1 have set out in broad narrative form how the cell 2 sharing risk assessment is carried out. It is 3 paragraphs 49 and 50 on that page. I will just wait for 4 it to come up. 5 At paragraphs 49 and 50, they refer to the cell 6 sharing risk assessment which gives guidance on how to 7 complete a particular form. It looks, does it not, at 8 the risk a prisoner could pose to another prisoner if he 9 or she is put in a cell together with the other 10 prisoner. Is it your evidence that the risk of one 11 prisoner sexually abusing another prisoner is factored 12 into this? 13 MR SAVAGE: That's my understanding, yes. 14 MS HILL: So it is not focused, really, on physical violence 15 entirely. It would include the risk of one prisoner 16 then sexually abusing another? 17 MR SAVAGE: That's correct. 18 MS HILL: In completing this assessment, is this fair, that 19 information from the YOT -- we haven't heard much about 20 them, but they are the youth offending team -- 21 MR SAVAGE: Youth offending teams, Yes. 22 MS HILL: They have been partly to do with the child coming 23 into custody in the first place, so they will have known 24 the child in the community at around the time of their 25 sentence?</p> <p style="text-align: center;">Page 31</p>
<p>1 to convert double cells to single cells. I think the 2 driver around that was in part because establishments 3 are very stringent in their risk assessments around 4 sharing, and actually a lot of that, if I'm entirely 5 honest, capacity wasn't always available to us, and an 6 establishment would rather say "We can't take anyone" 7 than risk putting two people together they didn't think 8 was appropriate. So some of that capacity wasn't real 9 capacity, so we took it out of the system. 10 Some operational managers would provide a kind of 11 counterpoint and say that in certain cases young people 12 want to share. They're used to sharing with siblings 13 and they request to share. But widespread sharing, we 14 would prefer not to have. So we only have the small 15 number left at Parc, and they use the cell sharing risk 16 assessment process, which is quite detailed, it has 17 a number of review points, it looks at risk of violence, 18 risk of sexual abuse, both as a victim and as 19 a perpetrator, in order to make those decisions, and, 20 equally, if they didn't have young people they felt 21 wanted to share or were appropriate to share, then those 22 doubles rooms would just be used by one person. 23 MS HILL: You have described the cell sharing risk 24 assessment in your witness statement. Perhaps we can 25 just pull up page 15, please, it's NOM000008_015. You</p> <p style="text-align: center;">Page 30</p>	<p>1 MR SAVAGE: Yes. 2 MS HILL: Any information from the YOT which suggests this 3 child may be at risk of sexually abusing another child 4 would, if the system works properly, be captured by the 5 cell sharing risk assessment; is that right? 6 MR SAVAGE: That's correct. 7 MS HILL: So do you feel satisfied that, insofar as children 8 do share cells, there is a sufficiently effective system 9 in place to minimise the risk of peer-on-peer sexual 10 abuse? 11 MR SAVAGE: I believe so, yes. 12 MS HILL: Is there any proposal to eliminate entirely the 13 cell sharing at Parc? 14 MR SAVAGE: Not at this stage. I think if we were into 15 another round of decommissioning, looking at capacity, 16 then it would be a factor we would consider. 17 MS HILL: Is the reason why you might consider it because 18 you accept that single cells are safer? Or is there 19 a different reason to it, that they are not being used? 20 MR SAVAGE: I have to say partly the driver for us taking 21 them out has been that establishments will say to us, 22 "We don't have anyone suitable to share. That 23 accommodation isn't available", rather than us having 24 concerns that they're putting together young people who 25 shouldn't be together.</p> <p style="text-align: center;">Page 32</p>

1 MS HILL: From your point of view as a manager, you have an
 2 empty bed?
 3 MR SAVAGE: We have an empty space we are not using, so,
 4 realistically, it makes more sense not to count that as
 5 capacity. I guess my practical experience is that
 6 establishments will not put together young people that
 7 they don't want to put together and would rather say to
 8 us the capacity is not available.
 9 MS HILL: So if there is ultimately, over time, the
 10 elimination of those double cells, it is probably more
 11 driven by that, is it, than by the safety concerns?
 12 MR SAVAGE: Yes. But, as I say, it is raised with me by
 13 operational managers that on occasion they do find that
 14 sharing can be a protective factor for young people who
 15 are used to sharing a home with siblings, who request
 16 it, want to share with friends. But it's a position
 17 that we are gradually moving away from.
 18 MS HILL: Thank you. Just while we are on the topic of
 19 cells -- I'm afraid it is quite a granular point that
 20 I have put together here for you -- in the REA one of
 21 the pieces of evidence that was brought out -- perhaps
 22 I can bring this up for you. It is section 6.2.5 of
 23 the REA. Bear with me a second. It is on page -- it is
 24 SOL000245_073 under the heading 6.2.5 "The physical
 25 environment".

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1 Towards the end of that paragraph, the HMIP report
 2 surveyed -- reported that only 21 per cent of boys in
 3 YOIs said their cell bell was normally answered within
 4 five minutes, which was significantly less than the
 5 figure the year before (39 per cent)."
 6 There seemed on the reporting to have been a quite
 7 significant drop. So that's children who are ringing
 8 their cell bell and it not being answered as quickly as
 9 one might like. Is there any significance to that
 10 statistic, as far as you're concerned, in the context of
 11 cell sharing? That's the reason I ask about it. Let's
 12 just say that there is a cell sharing situation and
 13 let's just say there is an incident that's occurred.
 14 If, in fact, a child rings the bell and nobody comes
 15 within five minutes, that could be significant, could
 16 it?
 17 MR SAVAGE: It could be. I mean, in terms of cell bells --
 18 so I have the '16/'17 figure, and it's slightly
 19 improved. It's 25 per cent. But actually what we can
 20 see is, if you look underneath those figures at
 21 individual establishments, there are certain types who
 22 have got a real issue with this, as flagged by
 23 inspectorates who have subsequently put a real focus
 24 into it because they have systems where they can draw
 25 off how quickly the bells are answered, which areas of

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1 the sites there's a particular problem in and apply
 2 management scrutiny. We have seen some sites who have
 3 put some real local efforts into this and driven these
 4 figures up greatly. So there is work that we need to do
 5 around that, and that's not a good enough picture, and
 6 individual sites have made good progress in response to
 7 that. There are some sites who need to make more
 8 progress and are doing so.
 9 I guess from a wider system perspective, the
 10 solution to people answering bells quickly is actually,
 11 it's better if young people aren't spending particularly
 12 long in their rooms, and then actually the need to go
 13 and answer bells becomes less prevalent and, really, the
 14 work to drive up the quality of the offer, and the more
 15 time young people are out of their rooms and engage in
 16 activities, will all have an indirect effect on this
 17 anyway.
 18 MS HILL: But is your understanding from this work that one
 19 of the reasons why bells were not being answered is
 20 a staffing issue? Is it a staff numbers issue? What
 21 have you understood is the cause of this delay in
 22 responding to when the children are ringing the bells?
 23 MR SAVAGE: So what I am told by kind of operational
 24 managers around this is, if you have a number of young
 25 people ringing the bells at the same time, then it can

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1 take some time to get around to all of the rooms and
 2 respond to the young people and turn off the bells.
 3 I think there is a question around, during the period of
 4 2016/2017, when there were some resourcing issues across
 5 the estates, the impact that could have had on that.
 6 MS HILL: But just to try and focus it on the issues that we
 7 are concerned with, from what you have said, given that
 8 there is only cell sharing at Parc --
 9 MR SAVAGE: Yes.
 10 MS HILL: -- the relevance of the bell issue to sexual abuse
 11 between peers is only going to apply in that one
 12 institution?
 13 MR SAVAGE: That's correct, yes.
 14 MS HILL: On a related topic, please, about staff going into
 15 the cells of children in YOIs or STCs, the evidence that
 16 we adduced yesterday through Ms Willison was to the
 17 effect that, in secure children's homes, staff would not
 18 normally be allowed to go into a child's room. That's
 19 obviously one of the differences between the different
 20 kinds of institution in the estate. Is it your
 21 understanding that in a YOI or an STC staff can go into
 22 the children's cells without their permission?
 23 MR SAVAGE: I guess I would question the position around
 24 secure children's homes, where I think the section of
 25 the quality standards covers both community and secure

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1 children's homes. And secure children's homes are
 2 a slightly different environment. If there is concern
 3 for a child and a child asks them to -- not to come into
 4 the room, I believe they would still enter the room. In
 5 YOIs and STCs, there are normal kind of decency issues
 6 around knocking, speaking to the young person through
 7 the door first, speaking through vision panels first,
 8 checking with the young person whether the staff member
 9 is okay to enter. But if staff are concerned around
 10 a young person and feel it necessary to check on them,
 11 then they may enter the room of the young person, even
 12 if the young person says they would prefer them not to.
 13 I think you will find that's the case in secure
 14 children's homes as well.
 15 MS HILL: So you don't think there is much difference
 16 between them --
 17 MR SAVAGE: No.
 18 MS HILL: -- in practice?
 19 MR SAVAGE: Yes.
 20 MS HILL: I understand. Moving, please, to the topic of
 21 staff working on their own, there is within our
 22 papers -- if the panel wish to find it, it is bundle 10,
 23 tab V. We can perhaps bring this up on screen. It is
 24 YJB000132_001. This was practical advice given I think
 25 by the Youth Justice Board in 2016, but it seems to

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1 still be live, about lone working. If one goes over the
 2 page to internal page 2, one can see that the policy
 3 position effectively of the YJB is that occasions when
 4 one member of staff is left to directly supervise or
 5 work with a group of two or more young people for any
 6 period of time to be kept to an absolute minimum because
 7 it seems to go on to recognise that the practice of lone
 8 working is one that can pose risks to young people and
 9 staff alike.
 10 It's set out provisions here for essentially a risk
 11 assessment to be carried out, occasions of lone working
 12 to be reported to the local safeguarding manager, and so
 13 on.
 14 This was the position in secure training centres.
 15 Can you help with what the position is as far as secure
 16 training centres are concerned now? Is this guidance
 17 followed in STCs?
 18 MR SAVAGE: The reason for this guidance was less about
 19 concerns of individual staff working with individual
 20 young people and that particular situation. What we'd
 21 experienced were situations where a member of staff was
 22 left alone with a group of young people and there was an
 23 incident and the member of staff on their own couldn't
 24 deal with that incident, and what we wanted to get
 25 across to secure training centres is that situations

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1 where you're leaving groups of young people with
 2 a single member of staff should be infrequent and they
 3 should be carefully risk assessed. That's still the
 4 position now.
 5 There will be occasions where a member of staff is
 6 left alone with a group of young people. There are
 7 groups of young people who are extremely well behaved
 8 and highly trusted in a secure estate and staff who have
 9 very good relationships with them. There may be small
 10 periods of time where that's appropriate. This is less
 11 focused on a situation where one member of staff and one
 12 young person are working together. It is more about
 13 supervision of groups.
 14 MS HILL: I see. So it is more about the security of
 15 the staff member with a group of children --
 16 MR SAVAGE: And for -- sorry.
 17 MS HILL: -- than it is about the children's security?
 18 MR SAVAGE: And for the children that they are supervising.
 19 MS HILL: But in principle, I suppose, the issue that we
 20 have identified is that if there is a member of staff
 21 working alone, even if one child, that potentially is
 22 a risk factor for sexual abuse.
 23 MR SAVAGE: Yes.
 24 MS HILL: So what is the process to reduce, if there is
 25 a process, the opportunities for staff to work alone

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1 within these establishments?
 2 MR SAVAGE: I mean, there is a balance to be struck around
 3 staff working alone with young people, because we have
 4 a number of situations where it's appropriate -- so
 5 psychologists, interventions officers, key workers,
 6 healthcare professionals, tutors, teachers. There are
 7 a number of occasions where staff and young people will
 8 engage in one-to-one work. The position we look for is
 9 that that is a risky moment for the young person and for
 10 the staff member, and that needs to take place in an
 11 appropriate setting, where, while we are looking for
 12 privacy, so for people to be out of earshot, there are
 13 other members of staff on hand to respond if the young
 14 person or the staff member alerts them.
 15 There is a balance to be struck. We want children
 16 to have a situation where they can talk confidentially
 17 to trusted adults and can do individual work with
 18 professionals, but there are safe systems of working in
 19 different establishments to give instructions to staff
 20 around the appropriate places for that to take place.
 21 So, for example, individual members of staff would
 22 not do one-to-one work with a young person in their
 23 room. That would simply not be appropriate, and there
 24 is instructions to staff about when they should enter
 25 rooms on their own and when they shouldn't. But in

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<p>1 meeting rooms, in education spaces, it is not something 2 that we would rule out. 3 MS HILL: Can I ask you to look, by way of comparison, at 4 a secure children's home policy on this, please, the 5 Aycliffe policy. It is at DUC000461_001. That's from 6 the Aycliffe Secure Children's Home. It's their 7 supervision and physical contact policy; all right? But 8 it includes within it, if you go over the page to the 9 second page, please, I think the fourth paragraph down: 10 "Staff must not spend time in a one-to-one situation 11 with young people out of view and earshot from the rest 12 of the staff team. In situations where they require 13 a level of privacy, such as engaging in specific 14 programmed work or where a young person is distressed, 15 colleagues should make regular checks upon the 16 interaction to ensure the safety of both the young 17 person and the member of staff involved." 18 So that's just how one SCH's local policy deals with 19 this. How much is that principle replicated, to the 20 best of your understanding, in STCs or YOIs? 21 MR SAVAGE: It's broadly the same. The principle of not 22 being out of sight or out of earshot, and being 23 regularly checked on. 24 MS HILL: Can you help us with where we might find that 25 written down? I'm sorry if we should know that. But</p> <p style="text-align: center;">Page 41</p>	<p>1 paragraph 20 of your witness statement -- perhaps we can 2 bring this up, HMP000398_007 -- that body-worn cameras 3 are now widespread in YOIs and STCs and are routinely 4 used in reviewing incidents. The YCS has carried out 5 a programme of works by the YJB to make physical 6 improvements to the youth estate, including spending 7 approximately 1.4 million on projects, including, at 8 certain sites, extending CCTV coverage to reduce blind 9 spots and providing some in-cell telephone that we will 10 come to. Projects planned for the next year include 11 tracking systems to log staff observations about risk to 12 children during the night-time and improving the length 13 of time CCTV images can be retained to aid retrospective 14 investigations. The expansion of CCTVs provides 15 a valuable safeguarding tool. 16 You have undertaken significant investment to reduce 17 the number of areas that cannot be viewed. The quality 18 of the images captured, the length of time they can be 19 retained has increased. You go on I think to finally 20 say at 22 that the use of it has become routine, it is 21 a regular feature of the meetings that review restraint. 22 Everybody is aware of the presence of the CCTV. It is 23 used to learn as well as capture possible wrongdoing and 24 the monitoring staff in the STCs have access to all CCTV 25 screens from a screen in their office.</p> <p style="text-align: center;">Page 43</p>
<p>1 can you tell us where that would be written down? 2 MR SAVAGE: I may have to take an action to come back to you 3 on that. 4 MS HILL: But you think somewhere there is -- you are 5 telling us that there is some guidance of a similar 6 nature, do you think, to that? 7 MR SAVAGE: In safe systems of work within our 8 establishments, yes. 9 MS HILL: So it is more, I suppose, the source of it, then, 10 is in the systems of work for the staff? 11 MR SAVAGE: Yes. 12 MS HILL: It is a provision, therefore, about them not 13 working on their own with children, but I think what you 14 are perhaps saying is that the knock-on effect of that 15 is, from the child's perspective, the opportunities to 16 be on their own with a staff member are also less. 17 MR SAVAGE: Yes, and I think this is an instruction document 18 for staff as well. 19 MS HILL: I would like to move on to some questions about 20 CCTV and body-worn cameras, about which we have heard 21 some evidence already. 22 You, Mr Savage, I think, have explained in your 23 witness statement that CCTV use is now routine and its 24 provision is being extended so that blind spots are 25 reduced. You have made the point, I think, at</p> <p style="text-align: center;">Page 42</p>	<p>1 Is the YCS moving to, or has it reached, a point at 2 which CCTV now covers all public areas in all of 3 the child custody establishments? 4 MR SAVAGE: I don't have a kind of an estate audit which 5 would be able to give me an accurate "Here is the 6 percentage coverage across the estate". What I do know 7 is that -- so the YJB and now the YCS have been running 8 a safeguarding capital programme for a number of years 9 now, inviting bids for establishments focused around 10 a number of key areas that we have pointed them to, 11 including CCTV, and we have invested heavily in those 12 areas and the establishments have picked out the areas 13 to focus on first. 14 Its potential, there are still some areas that need 15 to be dealt with. I couldn't give you a kind of 16 percentage. We are 80/90 per cent of the way there. 17 MS HILL: You could or couldn't? 18 MR SAVAGE: Couldn't. 19 MS HILL: Is it fair to say that the majority of custodial 20 institutions now have CCTV in all their public 21 operations? Do you think it is a majority now? 22 MR SAVAGE: I think most areas. 23 MS HILL: Most. 24 MR SAVAGE: I don't want to give the impression that the 25 programme is finished and there are no other areas to</p> <p style="text-align: center;">Page 44</p>

<p>1 capture or there are no areas that aren't on camera. 2 I also think there is a balance between the degree to 3 which we become over-reliant on CCTV and also that we 4 create an overly oppressive surveillance environment as 5 well. But we have invested in the areas that 6 establishments think are key. So places like stairwells 7 and some of the external areas, establishments know 8 which are the particular areas that are problematic for 9 them, and young people know where the areas are that 10 can't be covered and we have been working around 11 addressing those. 12 MS HILL: I think at Medway the kitchen was an area where 13 there was no CCTV and that was perhaps exploited by 14 those who knew that? 15 MR SAVAGE: Yes. 16 MS HILL: Is the direction of travel to continue to increase 17 CCTV provision for these blind spots or these risk 18 areas? 19 MR SAVAGE: Yes. 20 MS HILL: You have mentioned the fact that there is 21 a balance to be drawn. One of the themes that the REA 22 pulled out was that sometimes there is an over-reliance 23 on CCTV in investigations, and in fact Ms Willow gave 24 evidence yesterday that in her view, if there is no CCTV 25 of an incident, or no staff member corroborating</p> <p style="text-align: center;">Page 45</p>	<p>1 she's finding is that our record keeping and capturing 2 the narrative around how an investigation was conducted 3 needs to be better, and that actually the practice by 4 operational managers is that young people are 5 interviewed -- or witnesses are interviewed, staff are 6 interviewed, CCTV footage is also looked at, but in 7 terms of the overall decision-making and how we reach 8 the conclusion, that we are not necessarily articulating 9 it as clearly as we should. I think there is a piece of 10 work for us to do to make sure we clearly explain how we 11 have come to the conclusions we have come to, and 12 I think your rapid evidence assessment points to a clear 13 example of that, where they look like there are 14 situations where the only thing looked at was CCTV. 15 I think we are finding examples where that appears to be 16 the case as well, but when we dig underneath it, there 17 is more there, and until we are better at recording, 18 then it's hard to fully grasp that issue. 19 MS HILL: As I am sure you both know, this inquiry will 20 spend three days next week looking in detail at a series 21 of, I think, over 70 allegations of sexual abuse and how 22 they have been investigated by six different 23 institutions, and, as you know, I think, as I am sure 24 you have been told, the independent expert instructed by 25 the inquiry has gone through all of those allegations</p> <p style="text-align: center;">Page 47</p>
<p>1 a child's account of an incident, her perception is that 2 the child has very limited prospects of being believed. 3 So while also improving and increasing the provision of 4 CCTV, what steps are being taken to reduce the risk that 5 in investigations there is too much reliance on it? Do 6 you see what I'm asking you? 7 MR SAVAGE: I do, yes. So we have our own safeguarding 8 review under way, looking at a number of issues around 9 the estate. While it hasn't fully reported yet, there 10 are some kind of emerging findings that the person 11 needing that review is able to give me that are relevant 12 to this discussion. 13 MS HILL: Forgive me, when you say it is a safeguarding 14 review, is that a YCS safeguarding review? 15 MR SAVAGE: Yes. 16 MS HILL: Who is carrying that out? 17 MR SAVAGE: We have an operational manager with 18 a safeguarding background called Sonia Brooks who is 19 conducting that review for us. 20 MS HILL: When will that be finished? 21 MR SAVAGE: By the end of the financial year. 22 MS HILL: So April next year? 23 MR SAVAGE: April next year. 24 MS HILL: Carry on. What are her emerging findings on CCTV? 25 MR SAVAGE: I have discussed this point with her. What</p> <p style="text-align: center;">Page 46</p>	<p>1 and reviewed them. 2 Can we be confident that the inquiry's analysis of 3 that will be provided to Ms Brooks and that she will 4 incorporate that in her review? It seems a very similar 5 task to what we're doing. 6 MR SAVAGE: It does. I think there are a range of more kind 7 of practical steps that Sonia can do for us. She is 8 absolutely availed of all the material that you have 9 produced. 10 MS HILL: I see. Certainly next week Mr Wood will be giving 11 evidence about themes he's identified in how allegations 12 were responded to, including -- I will come to you, 13 Ms Robinson -- whether there has been too much reliance 14 on CCTV or not. So it does seem to be quite pertinent 15 to this work, if I may say. 16 MR SAVAGE: Absolutely. 17 MS ROBINSON: If it assists, I commissioned the piece of 18 work that Sonia Brooks is undertaking to dovetail with 19 the inquiry. Part of that is because we recognise 20 there's a huge amount of evidence that's been produced 21 through rapid evidence and the witnesses, but also we 22 need to be satisfied that we have all our procedures 23 that are not covered by that collated together. So the 24 terms of reference is to talk to external -- it is root 25 and branch, right from grass roots, are we conducting</p> <p style="text-align: center;">Page 48</p>

<p>1 section 11, you know, are we meeting the standards of</p> <p>2 our section 11 to what are the relationships with</p> <p>3 safeguarding boards and all our partners, and the two</p> <p>4 will definitely come together.</p> <p>5 MS HILL: So this is a generic safeguarding review around</p> <p>6 safeguarding of children in the custodial estate.</p> <p>7 MS ROBINSON: Which will look at child abuse, sexual abuse</p> <p>8 as well as others.</p> <p>9 MS HILL: As part of it?</p> <p>10 MS ROBINSON: Yes, and it was also to ensure, because the</p> <p>11 function had transferred from the YJB to the YCS,</p> <p>12 I wanted to make sure that that function had been</p> <p>13 transferred appropriately and that we have all the</p> <p>14 assurance mechanisms in place and also to build on our</p> <p>15 view around continuous improvement. We don't just want</p> <p>16 to have what it was before, we want to be building on</p> <p>17 that.</p> <p>18 MS HILL: I'm sure you're sighted on the fact that, putting</p> <p>19 it broadly, the independent expert is pretty critical of</p> <p>20 each of the institutions --</p> <p>21 MS ROBINSON: Yes.</p> <p>22 MS HILL: -- and in each of the institutions identifies</p> <p>23 a range of concerns around the voice of the child,</p> <p>24 around the involvement of Social Services, around the</p> <p>25 quality of the investigation, and there is a very</p> <p style="text-align: center;">Page 49</p>	<p>1 too far in terms of privacy for children.</p> <p>2 They have proved -- they are relatively new to us.</p> <p>3 They are in the YOIs, the STCs and one secure children's</p> <p>4 home. We are kind of learning from their use, but they</p> <p>5 do provide some additional footage for particular</p> <p>6 incidents which can be useful.</p> <p>7 MS HILL: Ms Robinson I think has said in her statement that</p> <p>8 the refusal to wear or activate a body-worn camera would</p> <p>9 be addressed as a performance issue. So does that mean</p> <p>10 that there are certain circumstances where the wearing</p> <p>11 of a body-worn camera or the activating of it is already</p> <p>12 mandatory?</p> <p>13 MR SAVAGE: There are certain positions within the</p> <p>14 establishment where the government would instruct</p> <p>15 a staff member that they would want them to wear</p> <p>16 the body-worn camera. The cameras are not mandatory,</p> <p>17 but staff are being asked to wear them and numbers are</p> <p>18 being drawn and they are being allocated around and they</p> <p>19 are being used.</p> <p>20 MS HILL: How is it decided which members of staff or which</p> <p>21 positions wear the body-worn camera? What's the</p> <p>22 criteria for being directed to do that?</p> <p>23 MR SAVAGE: There are some key areas within the sites,</p> <p>24 within care and separation units, management are looking</p> <p>25 to have cameras in certain -- to have cameras on each of</p> <p style="text-align: center;">Page 51</p>
<p>1 granular analysis across each of the six institutions to</p> <p>2 varying degrees.</p> <p>3 MS ROBINSON: Over the last ten years, yes, I am aware of</p> <p>4 that.</p> <p>5 MS HILL: A short point, I think, Mr Taylor -- you can</p> <p>6 perhaps just confirm -- has given some evidence about</p> <p>7 how long CCTV is retained. I think he's talked about it</p> <p>8 being retained, if it is to do with the child protection</p> <p>9 referral, for ten years or until the staff member</p> <p>10 retires; is that right?</p> <p>11 MR SAVAGE: Yes.</p> <p>12 MS HILL: Just a related topic, please, if I may, Mr Savage,</p> <p>13 of body-worn cameras. I think, is this fair, that</p> <p>14 broadly they raise a similar tension between having</p> <p>15 a record of something that's happened but also keeping</p> <p>16 some element of real life or privacy around people's</p> <p>17 interactions? They raise similar tensions, do they, to</p> <p>18 CCTV?</p> <p>19 MR SAVAGE: They do. The point of body-worn cameras is they</p> <p>20 are not on from the moment a staff member starts to the</p> <p>21 moment they leave. They are turned on at key moments,</p> <p>22 and the staff member should be alerting children that</p> <p>23 they are turning them on. I think there would be</p> <p>24 a question for us around having constant audio and video</p> <p>25 on every member of staff at all times. It's just a step</p> <p style="text-align: center;">Page 50</p>	<p>1 the live-in units and certain areas within education, so</p> <p>2 they are looking to get a good spread across the site</p> <p>3 without reaching a point where every member of staff has</p> <p>4 a camera on them at all times.</p> <p>5 MS HILL: When a member of staff tells a child that he or</p> <p>6 she is turning on the body-worn camera, what's the sort</p> <p>7 of situation that would normally prompt that?</p> <p>8 MR SAVAGE: Normally, we're looking at situations where</p> <p>9 there's an escalation in tension, where it looks like</p> <p>10 there might be a violent incident, and they are</p> <p>11 concerned, if it does escalate, they need to have</p> <p>12 a record of that.</p> <p>13 MS HILL: So for practical purposes, in the context of child</p> <p>14 sexual abuse, say, if there was a scenario where</p> <p>15 a member of staff was intent on sexually abusing</p> <p>16 a child, I know it is hard to try to imagine that, but</p> <p>17 we do have to, is the presence of body-worn cameras</p> <p>18 perhaps not terribly effective, because the member of</p> <p>19 staff will simply choose not to turn it on?</p> <p>20 MR SAVAGE: I think what we recognise is that situations,</p> <p>21 for example, restraint, they are a key moment of</p> <p>22 vulnerability for children. A number of the allegations</p> <p>23 that come out around inappropriate staff behaviour and</p> <p>24 conduct relate to the use of restraint. Often</p> <p>25 restraints can end up moving from one area to another</p> <p style="text-align: center;">Page 52</p>

<p>1 and us not be clear what's happened. I think it is 2 a protective factor for young people if we can have 3 confidence in those incidents, they are being well 4 managed and they are being dealt with as they should, 5 or, if there is an incident with staff behaviour during 6 that, that it is captured and dealt with. I think there 7 is a knock-on protective factor for children. 8 MS HILL: But it does appear, doesn't it, that the body-worn 9 camera switching on or off is largely in the gift of 10 the person wearing it, doesn't it? 11 MR SAVAGE: It is, yes. 12 MS HILL: I think a specific question that Howe & Co have 13 posited as a proposed reform is, should the wearing of 14 body-worn cameras by staff be mandatory on all sites? 15 MR SAVAGE: Body-worn cameras are relatively new for us and 16 we are still learning around them. I would have 17 concerns about every member of staff having a camera on 18 that's recording video and audio at all times. It feels 19 that, while these need to be part of the framework we 20 have to protect children, there is -- in effect, while 21 these children are with us, this is their home and we 22 need to maintain some level of balance around what is 23 appropriate. I think I would be cautious about going 24 that far with that step. 25 MS HILL: I think one of the witnesses earlier in the week</p> <p style="text-align: center;">Page 53</p>	<p>1 that evidence. 2 MS HILL: It is only video, not audio, though, isn't it? 3 MS ROBINSON: It is video only. 4 MS HILL: That will remain the case, will it? 5 MS ROBINSON: That will remain the case. I think Peter has 6 given evidence to say that, where we see opportunities 7 to extend CCTV footage, it would be the visual only at 8 this point. In terms of the body-worn cameras, we are 9 looking at it, but it's being looked at wider than the 10 YCS. This is part of HMPPS policy. As Peter said, it 11 is very early days at the moment. There is a lot of 12 discussion to be had, not just with our policy makers 13 but also in terms of employer relations and how we 14 develop that policy is under consideration. 15 MS HILL: Thank you. Then two further short points, please, 16 on the physical environment. I don't know who is best 17 to deal with this, perhaps you, Mr Savage -- or indeed 18 perhaps you, Ms Robinson. Mr Allars and you, 19 Ms Robinson, have given evidence about the investment in 20 shared shower areas being converted into cubicle 21 showers. Has the point been reached where all child 22 custody establishments have cubicle showers or do you 23 still have some shared shower arrangements? 24 MS ROBINSON: My understanding is that the majority are 25 cubicles but there may be some shared showers,</p> <p style="text-align: center;">Page 55</p>
<p>1 proposed that if there is to be this kind of footage, 2 and I can't remember whether it was the body-worn camera 3 or the CCTV footage, that there's a need to have it 4 monitored remotely. I think the expression that the 5 witness gave was around reducing the ability of 6 the institution to tamper with the CCTV or body-worn 7 camera footage. He was suggesting that there might be 8 some ability to monitor what is happening from 9 a different institution. Is that something that is 10 viable or realistic or under consideration? 11 MR SAVAGE: It is not something I have the technical 12 knowledge to be able to answer, I'm afraid. 13 MS HILL: Ms Robinson, I think, just finally on this topic, 14 you have explained, have you, in your witness statement 15 at paragraphs 26 to 28, that whether or not either of 16 these things, CCTV or BWC, make a difference is being 17 assessed and reviewed by YCS. Is that fair? 18 MS ROBINSON: It is, yes, that's correct. 19 MS HILL: What's your overall view about the likely 20 direction of travel with both of these initiatives? 21 MS ROBINSON: I think certainly for the CCTV footage, it's 22 been incredibly helpful as one of a number of tools we 23 use to investigate incidents and it has certainly helped 24 the central team when they are debriefing staff and 25 looking at particular restraints, that it's good to have</p> <p style="text-align: center;">Page 54</p>	<p>1 particularly around sports facilities, but we are 2 looking at those. That's the next phase. We have 3 worked our way through the rooms and the availability of 4 showers in the YOIs where they are cubicles, even though 5 they are in a block as opposed to in their room. The 6 next phase is to look at sports facilities. 7 MS HILL: Your understanding is that if there are shared 8 showers left, it is only for that context, not as an 9 everyday thing, but just when there is sport going on. 10 MS ROBINSON: It is not an everyday thing, it's sport. 11 MS HILL: Finally, the REA has raised a question over the 12 risks in terms of safeguarding that placements of 13 justice children alongside welfare children poses 14 especially if the justice child, if I can call them 15 that, has a history of sexual offending. 16 Can you address, either of you -- perhaps Mr Savage, 17 what is being done to respond to that concern? 18 MR SAVAGE: In terms of practical day-to-day work, so our 19 placement teams, when they make a placement into 20 a secure children's home, and we do use secure 21 children's homes that take both welfare and justice 22 placements, when they make a referral, they share with 23 the home the information that we have gathered from the 24 youth offending team and the home has an opportunity to 25 say to us, "Actually, we don't think this is the right</p> <p style="text-align: center;">Page 56</p>

<p>1 mix for us, can you place him somewhere else?", and 2 those discussions are regular and they happen. 3 Equally, from the welfare side, my understanding is 4 that, equally, the home has a choice as to whether to 5 take the placement. So if a welfare placement is put 6 forward and it is an inappropriate mix, then they 7 wouldn't accept the child. 8 I guess the counterpoint is also we are going to 9 have children in our establishments who pose risks to 10 each other and the establishments have processes and 11 also working practices to keep those children apart, 12 different live-in units, arrangements that can help them 13 manage that. 14 I guess the final point around welfare and justice 15 is that our understanding of the different cohorts is 16 that, actually, they are quite interchangeable on 17 occasion, and that you will find young people who have 18 a justice placement who have previously had a secure 19 welfare placement and vice versa and actually the 20 difference between the cohort perhaps isn't as stark as 21 it would seem. 22 MS HILL: Which makes sense when one knows that the 23 background of many children going into custody is of 24 having had some local authority intervention before? 25 MR SAVAGE: Absolutely.</p> <p style="text-align: center;">Page 57</p>	<p>1 (11.50 am) 2 (A short break) 3 (12.06 pm) 4 MS HILL: Thank you, chair. Ms Robinson, just a couple of 5 follow-on questions, please, if I may. Presumably, you 6 would be content, would you, to provide the terms of 7 reference for Sonia Brooks' review to the inquiry? 8 MS ROBINSON: Yes, certainly. 9 MS HILL: Just by way of background, is she a previous 10 governor from Feltham? Is it the same Sonia Brooks who 11 was a deputy governor at Feltham until 2018? 12 MS ROBINSON: That's correct. 13 MS HILL: Just one question that you may or may not be able 14 to answer -- I'm sorry you haven't had notice of this -- 15 evidence recently to the House of Commons is to the 16 effect that the UK has the lowest age of criminal 17 responsibility in Europe at just 10 years old, compared 18 to many other countries in Europe with an age of 12 or 19 15 or 16. Other than the UK and Ireland, no European 20 country has an age lower than 12. Can either of you 21 help with what the rationale for that lower age in this 22 country is, or not? 23 MS ROBINSON: My understanding is that the age of criminal 24 responsibility changed back in 1993 to 1995 in relation 25 to the James Bulger case. That's my understanding</p> <p style="text-align: center;">Page 59</p>
<p>1 MS HILL: Sorry, Ms Robinson? 2 MS ROBINSON: Just to add that it's certainly been 3 a question that's been raised by our own previous 4 minister, and when we did the research and discussed the 5 position with the children's homes, which is on an 6 ongoing basis, their view is the children are very, very 7 similar and that you may have some welfare children more 8 criminalised than some of the people who are currently 9 on a custodial sentence. So it is about the risk 10 management of each individual child and making sure that 11 they are placed according to their risks and needs. 12 That just shows the sort of similarities that we have 13 across the system. 14 MS HILL: But as far as your national picture is concerned 15 at the YCS level, you feel satisfied that this risk is 16 effectively managed at a home level? 17 MS ROBINSON: Absolutely, and through the placement service. 18 The one thing we have within the YCS is a specific 19 placement service that places the child on the basis of 20 their individual needs and the risks that they pose, and 21 the discussion and dialogue is had with the local 22 institutions taking them. 23 MS HILL: I understand, thank you. Chair, would that be 24 a convenient moment? 25 THE CHAIR: Yes, indeed. We will return at 12.05 pm.</p> <p style="text-align: center;">Page 58</p>	<p>1 around the background of how that changed. 2 MS HILL: It changed to 10, did it? 3 MS ROBINSON: It changed, it reduced -- 4 MS HILL: From ...? 5 MS ROBINSON: I think it reduced from 12 to 10. But I think 6 that's the background to the decision that was taken at 7 the time by the Secretary of State. I would need to get 8 you the correct -- 9 MS HILL: Maybe we can look at it as well. I would like to 10 move now to our issue 7.4. I'm trying to take you 11 through these issues as best I can. This is the general 12 issue of safety. I think, Ms Robinson, you have heard 13 the statistics already from the HMIP report that the 14 most recent review was to the effect that the safety in 15 establishments was dire, a staggering decline in safety, 16 the Youth Custody Improvement Board report that I have 17 quoted made observations about the youth estate being on 18 the edge of coping, and the Ofsted annual report last 19 year, 2017, raised serious concerns about the safety of 20 children in STCs. As you know, the REA has quoted 21 increased reports from children in YOIs of feeling 22 unsafe. 23 I would just like to bring up two further documents 24 on this, please. First of all, MoJ statistics, 25 INQ001631, please. Do we see in this narrative that</p> <p style="text-align: center;">Page 60</p>

<p>1 although this is not about the youth custody estate in 2 particular, I think this is a general summary of 3 evidence of assaults and self-harm and deaths in 4 custody, that, in the middle part of this page: 5 "Assaults and serious assaults continue to rise, 6 reaching record highs. Prisoner-on-prisoner assaults 7 continue to rise, reaching record highs. And assaults 8 on staff continue to rise, reaching record highs." 9 Is that right? 10 MS ROBINSON: That's correct, from that statement, yes. 11 MS HILL: Perhaps if one just scrolls through to internal 12 page 5, please, one can see a chart there showing the 13 rolling rate of total assaults by gender? Is that 14 right? One can see that trend across the years. Then 15 if one looks perhaps at internal page 6, one can see the 16 rolling rate of prisoner-on-prisoner assaults and 17 assaults on staff. Then finally at internal page 7, one 18 sees a rolling rate of total serious assaults, I think 19 is the categorisation there, and one can see, by looking 20 at those charts, that the increase is mapped perhaps 21 quite graphically in that documentation. Is that right? 22 MS ROBINSON: That's correct, yes. 23 MS HILL: Then, please, if we can pull up the sexual assault 24 statistics at INQ001180_001. We have got a slightly 25 different representation of figures. This is across the</p> <p style="text-align: center;">Page 61</p>	<p>1 estate, that it must be seen in a wider context of 2 safety, that if there is a situation where children are 3 at risk of physical assaults or are unsafe in a physical 4 abuse sense, that sexual abuse is to be seen in that 5 context? 6 MS ROBINSON: It should be seen in that context, but it 7 wasn't necessarily something that was identified 8 specifically from the concerns that were raised. They 9 were looking more at levels of violence and self-harm 10 and the responses to that. 11 MS HILL: Allowing for the fact that the most recent report 12 evidences some improvement, the last couple of years 13 have evidenced very serious wider safety concerns for 14 children, haven't they? 15 MS ROBINSON: There's definitely been considerable concern 16 within the YOIs and the STCs that was highlighted in 17 2016 and 2017, that's correct. 18 MS HILL: Is it likely that the sort of reasons that have 19 led to that -- what's been described as the "staggering 20 decline in safety" -- the sort of factors that have led 21 to that are also pertinent to sexual abuse? 22 MS ROBINSON: That's correct, yes. 23 MS HILL: A proposal has been made by Howe & Co that the 24 HMIP recommendation in respect of YOI Feltham be 25 implemented: what is needed are meaningful care plans</p> <p style="text-align: center;">Page 63</p>
<p>1 estate. This is sexual assault incidents by 2 assailant/victim type and calendar year from 2000 to 3 2016, so it is not quite as up to date. If one looks 4 across the top, "All establishments", one sees the 5 numbers I think all in the 100s until 2013. Then 228 in 6 2014, 300 in 2015 and 345 in 2016. Is that right? 7 MS ROBINSON: From the evidence here, yes. 8 MS HILL: These are statistics, I think, that suggest not 9 only a general increase in assault type incidents, but 10 on these figures an increase in sexual assault incidents 11 in the estate up to 2016; is that right? 12 MS ROBINSON: For the adult estate, this is. 13 MS HILL: Yes, but that's the pattern one sees on the adult 14 figures here, an increase from 170 in 2013 to 345 in 15 2016. 16 I think, as far as the youth estate is concerned, 17 you would have to accept, though, would you, that those 18 findings by HMIP, the Youth Custody Improvement Board 19 and Ofsted are a matter of very serious concern? 20 MS ROBINSON: They were certainly of serious concern last 21 year in 2017, yes, but there has been a subsequent 22 report that was published this week that shows that 23 there are signs of improvement which I can comment upon. 24 MS HILL: Would you agree that when this inquiry is looking 25 at the sexual abuse of children in the youth custody</p> <p style="text-align: center;">Page 62</p>	<p>1 for the victims of bullying and violence. Is it your 2 view that care plans should be included in national 3 guidance on child protection in custody? 4 MS ROBINSON: Care plans will be and are included. The 5 custody support plan is part of the rollout we are 6 undertaking currently across the YCS. 7 MS HILL: I see. Can I move now to the general issue of 8 resourcing. You have been drawn, I think, to the REA 9 evidence. Perhaps we can just bring up section 6.2.3 of 10 the REA. So it is SOL000245_001. Let me just get you 11 the internal page reference. Bear with me a second. It 12 is _071, please. 13 The section in the REA that deals with resourcing 14 cites evidence from a range of sources, including the 15 YJB itself, that "limited resources and low 16 staff-to-child ratios in YOIs" -- the first paragraph of 17 that section -- "have made it difficult for staff to 18 provide for the needs of detained children". It is 19 right to recognise, isn't it, that others have suggested 20 this link between resources going down and safety going 21 down, putting it broadly, that others have made that 22 link? 23 MS ROBINSON: Certainly staffing has had an impact on an 24 ability to run a qualitative regime, but resources have 25 been invested in the Youth Custody Service in the last</p> <p style="text-align: center;">Page 64</p>

<p>1 year, and I can talk about that.</p> <p>2 MS HILL: Just taking it in stages, does the Youth Custody</p> <p>3 Service therefore accept that there may have been a link</p> <p>4 in reduced resources and reduced staffing and the safety</p> <p>5 figures?</p> <p>6 MS ROBINSON: It's the availability of staff. Yes, there is</p> <p>7 a link between the availability of staff on the ground</p> <p>8 and the ability to run a safe regime, yes.</p> <p>9 MS HILL: Your understanding is one of the causes for those</p> <p>10 shocking safety figures we looked at might be issues</p> <p>11 around staffing over the last few years?</p> <p>12 MS ROBINSON: I think it is about the numbers, but there is</p> <p>13 also, what are they doing with young people? So there</p> <p>14 is a quality aspect. Numbers is one part of</p> <p>15 the solution, but it is the skills and the quality of</p> <p>16 the people working with children that also provide the</p> <p>17 second part of the answer.</p> <p>18 MS HILL: But at a national level, you would accept that</p> <p>19 those safety figures make for very difficult reading?</p> <p>20 MS ROBINSON: They make for difficult reading, but it was</p> <p>21 not just about staffing levels. There were lots of</p> <p>22 different factors that have contributed to safety across</p> <p>23 the estate, including the concentration of highly</p> <p>24 complex, high-needs young people with very violent -- or</p> <p>25 risk of harm to others, very high proportions of</p> <p style="text-align: center;">Page 65</p>	<p>1 figures. What would you understand is the staff ratio</p> <p>2 now in a YOI?</p> <p>3 MS ROBINSON: We are moving to 1:10. It had increased to</p> <p>4 1:12 in a YOI. So we are moving back to the 1:10 ratio.</p> <p>5 With the STCs, I think it is 1:8.</p> <p>6 MS HILL: Mr Savage can help maybe?</p> <p>7 MR SAVAGE: The thing to be careful with with staffing</p> <p>8 ratios is that the figures that are being indicated here</p> <p>9 are custody staff assigned to work on a unit with young</p> <p>10 people, not the entire number of staff in an</p> <p>11 establishment.</p> <p>12 MS HILL: No, of course, but this is on the wing, for</p> <p>13 example, on an evening.</p> <p>14 MR SAVAGE: Within secure training centres, there are</p> <p>15 different units for different numbers of young people on</p> <p>16 just the design of the buildings. So it varies</p> <p>17 depending on the size of the unit. A unit with 8 young</p> <p>18 people will generally have 3 staff on it. A unit with 5</p> <p>19 young people will generally have 2 staff on it. The</p> <p>20 secure children's home ratios, the kind of 6:8, I don't</p> <p>21 think we are talking about a unit of 8 having 6 staff</p> <p>22 assigned to it. I think those have been taken from what</p> <p>23 the total availability of staff is.</p> <p>24 MS HILL: But on a YOI, I think what you are saying is the</p> <p>25 figure has gone up since the 2013 statistic and you are</p> <p style="text-align: center;">Page 67</p>
<p>1 children where there is risk of harm to others. So it</p> <p>2 is the ability to manage them effectively, both in terms</p> <p>3 of the numbers and the quality of interventions and the</p> <p>4 quality of staff that are available.</p> <p>5 MS HILL: Would you agree that the recent attempts to</p> <p>6 increase staffing levels, which I think you will come to</p> <p>7 talk about, suggest an acceptance that staffing levels</p> <p>8 had gone too low?</p> <p>9 MS ROBINSON: That is accepted, particularly within the</p> <p>10 YOIs. The ratio of staff to young people was quite</p> <p>11 disproportionate across the three sectors, and we have</p> <p>12 looked at the numbers of custodial officers available</p> <p>13 within the YOIs. It's also important to say it is not</p> <p>14 just custodial officers that are available on site.</p> <p>15 There are a multitude of other members of staff from</p> <p>16 different sectors available to support and manage</p> <p>17 children on site.</p> <p>18 MS HILL: So when we looked at the REA that had an</p> <p>19 understanding when it was published that the ratio of</p> <p>20 staff to children -- perhaps we can bring this up,</p> <p>21 SOL000245_032. Scan in, please, on the</p> <p>22 staff-to-offender ratio section of this chart. This</p> <p>23 understood that the ratio in a YOI was 1:10, that in an</p> <p>24 STC it was somewhere between 2:5 and 3:8, and in an SCH</p> <p>25 somewhere between 1:2 and 6:8. That was based on 2013</p> <p style="text-align: center;">Page 66</p>	<p>1 trying to bring it back down to 1:10?</p> <p>2 MS ROBINSON: That's correct, yes.</p> <p>3 MS HILL: Is there any policy requirement, as there is, we</p> <p>4 know from other documents, in a secure children's home,</p> <p>5 to ensure a YOI or an STC is paid enough to make sure</p> <p>6 its children are kept safe? We understand there is</p> <p>7 a particular requirement around that in an SCH but is</p> <p>8 there a similar requirement in a YOI or STC?</p> <p>9 MR SAVAGE: I think there's kind of a useful point around</p> <p>10 resourcing which perhaps -- there are two separate</p> <p>11 things. We have challenges in YOIs and STCs in terms of</p> <p>12 recruitment, in terms of filling the vacancies we had.</p> <p>13 We hadn't driven to that point by cutting the amount of</p> <p>14 funding available. The funding for those posts was</p> <p>15 still available. We were finding it difficult to fill</p> <p>16 the posts that we had established funding for.</p> <p>17 So the reduction in expenditure on youth custody</p> <p>18 over the last decade has been a factor of reducing the</p> <p>19 number of young people in custody, not reducing the</p> <p>20 amount that is being spent per place, which actually in</p> <p>21 average terms has gone up. The funding was there</p> <p>22 available for staffing. We had some significant</p> <p>23 challenges recruiting into those vacancies and</p> <p>24 establishments were operating with a higher level of</p> <p>25 vacancies than we would have wanted.</p> <p style="text-align: center;">Page 68</p>

<p>1 MS HILL: Why do you think that was? Why couldn't you get 2 the staff? 3 MR SAVAGE: It is an interesting question, one that has 4 vexed us for some time. I think there is a question 5 around pay in certain parts of the country, which has 6 been addressed. In the south-east it is difficult to 7 recruit, and that's been dealt with. 8 MS HILL: So improved pay conditions; is that right? 9 MR SAVAGE: Improved pay, yes. I think there is also 10 something around how we make it clear to staff that this 11 is an environment working with children, challenging and 12 rewarding children, and they understand where they are 13 coming to work and what they are there to do and that we 14 give them the opportunity to do work they feel is 15 rewarding. What we have seen in some cases is, as we 16 have increased stability, even without increased pay, 17 staff want to work with young people, and when the 18 environment is difficult and challenging and they can't 19 do that good-quality work, then retention rates get much 20 worse. 21 So I think you develop something of a vicious cycle 22 where it becomes a very challenging environment and 23 staff don't want to be there, you have higher vacancies, 24 you have a more challenging environment. Equally, there 25 is the question of, as the cohort changed and as the</p> <p style="text-align: center;">Page 69</p>	<p>1 which impacted on our ability to manage risk. The 2 culture we have in many of our prisons will take years 3 to recover and this will be through the dedication of 4 operationally competent, resilient, stable and 5 adequately resourced senior management teams who are 6 left alone to lead. Governors need to be equipped with 7 policy that is operationally sound, deliverable and 8 which makes a difference." 9 At the top of that press release, they have talked 10 about: 11 "Constant interference from ministers with little or 12 no knowledge of the complexities of prisons leave our 13 service in a disastrously worse state than they found 14 it. We have had the highest statistics of self-harm, 15 suicide and violence ever seen. We remain of the view 16 that a split of policy and operations is not a sound 17 response to the crisis." 18 So certainly they do seem to posit a closer link 19 between resources having been cut and the austerity 20 measures and the safety issues, don't they? 21 MR SAVAGE: They do. I think this is a statement around the 22 adult estate. Clearly, some of the factors that have 23 impacted on the adult estate have also impacted on the 24 youth estate, but they are quite distinct estates. 25 During, for example, the periods that the PGA are</p> <p style="text-align: center;">Page 71</p>
<p>1 2,000 children who were there went and the 1,000 were 2 remaining, those are very challenging and complex young 3 people, and whether the staff felt that they were able 4 to work with that group without the investment we're 5 making now, it is a question. 6 I think there have been a range of things to try and 7 improve that situation, but it wasn't driven by us 8 saying, "We want to reduce the numbers of staff by 9 X per cent to cut the budget". We had the money to pay 10 the staff; we couldn't recruit them in the numbers we 11 wanted. 12 MS HILL: INQ001493, which is the Prison Governors' 13 Association document we looked at earlier. I think it 14 is fair to say, if you look in the second paragraph of 15 this, that they perhaps have a different perspective, 16 which is this -- the heading of the press release is 17 "Our prisons: things must change". But they say this: 18 "The financial cuts have crippled the service to 19 such an extent that it is naive to think 2,500 new 20 prison officers, while helpful, is the answer to our 21 woes. It is not. We lost 7,000 operationally 22 experienced prison officers due to the austerity 23 measures and to regain that knowledge and confidence 24 will not happen overnight. We lost 300 governor grades 25 from senior management teams during the same period</p> <p style="text-align: center;">Page 70</p>	<p>1 referring to, the funding for the youth estate sat with 2 the YJB and was managed separately. Clearly, they have 3 some concerns that, absolutely, whilst applying to the 4 adult estate, elements of that would equally apply to 5 the youth custody estate. I take that entirely. 6 MS HILL: Can I bring up INQ001554, please. Just the 7 headline alone perhaps of this. This is the Prison 8 Officers' Association, not the Prison Governors' 9 Association. I think that's a picture of Mr Gillan whom 10 we read evidence from earlier this week. The headline 11 alone is that their position is: 12 "The government's austerity measures have left our 13 prisons in meltdown." 14 They certainly seem to posit a closer link between 15 austerity measures and safety, perhaps, than you're 16 saying would apply in the youth custody estate; is that 17 right? 18 MR SAVAGE: I think there is a nuanced difference between 19 some of these points around the adult estate and the 20 youth estate, which we can bear through in terms of the 21 published figures, in terms of expenditure, which, as 22 I say, even in the YOIs has gone up, and across the 23 board, as an average, has gone up per place. 24 MS HILL: But, I mean, just -- 25 MR SAVAGE: The savings we've made are on --</p> <p style="text-align: center;">Page 72</p>

<p>1 MS HILL: Sorry, carry on.</p> <p>2 MR SAVAGE: I was just going to repeat the point that we</p> <p>3 have been able to make significant savings during the</p> <p>4 time of austerity because of the numbers who have</p> <p>5 remained out of custody, and we have been very fortunate</p> <p>6 that while the adult numbers have been rising, ours have</p> <p>7 been falling and it has allowed us to operate in</p> <p>8 a slightly different context.</p> <p>9 MS HILL: The findings that I began this area of questioning</p> <p>10 with about Her Majesty's Inspector talking about there</p> <p>11 not being a single institution that was safe for</p> <p>12 children, the Youth Custody Improvement Board and the</p> <p>13 Ofsted Report, they are all about the youth custody</p> <p>14 estate not being safe, aren't they, not just the adult</p> <p>15 estate?</p> <p>16 MR SAVAGE: Yes.</p> <p>17 MS HILL: The figures are about children saying "I don't</p> <p>18 feel safe" and those figures going up, aren't they?</p> <p>19 MR SAVAGE: Yes. I think in terms of exploring how we reach</p> <p>20 that point, all I really wanted to do was divide the</p> <p>21 discussion between the staffing challenges we have had</p> <p>22 and the resourcing challenges. We have had significant</p> <p>23 staffing challenges. They have not necessarily been</p> <p>24 driven by a cut in the available funding. That was</p> <p>25 really the point I was trying to highlight.</p> <p style="text-align: center;">Page 73</p>	<p>1 to 46 per cent in 2015/16.</p> <p>2 If you can scroll in, please, to the top paragraph</p> <p>3 on that page, the narrative quotes research to say that</p> <p>4 that proportion of children feeling unsafe, 46 per cent,</p> <p>5 was the highest ever recorded. So, in a sense, whether</p> <p>6 it is caused by resources or caused by something else,</p> <p>7 the lived experience of those children is not one of</p> <p>8 safety, is it?</p> <p>9 MS ROBINSON: Not all of them, no. Some of them, but not</p> <p>10 all of them.</p> <p>11 MS HILL: Not the 46 per cent. It is likely this inquiry</p> <p>12 needs to look at the risk of sexual abuse to those</p> <p>13 children in a context where 46 per cent of those boys do</p> <p>14 not generally feel safe. Is that fair?</p> <p>15 MS ROBINSON: That's fair, yes.</p> <p>16 MS HILL: Is there anything else that you wish to say about</p> <p>17 the resourcing and the staff ratios issue that you don't</p> <p>18 think I've covered?</p> <p>19 MS ROBINSON: I think the resourcing and staff issues are</p> <p>20 not just about the custodial officers that are</p> <p>21 available. We have also got an investment from</p> <p>22 NHS England in relation to the psychological</p> <p>23 interventions and support for staff on the units and for</p> <p>24 children. So I think we need to be looking at the mix</p> <p>25 of staff that we have available and not just be looking</p> <p style="text-align: center;">Page 75</p>
<p>1 MS ROBINSON: If I can add, one of the major impacts on</p> <p>2 safety within the estate is the change in cohort. As</p> <p>3 I said earlier on, it's not just about the numbers, it's</p> <p>4 the skills and competencies of the staff to meet the</p> <p>5 changing needs of the young people within the system.</p> <p>6 And the workforce reforms, which are a cornerstone of</p> <p>7 the youth justice or youth custody reform programme,</p> <p>8 whilst it aligns with what's happening in the wider</p> <p>9 HMPPS agenda, it is very distinct. The way we are</p> <p>10 developing our operations is distinct from the wider</p> <p>11 HMPPS concerns in terms of the quality and the job</p> <p>12 descriptions and the training and even the recruitment.</p> <p>13 So I think, whilst we absolutely recognise that there</p> <p>14 have been challenges to wider NOMS and HMPPS over the</p> <p>15 years, we have tried to work very distinctly with the</p> <p>16 youth system, whether it was through the YJB or now</p> <p>17 through the YCS, which has its own directorate within</p> <p>18 HMPPS, so we can really focus on what our particular</p> <p>19 needs are.</p> <p>20 MS HILL: Finally on this topic, can I bring up</p> <p>21 SOL000245_061, because, in a sense, whatever the reason</p> <p>22 for it, figure 5.2 here -- we can scan in on that --</p> <p>23 shows the real experience of these children. This is</p> <p>24 the table that shows the proportion of boys ever feeling</p> <p>25 unsafe in YOIs, and one can see the figure has gone up</p> <p style="text-align: center;">Page 74</p>	<p>1 at it in terms of custodial officers available on site.</p> <p>2 That is exactly what the reform agenda is doing. It is</p> <p>3 looking to increase the mix of skills from across</p> <p>4 education, health, psychology, so that we can work more</p> <p>5 effectively to meet the needs of those individual</p> <p>6 children.</p> <p>7 MS HILL: Can I move to the general questions, then, please,</p> <p>8 about staffing and recruitment, in fact, and training</p> <p>9 and those issues. Is there anything in particular about</p> <p>10 the screening or vetting process, the Disclosure and</p> <p>11 Barring Service, that you think we need to understand?</p> <p>12 As far as you're aware, does that operate appropriately</p> <p>13 in the custodial estate for children?</p> <p>14 MS ROBINSON: As far as I'm aware, it does. It's an</p> <p>15 enhanced level for those working directly with children.</p> <p>16 MS HILL: Mr Savage, at paragraph 23 of your witness</p> <p>17 statement you have talked about receiving certain</p> <p>18 notifications for STC custody officers under the</p> <p>19 Home Office Notifiable Occupations Scheme. Help us</p> <p>20 understand what that means?</p> <p>21 MR SAVAGE: That scheme has now been replaced by the common</p> <p>22 law disclosures provisions for police. Effectively, if</p> <p>23 a staff member in a contracted-out secure training</p> <p>24 centre is arrested by the police, then they have a duty</p> <p>25 when they come into work to tell their employer and</p> <p style="text-align: center;">Page 76</p>

<p>1 their employer will tell us. That's the expectation. 2 However, under the Notifiable Occupations Scheme, 3 the police would also write to me and inform me. It is 4 extremely rare. However, for example, after the Medway 5 Panorama broadcast, I received letters from the police 6 explaining who they had arrested and on what charge. 7 Obviously I already knew that because those staff 8 members had told their employer who had told me. But it 9 is another potential safeguard in terms of between DBS 10 screenings and in terms of if staff are not telling 11 their employer about issues outside of work. 12 MS HILL: As far as you're concerned, the current screening 13 and vetting processes are effective to screen out 14 effectively the sharp end of people who should not be 15 working with children. Is that fair? 16 MR SAVAGE: Yes. I think the challenge of to what degree 17 can vetting fully tell you how a person is going to 18 behave in the future, it's never going to be a perfect 19 system. But we have vetting, we have DBS, we have 20 references. 21 MS HILL: That's why I think I called it "the sharp end". 22 Perhaps looking more generally at the qualifications and 23 skills and experience of people working with children, 24 I think it is fair to summarise that a key theme coming 25 out of the evidence the panel have heard this week from</p> <p style="text-align: center;">Page 77</p>	<p>1 is the first year and that will be the expectation that 2 all staff complete level 4, but it will be an option for 3 them to complete the second year, which takes them up to 4 level 5. So far, those who have completed level 4 have 5 continued to go on to level 5. 6 MS HILL: When you say levels 4 and 5, what does that come 7 from? What level is that from? 8 MR SAVAGE: In terms of how that balances across to, for 9 example, the NVQ you have pointed to -- I'm afraid I'm 10 not expert in how those kind of education levels work. 11 I'm assuming it's a standardised scale, but we would 12 need to confirm that to you. So my assumption is the 13 NVQ level 3 you're referring to, this is then a level 4 14 on what I think is the same scale, and then subsequently 15 a level 5 if they complete the final two modules. 16 MS HILL: Is this something done part time while people are 17 working or do people take a year or two years out of 18 their work to do it? How does it work? 19 MS ROBINSON: At the moment, it's on top of their day job, 20 so it's voluntary and on top of the day job. What we 21 are envisaging is that we build in study time for the 22 person to participate. It is onerous, in terms of 23 the additional hours. The fact that staff are 24 undertaking it, it is because they want to do that. But 25 I think it works out at a day a week in terms of</p> <p style="text-align: center;">Page 79</p>
<p>1 Dr Janes, Mr Wood and Ms Willow, is about the need for 2 people working with children to have some background or 3 experience or desire to work with children. 4 We know from evidence adduced yesterday that the 5 qualification to work in an SCH is one involving 6 a diploma in residential childcare or equivalent. Is it 7 reasonable to expect that staff in a YOI or STC would 8 have a similar qualification? Mr Savage, I have you 9 down for this, but I see Ms Robinson wanting to speak. 10 MS ROBINSON: I can start, if you like. As part of 11 the reform agenda and in collaboration between the MoJ 12 and the YJB, we developed the youth justice foundation 13 degree, which is available to all operational frontline 14 staff, so band 3s and 4s, to improve their skills and 15 knowledge around working with young people. 16 At the moment, this is voluntary because we are 17 going through a process of consultation with the unions 18 around our intention, which would be mandatory, but we 19 have had over 243 officers voluntarily commence the 20 programme and are currently participating in it and are 21 reaping high levels of benefit from engaging with it. 22 So our intention is to improve qualifications. 23 MS HILL: That is a one-year, two-year course? 24 MS ROBINSON: There are two parts to it. It is a two-year 25 course overall but the first -- level 4, I think it is,</p> <p style="text-align: center;">Page 78</p>	<p>1 10 hours a week, I think, over the period of time. 2 MS HILL: What about the more general question of the entry 3 point qualifications for people? If the position is 4 that you can't work in an SCH until you have a level 3 5 childcare qualification, is there any reason why that 6 shouldn't apply to the YOI or STC setting? 7 MS ROBINSON: That's not our proposal at the moment. Our 8 proposal is to bring them in and then train them up or 9 have direct entry, but it is the direct entry point at 10 band 4 that is in consultation with the unions as well, 11 so there may be opportunity to have people come in with 12 those experiences but currently we are operating 13 a custodial environment which requires other skills as 14 well as childcare, so it's about how do you 15 appropriately train staff to be able to bring in the 16 skills that we need but also operate within a custodial 17 environment? 18 MS HILL: How are you -- apart from the degree that you have 19 described, you have said in your witness statement at 20 paragraph 31 that you are actively trying to recruit 21 people with a background in working with young people, 22 such as those with experience of probation and social 23 work, in recognition of the fact that working with 24 children requires specialist knowledge and skills. How 25 are you doing that? How are you trying to reach people</p> <p style="text-align: center;">Page 80</p>

<p>1 with a background or an interest in working with 2 children? 3 MS ROBINSON: The first thing we did is created a youth 4 custody service microsite, recruitment site, so people 5 interested in working with children can be directed to 6 that site rather than the general prison recruitment 7 site, looking for skills. We are looking at the -- we 8 developed a job description which is at a higher level 9 which I mentioned, which is the band 4 youth justice 10 worker. As I mentioned, we are in consultation on that 11 post at the moment. So at the moment we are just 12 recruiting still under the band 3 and giving people the 13 opportunity to train on the job. 14 MS HILL: A band 4 would be the youth justice officer? 15 MS ROBINSON: It would be the youth justice worker. It was 16 the incentive to bring people in with the different 17 skills and background. As you can appreciate, trying to 18 draw those people into the service, we need to be paying 19 higher rates of pay and they will be at a higher banding 20 in terms of their qualification. 21 MS HILL: Is that the same as the youth justice officer that 22 was proposed in the Taylor Review? 23 MS ROBINSON: Exactly that. 24 MS HILL: It is the same thing. As far as the STC is 25 concerned, does the entry point for that custody officer</p> <p style="text-align: center;">Page 81</p>	<p>1 sector staff are able to attend the courses and we 2 are -- the youth justice foundation degree, we have many 3 participants from the private sector and the STC sector, 4 so it is available across the board. 5 MR SAVAGE: We are in discussion with them about how we 6 would implement the wholesale introduction that we are 7 going to do of our staff. 8 MS HILL: Where do you think that will ultimately end up, 9 that everybody in the youth custody estate has had some 10 element of this degree or has done this degree? 11 MS ROBINSON: That is our intention, yes. 12 MS HILL: Do you have a broad timescale for when that would 13 be delivered? 14 MS ROBINSON: At the moment, the reform programme is looking 15 at five years to implement the whole programme to 16 include all existing staff. But we started ahead of 17 the game because we have had a number of cohorts go 18 through as part of the pilot. 19 MS HILL: You conclude your witness statement, Ms Robinson, 20 by saying that, overall, when reflecting on the future, 21 you do identify the desire to drive the 22 professionalisation of the workforce as being a key 23 initiative. Would you agree that this is a key policy 24 priority for the YCS going forward? 25 MS ROBINSON: It is absolutely a key priority.</p> <p style="text-align: center;">Page 83</p>
<p>1 post require the person to still be a fit and proper 2 person to perform custodial functions who has received 3 training to such standard as he may consider appropriate 4 for the performance of such functions? That's 5 Mr Allars' statement. Is that still the case? 6 MR SAVAGE: That's correct, yes. 7 MS HILL: Was that the standard in place at the time of 8 the Panorama filming at Medway? 9 MR SAVAGE: It was. 10 MS HILL: So did that standard in practice not appear to 11 have generated exclusively people who were fit and 12 proper people to look after children? 13 MR SAVAGE: I think the -- I think it -- to repeat the 14 earlier discussion around to what degree can initial 15 vetting and training give you confidence that staff 16 conduct is going to be good going forward, I think it 17 has to be part of a wider picture around how those staff 18 are developed and supervised. But the staff who 19 featured in the Panorama programme had passed vetting. 20 MS HILL: That's what is needed to get the STC 21 certification, really, is it? A formal process of 22 vetting, really, rather than a qualification? 23 MR SAVAGE: It is a mixture of vetting and completing some 24 initial training. 25 MS ROBINSON: If I could just add, the STC and the private</p> <p style="text-align: center;">Page 82</p>	<p>1 MS HILL: Will it remain a priority for the foreseeable 2 future? 3 MS ROBINSON: It is currently government policy and that is 4 what we are delivering. 5 MS HILL: Would you say that across the piece of reforms you 6 are looking at, this is writ large? 7 MS ROBINSON: It is. It is the cornerstone of the reform 8 programme. It goes beyond the youth justice foundation 9 degree. We are even looking at a youth-specific POELT 10 course, which is the course for all new custodial 11 officers. Previously, a youth officer may have joined 12 an adult group and then we would have to train them 13 specifically on youth issues additionally, in terms of 14 safeguarding and those considerations. But what we are 15 looking at now is to develop a youth POELT so we can 16 begin to introduce the concepts very, very early on. 17 MS HILL: So this is the POELT -- it is the prison officer 18 entry level training -- I think you describe in your 19 witness evidence. I have seen a suggestion it is about 20 ten weeks long. Is that still about right? This is the 21 initial induction to the job of being a prison officer? 22 MS ROBINSON: That's correct, yes. 23 MS HILL: At what point will you have a youth-specific POELT 24 training programme? 25 MS ROBINSON: We are delivering that now. That is part of</p> <p style="text-align: center;">Page 84</p>

<p>1 what -- we are moving from placing our custodial 2 officers into generic training and building a bespoke 3 training. We are also working with the Unlocked Scheme, 4 which is specifically looking at a syllabus for 5 graduates coming into youth justice so that they are 6 trained specifically on youth justice issues. Our idea 7 is to have a much more distinct service that enables us 8 to develop the practice right from the moment they join 9 us. 10 MS HILL: At what point do you envisage that every prison 11 officer within the youth estate will have carried out 12 a youth-specific POELT course? 13 MS ROBINSON: The programme is looking at five years but, as 14 I said, we are still in consultation with the unions, so 15 we need to go through that process to come to a position 16 where we can mandate that that's the case. 17 MS HILL: Of the ten weeks about which we have heard, can 18 you help me with how much is given over to child 19 protection and sexual abuse type issues or child abuse 20 type issues? 21 MS ROBINSON: I don't know that off the top of my head. 22 MR SAVAGE: I'm afraid I'm not -- 23 MS ROBINSON: The whole point of the POELT course is around 24 training to become a custodial officer. Safeguarding is 25 a core element of that. My understanding is, I think</p> <p style="text-align: center;">Page 85</p>	<p>1 relation to current practice and particularly looking at 2 child sexual exploitation is one of the areas they are 3 focusing on. 4 MS HILL: When we have seen reference in Mr Taylor's 5 statement to the three-year refresh for the child 6 protection and safeguarding or CPS element, does that 7 mean you are looking to have people refreshed every 8 three years in terms of their content? Is that what it 9 means? 10 MS ROBINSON: No, that is the actual course content. I -- 11 MS HILL: My question is more about the individual staff 12 members, how regularly is there -- 13 MS ROBINSON: How often they go? I'm not aware of that off 14 the top of my head. I'd have to find that out for you. 15 MS HILL: How does the working with young people in custody 16 training fit with the POELT training or the degree? 17 MR SAVAGE: Sorry, so the POELT training is training before 18 they arrive. Previously, the only specific training we 19 had that was related to young people was the working 20 with young people in custody. So there were four 21 modules that you could do in any particular order, but 22 we tended to have staff focus on doing the child 23 protection and safeguarding one first. They are short 24 modules, only a day long with some e-learning in 25 advance. What we have been able to do where we have</p> <p style="text-align: center;">Page 87</p>
<p>1 it's a couple of days, but that doesn't mean to say 2 there is additional training that happens after POELT. 3 It is focused specifically on safeguarding and child 4 protection-related activity. There are other courses 5 available. 6 MS HILL: I think Mr Taylor has given evidence at HMP00231, 7 paragraph 14, to the effect that if staff are not 8 allocated onto a POELT course, they will receive some 9 kind of safeguarding training on induction. Is that 10 right? 11 MS ROBINSON: That's correct. They will meet with the 12 safeguarding team and they also will be talking with the 13 safeguarding provision through the local authority. So 14 there's training that's available, not just within the 15 service, but also through the local authority 16 safeguarding boards. 17 MS HILL: As well as having safeguarding training on 18 induction, how regularly is that refreshed for staff 19 working in the youth custody estate? 20 MS ROBINSON: The POELT induction? 21 MS HILL: The safeguarding element of it. 22 MS ROBINSON: It's every three years and they are reviewing 23 it at the moment, and they are -- having spoken to 24 Sonia Brooks, who is obviously somebody who is reviewing 25 this alongside a number of others, it's to update it in</p> <p style="text-align: center;">Page 86</p>	<p>1 been redesigning the POELT to make it youth specific is 2 to take that particular element of the Working with 3 Young People in Custody programme and attach it to the 4 POELT so we have confidence that that's happened before 5 the person starts rather than them being booked into it. 6 There will be some staff members, who may transfer 7 in from other sites rather than arrive having gone 8 through the youth-specific POELT, who will still need to 9 be booked into those courses, but fundamentally, that 10 module is done as part of the initial training. 11 The other three, the establishments can book their 12 staff into, but we are at the point now where we need to 13 look at the initial training, the working with young 14 people in custody training and the degree as a whole 15 piece to make sure it all fits together as a full 16 package, because there may be elements of the degree 17 that mean that we can draw them into working with young 18 people in custody or change the way they're shaped. But 19 those three kind of pieces fit together in that way. 20 MS HILL: I think you have been asked to consider a specific 21 proposal by Howe & Co that it is a requirement that 22 staff working in child custody have specialist, ongoing 23 training in dealing with allegations of child sexual 24 abuse including knowledge of how to handle disclosures, 25 how to signpost victims, and so on, how to follow</p> <p style="text-align: center;">Page 88</p>

1 a proper procedure. Is it your understanding that those
 2 things would be covered by what you are describing now?
 3 MR SAVAGE: By where we are getting to, yes.
 4 MS HILL: So is it effectively your answer to this proposal
 5 by Howe & Co that you are moving towards that being what
 6 happens?
 7 MR SAVAGE: Through the reform programme, yes.
 8 MS ROBINSON: We are certainly moving towards it. I think
 9 that the general staff it will be about, you know,
 10 understanding signs and referrals, but we will have
 11 a safeguarding team who undertake the investigation. So
 12 I think not training everybody up to undertake
 13 investigations. It is about understanding what are the
 14 needs of those particular staff members and how can we
 15 most effectively train them and develop them to
 16 undertake the tasks that we are requiring them to do.
 17 MS HILL: Is there merit in putting a requirement that staff
 18 working in custody do have specific child-related
 19 training on a statutory footing as we see is in place in
 20 the SCHs?
 21 MS ROBINSON: I think that would be difficult, just in terms
 22 of the levels of recruitment and the numbers that we
 23 require to work. I think we would need to consider how
 24 we operate that, whether it's done prior to joining or
 25 as part of the, you know, development of the staff group

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1 whilst they are in employment.
 2 MS HILL: We have seen some evidence in Mr Taylor's fourth
 3 statement, 001, paragraph 13, and his fifth statement,
 4 0131, paragraphs 9 to 10, that I think relate to gaps in
 5 what is said to be mandatory child protection training.
 6 What system is in place to make sure that across the
 7 estate appropriate safeguarding training is in fact
 8 delivered to people? Is there a system for making sure
 9 that people receive the training you consider
 10 appropriate for them?
 11 MR SAVAGE: I mean, I think the -- under the previous
 12 system, where the working with young people in custody
 13 training staff arrived and were booked onto it, and did
 14 it during their time already working in the
 15 establishment, I think potentially there was a risk
 16 there that you have a gap between when people have had
 17 relatively basic training during their entry level and
 18 when they have the fuller training through the Working
 19 with Young People in Custody. I think we have closed
 20 that gap by adding that module into the entry level
 21 training, which I think is really useful because,
 22 otherwise, there is a risk that you have people working
 23 who have had relatively basic training.
 24 MS HILL: Finally on this topic, should staff training
 25 include specialist mental health training and special

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1 training in relation to mental health support for drug
 2 users and minority groups? Again, a Howe & Co proposal.
 3 MR SAVAGE: I think within the youth justice foundation
 4 degree, there is training around child and adolescent
 5 development. There is not specific mental health
 6 training.
 7 I think we have probably approached this in
 8 a slightly different way with the work we are doing with
 9 the NHS around the Secure Stairs model, where we are
 10 looking at a small amount of training for frontline
 11 staff, but actually a greater number of mental health
 12 practitioners within establishments funded by the NHS
 13 who can then provide advice, support and guidance
 14 through a kind of multi-disciplinary meeting --
 15 MS HILL: Through the frontline staff having referred them
 16 on, effectively?
 17 MR SAVAGE: Less about having staff there to do more
 18 one-to-one work with young people and more having staff
 19 there to direct custody staff on strategies that might
 20 work from a mental health perspective, so being part of
 21 the day-to-day care of children.
 22 I think the Secure Stairs model is probably more
 23 effective than trying to train all the frontline staff
 24 in mental health; instead, inserting mental health
 25 specialists into establishments to support and help

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1 frontline staff as part of a formulation approach.
 2 MS HILL: I think we will hear some more about the
 3 Secure Stairs programme next week. I think it will come
 4 up in the MTC Novo evidence next week.
 5 MS ROBINSON: There will be clinical supervision support
 6 also available to staff. I think the idea of
 7 Secure Stairs is around the offer of case and support of
 8 case formulation for the individual children and young
 9 people, but also about supporting staff in their ability
 10 to manage some of the behaviours more effectively.
 11 MS HILL: Just moving through the remainder of the staffing
 12 topics, if I may, the panel have heard plenty of
 13 evidence this week about the need for regular staff
 14 supervision. Our understanding of Mr Taylor's evidence
 15 is that there is no agreed model of -- or level of
 16 supervision for custody staff, and certainly the Prison
 17 Officers' Association evidence that we read was to the
 18 effect that many of those working in juvenile
 19 establishments would argue that supervision and support
 20 is superficial and lacking in any real depth. Help us
 21 with what is being done to address that? I think that's
 22 for you, Ms Robinson, please?
 23 MS ROBINSON: Yes. I agree that, certainly in terms of
 24 ongoing supervision for staff, it was limited within the
 25 YOI sectors. We are working with psychology, with the

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<p>1 Unitas providers who have developed the youth justice 2 foundation degree to develop support and training for 3 middle managers to provide that level of supervision. 4 So it is part of our strategy, but we are still in 5 development on that point. 6 MS HILL: Can I quickly look at HMP000350. I don't know if 7 this is part of the same piece of work you are talking 8 about. It is a little bit hard to tell. But this is 9 the Prison Psychology Service's custody support plan 10 guidelines. Is this part of this or is this something 11 different? 12 MS ROBINSON: That is the -- the custody support plan is for 13 key workers -- 14 MS HILL: These are the CuSP officers. 15 MS ROBINSON: Yes, the CuSP officers, who will be 16 supervised. But the whole point of this is to ensure 17 that staff who are training and are delivering these 18 services are appropriately supported through active 19 supervision. 20 So we have placed -- or we are in the process of 21 recruiting occupational psychology, who will be 22 developing the models of practice that we want to take 23 forward. 24 MS HILL: We understand from our secure children's homes 25 evidence that, typically, staff have monthly</p> <p style="text-align: center;">Page 93</p>	<p>1 MS HILL: Can I bring up briefly, please, NOM000003, which 2 is the PSI, the Prison Service instruction, that deals 3 with children. If we can go, please -- scroll down 4 through the document, please. 5 If we can go to the front of the document, we can 6 see that this is the general PSI that deals with the 7 care and management of young people. Compared to 8 documentation from the secure children's homes that very 9 much puts the focus on building positive relationships 10 with children, do you think there's room for this sort 11 of document to be more focused on building positive 12 relationships, or do you think it does the job already? 13 MS ROBINSON: We are moving towards the position where we 14 are building more positive relationships with children, 15 and the documentation probably needs to be updated to 16 reflect that. 17 MS HILL: One of the recommendations that came out of 18 the Australian Royal Commission was that having clear 19 and simple guidelines for staff -- we can take that 20 down, I think -- clear and simple and accessible child 21 protection standards for staff, and that's in 22 their December report, INQ001417, section 2.4.2; I don't 23 think we need to bring it up -- was an important 24 protective factor, and we saw yesterday that the quality 25 standards that apply in secure children's homes are</p> <p style="text-align: center;">Page 95</p>
<p>1 supervisions and there is a proposal -- we can take that 2 down. That may be a bad reference. We understand that 3 they have a position where any incident is referred to 4 a senior manager. Is it that sort of system you are 5 looking to implement here in the YOIs and STCs? 6 MS ROBINSON: Yes, it would be more than just managerial 7 overnight. It would be supporting that person -- 8 MS HILL: What, monthly supervision? 9 MS ROBINSON: We haven't developed that yet, but we will 10 look at a process of providing support. It probably 11 would be monthly or at regular intervals. 12 We need to situate the staff supervision alongside 13 what's happening with Secure Stairs and the clinical 14 support. What we don't want is just to have lots and 15 lots of layers of, you know, extra managerial time taken 16 out. We want to make sure that it is supportive and it 17 actually delivers what we require, which is additional 18 support to staff. 19 MS HILL: When do you anticipate there will be a proper 20 system of staff supervision in place? 21 MS ROBINSON: The reform programme is running over a number 22 of years. At the moment, as I said, we are working on 23 the format. As soon as we get the staff in place, then 24 we will be able to deliver the full regime. I can't 25 give you a date on that.</p> <p style="text-align: center;">Page 94</p>	<p>1 seven very specific standards in relation to children. 2 Again, is there room for considering whether that can be 3 carried over to the YOI or STC framework? 4 MS ROBINSON: Yes, definitely. 5 MS HILL: That might be embedded through a revision of 6 PSI 08/2012. 7 MS ROBINSON: That's correct. We are also looking at a code 8 of conduct in relation to the management of behaviour 9 generally across the sectors as well. So we are looking 10 to provide principles of best practice so that we can 11 provide clear standards of operation, but there is still 12 work to be done around the documentation. 13 MS HILL: Is the code of conduct that you have just alluded 14 to, I think -- 15 MS ROBINSON: Sorry, I didn't mean code of conduct. I meant 16 code of practice. 17 MS HILL: Forgive me, code of practice. 18 As you know, Howe & Co have posited the idea of 19 staff members swearing an oath to protect and report. 20 What's your view on that, Ms Robinson? 21 MS ROBINSON: I think it's something that we could give 22 consideration to. I'm not sure whether an oath at this 23 stage would add the value that we require, because it is 24 more about the actions that people undertake, rather 25 than what they say they are going to do. But we would</p> <p style="text-align: center;">Page 96</p>

<p>1 certainly consider it.</p> <p>2 MS HILL: High turnover rates for staff is one of the issues</p> <p>3 that has been identified. In particular, we heard</p> <p>4 evidence, I think, through Professor Hardwick's</p> <p>5 statistics that the turnover rate has gone from</p> <p>6 2.8 per cent to 11.2 per cent in 2017 to 2018. Does</p> <p>7 that reflect the difficulties you have had with staffing</p> <p>8 in recent years?</p> <p>9 MS ROBINSON: It does, and it does vary, depending on where</p> <p>10 we are in the country, what opportunities there are for</p> <p>11 people in terms of employment, and also the</p> <p>12 opportunities for promotion. It is not just about</p> <p>13 people leaving, it is about people moving across the</p> <p>14 system. There is a transience, particularly within</p> <p>15 London and the south-east, that isn't just the custodial</p> <p>16 environment but other public services.</p> <p>17 MS HILL: Mr Taylor has talked about difficulties in Kent,</p> <p>18 particularly in Medway, and has described certain</p> <p>19 initiatives around improved remuneration and new</p> <p>20 approaches to recruitment. What can you offer to the</p> <p>21 inquiry as an effective way of addressing this high</p> <p>22 turnover because that has a direct impact on the ability</p> <p>23 to form a positive relationship with children, doesn't</p> <p>24 it, if the staff are transient?</p> <p>25 MS ROBINSON: It does.</p> <p style="text-align: center;">Page 97</p>	<p>1 lesbian and gay, bisexual and other groups. The</p> <p>2 objective, I think -- perhaps we can bring up your</p> <p>3 statement, please, your second statement, HMP000401.</p> <p>4 Perhaps I will just formally adduce, please, if I may,</p> <p>5 that second statement you provided, Ms Robinson,</p> <p>6 HMP000401. Can we go to internal paragraph 11, about</p> <p>7 three pages in? Just scroll in on 11 and 12, please.</p> <p>8 The objective is that 14 per cent of all recruits across</p> <p>9 HMPPS will be BAME by 2020. You indicate at</p> <p>10 paragraph 12 that, so far, your incoming data for the</p> <p>11 youth estate is 21 per cent.</p> <p>12 MS ROBINSON: That's correct.</p> <p>13 MS HILL: So you have a strategy in place to try to bridge</p> <p>14 that gap; is that right?</p> <p>15 MS ROBINSON: Absolutely correct, yes.</p> <p>16 MS HILL: Do you recognise the significance of trying to</p> <p>17 meet the gap that otherwise existed on recent statistics</p> <p>18 of 9 per cent in the estate of staff were from a BAME</p> <p>19 background compared to 48 per cent of the children.</p> <p>20 MS ROBINSON: Yes. I'm not sure we will ever be able to</p> <p>21 achieve the direct proportionality at this moment in</p> <p>22 time, unless we reduce the number of BAME young people</p> <p>23 coming into the system, which is a wider systems issue,</p> <p>24 but we certainly would like to improve proportionality</p> <p>25 not just in relation to BAME, but across the different</p> <p style="text-align: center;">Page 99</p>
<p>1 MS HILL: So what can you offer to the panel as</p> <p>2 a reassurance that that is being addressed?</p> <p>3 MS ROBINSON: There are a number of elements to this. One</p> <p>4 is remuneration, which is one of the areas that we have</p> <p>5 applied to improve the rates of people being recruited</p> <p>6 into the system. Then it is around your people</p> <p>7 strategies: how do you develop them; how do you engage</p> <p>8 with them; how do you support them in terms of their</p> <p>9 day-to-day operations? We are looking at retention. It</p> <p>10 is part of the wider workforce strategy. But we will</p> <p>11 need to apply different approaches dependent on what the</p> <p>12 particular needs of that establishment are. For</p> <p>13 example, in London, we may never be able to deal with</p> <p>14 some of the issues when there's constant competition,</p> <p>15 particularly around Feltham in the local area. So it</p> <p>16 is, how do we provide an environment that people feel</p> <p>17 they want to work in? I think creating the culture that</p> <p>18 we are wanting to create will attract the right people</p> <p>19 who will want to stay.</p> <p>20 MS HILL: In terms of diversity in staff -- this is the</p> <p>21 final staff topic, please -- HMP000400, which, taking it</p> <p>22 briefly, is your inclusion and diversity strategy for</p> <p>23 the MoJ in which you set out throughout the document, if</p> <p>24 we can perhaps scroll through it briefly to have a look,</p> <p>25 visions for the proportion of staff who are disabled,</p> <p style="text-align: center;">Page 98</p>	<p>1 protected characteristics.</p> <p>2 MS HILL: Just a few more questions, please, Mr Savage, just</p> <p>3 very briefly. I'm going to take this topic, mental</p> <p>4 health, drugs and gangs. What is the impact, if any, as</p> <p>5 far as you're aware, of those various factors on the</p> <p>6 prevalence and reporting of child sexual abuse? Can you</p> <p>7 help at all with that topic?</p> <p>8 MR SAVAGE: In terms of mental health, we do have evidence</p> <p>9 from the published data around the characteristics of</p> <p>10 our cohort that we have a range of mental health issues</p> <p>11 within the young people that we are working with.</p> <p>12 I think what we are looking for in terms of the</p> <p>13 Secure Stairs programme is that we give staff an</p> <p>14 opportunity to understand where emerging mental health</p> <p>15 issues might create a challenge in terms of them working</p> <p>16 with a young person.</p> <p>17 NHS England provide mental health, kind of, direct</p> <p>18 work with young people, and that's all in place, but</p> <p>19 I think the question around, if young people have mental</p> <p>20 health issues, how are staff best equipped to work with</p> <p>21 them on a day-to-day basis to better build some of</p> <p>22 the relationships that they need to build in order to</p> <p>23 have that level of trust, I think having the</p> <p>24 Secure Stairs practitioners providing their support and</p> <p>25 guidance will be a real benefit for us.</p> <p style="text-align: center;">Page 100</p>

<p>1 In terms of drugs, we don't have the kind of scale 2 of drug issue that is reported on in terms of the adult 3 estate. We seem to be in quite a good place in that 4 respect. That's not to say that there aren't any drugs 5 in youth custody, but we are taking teenagers who 6 generally have come from a pattern perhaps of 7 experimentation rather than dependency. Also, their 8 attitude to things like psychoactive substances -- there 9 is a piece of work NHS England has commissioned, that 10 hasn't completed yet, but User Voice are doing with 11 young people in custody, and their attitudes towards 12 psychoactive substances is quite interesting. They are 13 not seemingly attracted to those types of drugs. So we 14 don't quite have the scale of issue that is being 15 reported for the adult estate. We are vigilant to it 16 but it isn't, kind of, the major factor.</p> <p>17 I think on gangs there's potentially more work we 18 need to do to understand some of the issues around gang 19 culture and disclosure. A lot of the work we do is to 20 identify which gangs young people are in, to understand 21 from the police the potential conflict between gangs in 22 the community and how to keep people from conflict in 23 custody and to help them with routes out of gangs. But 24 in terms of what it means as a culture around not 25 disclosing, we probably don't quite have enough</p> <p style="text-align: center;">Page 101</p>	<p>1 Q. Can you give us an outline, please, of what the Welsh 2 Government is responsible for in respect of custodial 3 institutions in Wales and what it is not responsible 4 for?</p> <p>5 A. Okay, thank you very much. The Ministry of Justice is 6 responsible for custody criminal justice. That is not 7 devolved to the Welsh Government. The areas then that 8 are devolved to the Welsh Government relate to some of 9 the functions -- so within my portfolio, 10 Social Services, local authority Social Services, 11 looked-after children and the aspects then of care 12 around the child and the relationship with the child and 13 the child's family.</p> <p>14 Q. But day-to-day management of children in custodial 15 institutions, that's not the Welsh Government's role and 16 responsibility?</p> <p>17 A. Not our responsibility, no.</p> <p>18 Q. The Welsh Government does have functions as the 19 regulator of providers of secure children's homes; is 20 that correct?</p> <p>21 A. The named body, it's the old CSSIW, which is now called 22 Care Inspectorate Wales, that body is located within the 23 Welsh Government, so in a sense its independence remains 24 strong as the regulator, it's not controlled by Welsh 25 ministers, it's independent. The way the Welsh</p> <p style="text-align: center;">Page 103</p>
<p>1 information on that at this point.</p> <p>2 MS HILL: Thank you very much. Chair, I see the time, if 3 that is a convenient moment.</p> <p>4 THE CHAIR: Thank you, Ms Hill. We will return at 2.00 pm. 5 (1.00 pm)</p> <p>6 (The short adjournment) 7 (2.00 pm)</p> <p>8 MS HILL: Chair, with your permission, we are going to 9 interpose Mr Heaney. Mr Straw will ask him some 10 questions. Thank you very much.</p> <p>11 MR STRAW: Chair, with your permission, we will formally 12 adduce Mr Heaney's witness statement, which is at 13 WGT000003.</p> <p>14 Mr Heaney, the panel have the benefit of your full 15 witness statement already --</p> <p>16 MS SHARPLING: You have forgotten the oath, Mr Straw.</p> <p>17 MR STRAW: I'm sorry, thank you.</p> <p>18 MR ALBERT HEANEY (affirmed) 19 Examination by MR STRAW</p> <p>20 MR STRAW: Mr Heaney, thank you. The panel have the benefit 21 of your full witness statement, and so we don't need to 22 go into the detail that is contained there.</p> <p>23 Are you the Director of Social Services and 24 integration in the Welsh Government?</p> <p>25 A. I am.</p> <p style="text-align: center;">Page 102</p>	<p>1 ministers have chosen to maintain the independence is 2 the Welsh minister responsible for the policy and the 3 legislation in relation to Social Services has therefore 4 placed the Care Inspectorate Wales in another part of 5 Welsh Government, therefore ensuring an independence.</p> <p>6 Q. Is the inspectorate responsible, as its name suggests, 7 for inspections and surveys of custodial institutions in 8 Wales?</p> <p>9 A. It will be responsible in relation to the one part, 10 which is the Hillside, the secure home for children 11 located in Hillside. It will be responsible in relation 12 to registering Hillside. Hillside has, as we tend to 13 call it, welfare placement. You will see that within my 14 correspondence to the inquiry. And in relation then to 15 setting the standards, the standards are set through the 16 regulations by the Welsh Government, and then, 17 therefore, the enforcement and the inspection regime in 18 terms of Hillside is carried out by the Care 19 Inspectorate Wales.</p> <p>20 Q. You mention a document in your statement called the 21 "National minimum standards in children's homes in 22 Wales". Can you explain a little bit about that, 23 please, who is responsible for it and a brief overview 24 of its contents?</p> <p>25 A. Thank you very much. It's a really helpful question</p> <p style="text-align: center;">Page 104</p>

1 because, as the inquiry is progressing, the
 2 responsibility of the progress of legislation has moved
 3 on. Wales has now passed the regulation inspection of
 4 Social Care (Wales) Act 2016. It currently then is
 5 producing some subordinate legislation and, therefore,
 6 the original correspondence to this inquiry talked about
 7 the location of national minimum standards.
 8 What we have done in Wales is actually progress on
 9 to a different journey, so we now actually don't have
 10 national minimum standards, but we have set standards.
 11 Some of the distinctions in relation to our approach
 12 draw upon creating a new level of accountability, so the
 13 responsible individual now has to be at a director or
 14 similar level, and alongside that there are duties and
 15 responsibilities to actually visit the establishments.
 16 They have to do that once every quarter. And there is
 17 a whole host, then, of increasing, kind of, the level
 18 for standards within -- rather than going into what
 19 I would describe for the inquiry, into saying this is
 20 a national minimum standard, what we are now saying is,
 21 this is the standard for good quality care.
 22 Q. Does that apply in secure children's homes, or at least
 23 the secure children's home, Hillside, that you have in
 24 Wales at the moment?
 25 A. It applies within Hillside, yes. Not within Parc, which

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1 is the young offenders' institution.
 2 Q. You may have mentioned it, but is there then -- you have
 3 mentioned the legislation. Is there also guidance
 4 produced under the legislation?
 5 A. Yes. So we have got two parts of the legislation. One
 6 is the Social Services and Well-being (Wales) Act 2014.
 7 Within that legislation, there are duties placed upon
 8 the local authority. Some of those duties, for the
 9 inquiry, are relating to the visitation to see the
 10 child/young person, to make sure that they're seen
 11 privately, that there's a record of their well-being and
 12 their safeguarding, and that any plans and care planning
 13 that needs to arise from that to meet their needs and
 14 respond to any issues that may be around well-being or
 15 safeguarding concerns, they will be identified and
 16 responded to.
 17 Alongside that, the local authorities have duties to
 18 provide independent visitors, and alongside that,
 19 there's a whole host within the legislation around
 20 advocacy and support. So, for example, Hillside have
 21 a very good relationship with the Advocacy Service in
 22 Wales. They work with Tros Gynnal Plant. The
 23 distinction I would draw -- because sometimes there is
 24 that question, is there a difference in kind of what we
 25 are trying to achieve, perhaps across the different

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1 countries, in terms of devolved responsibilities, you
 2 know, one of the distinctions I would draw here in Wales
 3 about the advocacy provision, it is now what we have set
 4 up as an active offer, so it is actually a direct
 5 contact by an advocacy -- an independent advocacy
 6 provider, rather than a passive waiting, perhaps, for
 7 a child who may be struggling to articulate a concern or
 8 raise a complaint or express their worries about
 9 concerns.
 10 Q. So the aim is for the advocate to actually go to see the
 11 child and ask the child whether they have concerns,
 12 rather than it needing to be the child who extends to
 13 the advocate?
 14 A. Yes, it is an active offer, so it's that first point of
 15 contact which, of course, can build up trust and
 16 confidence. And developing a lot of literature and
 17 evidence informs us around the difficulties and
 18 challenges -- you know, "Breaking the silence", so
 19 therefore developing a trusted adult concept and
 20 building those trusted adults around children is quite
 21 important for them to be able to speak out and have that
 22 support and assistance when required to.
 23 Q. You mention that as one of the distinctions between
 24 England and Wales. Are there other key distinctions
 25 between England and Wales, in your opinion?

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1 A. Well, there are other things within the legislation
 2 I think are quite -- are worthy of certainly
 3 consideration about whether -- you know, it is for both
 4 countries to learn from each other. So it was quite
 5 crucial that we do that and work together as partners in
 6 terms of striving to be the best we can be.
 7 We have set up, you know, quite a rigorous approach
 8 around the safeguarding arena, and within the
 9 safeguarding arena we have set up regional safeguarding
 10 boards. So we have six in Wales. Previously, the
 11 responsibility was given to 22 local authority areas.
 12 Within that, then, quite significantly, we have
 13 a National Independent Safeguarding Board with
 14 particular duties and responsibilities, both in terms of
 15 ensuring and assisting that the Safeguarding Boards are
 16 effective and effective in a number of ways in
 17 discharging their duties, but effective also in making
 18 sure they're learning the lessons. We have child
 19 practice reviews rather than serious case reviews.
 20 It's really important that practitioners, in terms of
 21 training, development, workforce development and
 22 culture, understand what they need to do and when they
 23 need to do it and how they need to do. That National
 24 Independent Safeguarding Board also has a responsibility
 25 to advise Welsh ministers. So that gives an independent

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<p>1 voice into government directly saying, "These are some 2 of the big issues that you need to be working on", in 3 terms of policy, legislation or indeed around workforce 4 development through our workforce regulator, Social Care 5 Wales.</p> <p>6 Q. One of the things you mention in your statement, which 7 I don't think is reflected in England, is the new duty 8 to report.</p> <p>9 A. Yes.</p> <p>10 Q. Could you explain a little bit what that is, please? So 11 whether it's -- which statute is it found in and which 12 bodies have the duty to report?</p> <p>13 A. So it's under the Social Services and Well-being (Wales) 14 Act 2014. It places a duty on the Safeguarding Board 15 partners. So all those members that you will be 16 familiar with who are around the Safeguarding Board 17 arena, including, you know, police, et cetera, in terms 18 of reporting and obviously they're an investigative 19 agency themselves. In terms, then, of developing our 20 concept, that's a concept that is universally applied 21 across children and adults.</p> <p>22 I think it is quite pivotal, because having been, 23 you know, both a practitioner in the past and now 24 a policy maker, it is quite significant in terms of, it 25 gives a very clear mandate, a very clear responsibility</p> <p style="text-align: center;">Page 109</p>	<p>1 A. Yeah, that's a young offenders' institute worked through 2 the Youth Offending Services and the 3 Ministry of Justice. Our main contact for my role is in 4 relation to setting the standards then in terms of the 5 local government expectations, to be clear around 6 visitation and their responsibility to those children 7 who are ordinarily resident within their area.</p> <p>8 Q. You mention in your statement the Welsh Government is 9 aware that many non-governmental organisations working 10 in the field have suggested that the sexual abuse of 11 children is under-reported, and you go on to say that 12 the Welsh Government has produced some child sexual 13 exploitation policy and action plan which acknowledged 14 some of the reasons why children may not disclose abuse. 15 You set out those two documents in your witness 16 statement. So those are available for the panel again 17 to refer to if need be.</p> <p>18 Two final --</p> <p>19 A. May I just add to that, if I may?</p> <p>20 Q. Please do.</p> <p>21 A. I'm obviously just checking out if I can do that. 22 There's a couple of things with that. It's been 23 extended now because the NSPCC is providing training to 24 practitioners and professionals in the autumn of this 25 year on handling disclosures based upon the "Breaking</p> <p style="text-align: center;">Page 111</p>
<p>1 in terms of duty to report. It is not ambiguous. 2 You know, in times past, sometimes professional 3 organisations or individuals within those organisations 4 have, you know, held a dilemma about whether information 5 should be shared across, and with our guidance and 6 instruction, that ambiguity is removed.</p> <p>7 Q. The duty is to report, to the local authority in which 8 the individual is believed normally resident, any 9 reasonable cause to suspect that an individual may be at 10 risk of abuse, neglect or, in the case of children, 11 harm?</p> <p>12 A. Indeed.</p> <p>13 Q. You have mentioned the two custodial institutions that 14 are in Wales already which hold children. Hillside. 15 Does that still have six beds for custody placements?</p> <p>16 A. Yeah, my understanding -- the last visit I did to 17 Hillside was back in December. My understanding is it 18 had six for custody, but it also had -- I think it had 19 an additional six that could be spot purchased as well. 20 So it tended to have a flexibility dependent upon the 21 need at given points in time.</p> <p>22 Q. The second custodial institution housing children in 23 Wales, Parc Young Offenders' Institution. We have heard 24 a bit about that already. Is that a small unit attached 25 to the Parc Prison?</p> <p style="text-align: center;">Page 110</p>	<p>1 the silence" approach. So, again, that's in play, and 2 that's really important, really significant work for 3 professionals.</p> <p>4 Alongside that, then, we're working with 5 Stop It Now. We are going to do more work based upon -- 6 not just with professionals and those practitioners 7 involved in the safeguarding arena, but actually doing 8 some public-facing work with people and with families as 9 well.</p> <p>10 Q. Time is very short, so I'm going to have to ask you two 11 more quick topics. You mentioned visits to children in 12 detention by the home local authority. Is it the case 13 that all children who are ordinarily resident in a Welsh 14 local authority are required to be visited by their home 15 local authority when they are in detention?</p> <p>16 A. Yes, the expectation is very clear in terms of that 17 relationship with those children and young people. It 18 is quite important that they -- not just in terms of 19 the visitation, but that the planning takes place in 20 terms of at the point of leaving those institutions as 21 well. Because that needs to be -- the support and 22 advice to them is quite critical.</p> <p>23 Q. Is that another distinction between England and Wales, 24 in that I think the legal position in England is that, 25 certainly in terms of children who have a sentence of</p> <p style="text-align: center;">Page 112</p>

1 imprisonment, ordinarily they are not required to be
 2 visited by their home local authority? Is that your
 3 understanding --
 4 **A. That's not my understanding. My understanding is there**
 5 **is an expectation from England as well.**
 6 Q. We can deal with that.
 7 **A. Other colleagues may be better placed to confirm that.**
 8 Q. Finally, please, I think you have been given the
 9 Howe & Co suggestions for reform --
 10 **A. Yes.**
 11 Q. -- is that right? Do you have any comments on those
 12 suggestions?
 13 **A. Thank you very much for the question. Just a few.**
 14 **I know time is pressing.**
 15 **There are some very good suggestions in there,**
 16 **really quite crucial ones. If we think about the**
 17 **prohibition on pain-inducing control, chemical controls,**
 18 **some of those issues in terms of the kind of value base**
 19 **and the principles and human rights aspects for**
 20 **children, really fundamental. So, again, I would**
 21 **support and welcome those.**
 22 **I think it is not that Wales would say at every**
 23 **point in time we are different, but I think some of**
 24 **the issues where we have developed, we may have to match**
 25 **and think about some of the recommendations that come**

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1 **forward. For example, I think there was one in there**
 2 **about the creation of a child custodial safeguarding**
 3 **authority, and given the approach that we have had**
 4 **around safeguarding, it might be that that approach**
 5 **would be the right approach to build upon, rather than**
 6 **to create a new way of working.**
 7 MR STRAW: Thank you very much. Does the panel have any
 8 questions?
 9 THE CHAIR: No, we have no questions. Thank you very much,
 10 Mr Heaney.
 11 MS HILL: Thank you very much, Mr Heaney.
 12 **A. Thank you.**
 13 **(The witness withdrew)**
 14 MS HILL: I recall, please, the two witnesses from this
 15 morning, Mr Savage and Ms Robinson.
 16 MS SARA ROBINSON (continued)
 17 MR PETER SAVAGE (continued)
 18 Examination by MS HILL (continued)
 19 MS HILL: Thank you very much. I would like to resume your
 20 evidence by moving back to the list of issues, and in
 21 particular I am on issue 7.7, the use of force and
 22 restraint.
 23 Mr Savage, perhaps just for you, picking up the
 24 points just made by Mr Heaney, are pain compliance
 25 techniques still used in the youth custody estate?

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1 MR SAVAGE: Yes. There are pain-inducing techniques in the
 2 MMPR syllabus which is used in the secure training
 3 centres and in YOIs.
 4 MS HILL: Is there any proposal to review whether they
 5 should continue to be used?
 6 MR SAVAGE: Yes. So the MMPR syllabus was signed off by
 7 ministers in 2012 following recommendations from the
 8 Restraint Advisory Board, which is a panel of
 9 independent experts, and that board made the
 10 recommendation to ministers that they sign off the
 11 syllabus, including the pain-inducing techniques.
 12 We are now some way down the road in terms of having
 13 rolled out MMPR to all of the establishments that are
 14 going to use it, and we are at an appropriate point
 15 where we can revisit that position and see if there's
 16 any further learning which means that we would change
 17 that view. There is a review which is currently being
 18 scoped and should commence shortly.
 19 MS HILL: That's a further MMPR review, is it, generally?
 20 MR SAVAGE: It's specifically pain-inducing techniques
 21 within the MMPR syllabus.
 22 THE CHAIR: Is force still used for good order, as far as
 23 you're aware?
 24 MR SAVAGE: It is available for staff within YOIs to use to
 25 maintain good order.

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1 MS HILL: Is that the subject of further review or not, as
 2 far as you know?
 3 MR SAVAGE: No, not at this time.
 4 MS HILL: Is there a concern about the use of chemical
 5 restraint techniques on children in the youth custody
 6 estate?
 7 MR SAVAGE: It's not an issue that I'm aware of, no.
 8 MS HILL: We have got evidence, though, in the REA of
 9 a growing understanding of the adverse impact that
 10 restraint can have on children who have been abused
 11 previously, perhaps particularly children who have been
 12 sexually or physically abused. Can you help with what's
 13 being done by the YCS to address that? That's the idea
 14 that if restraint is used on a child who has been abused
 15 before, in particular, perhaps, if a strip search is
 16 performed on a child who has been abused before, that
 17 can be particularly adverse for the child. Is the YCS
 18 doing any work around that issue?
 19 MR SAVAGE: So addressing the two points in turn, in
 20 relation to restraint, the rollout of MMPR -- came with
 21 it a range of additional training for staff. So the
 22 first element of the MMPR training isn't actually around
 23 restraint techniques at all, it's around the escalation
 24 and prevention of incidents. It is widely recognised by
 25 us that the point at which we have reached the situation

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<p>1 where we have to restrain a child is a point of 2 significant concern and vulnerability for that child, 3 regardless of their background, but, as you say, 4 particularly for children who have suffered physical or 5 sexual abuse in the past. 6 So we take the use of restraint extremely seriously. 7 The MMR syllabus gives us not only clear training for 8 staff about the spectrum of techniques they should use, 9 but it comes with a built-in governance system, both in 10 terms of practice oversight but also medical oversight 11 of the system and the techniques. 12 So that's been a very helpful addition for us into 13 the secure estate. 14 MS HILL: So there's a better audit trail of when restraint 15 is used; is that right? 16 MR SAVAGE: It is more than just an audit trail. It is 17 about learning and oversight. So we have, for example, 18 a national MMR team who deliver training, they own the 19 syllabus. Some of the training of staff they do 20 directly or they do train the trainer. But they also go 21 out into the establishments and attend Use of Force 22 meetings and review incidents. What they are looking 23 for is, the training that they are giving staff in gyms 24 during their MMR training, is that translating to what 25 they are seeing on the ground? Is there a disconnect</p> <p style="text-align: center;">Page 117</p>	<p>1 causing a significant concern, and they're able to 2 constantly look at our restraint syllabus and say, "Is 3 this still as safe as it should be? Should we change 4 our risk assessment of any of these techniques?". So we 5 have that kind of medical scrutiny, as well as the 6 practice scrutiny, of those techniques. 7 MS HILL: That seems to deal with the generic technique, 8 doesn't it, whether a particular technique is safe? My 9 question was more focused on particular children, where, 10 if you have a particular child who has been sexually 11 abused before and they come into custody and 12 consideration is being given to whether or not to strip 13 search them, for example, or whether to restrain them, 14 to what extent is that child's prior experience of abuse 15 factored in? 16 MR SAVAGE: Sure. So in terms of searching -- so in recent 17 years, we have done a significant amount of work, first 18 within the Youth Justice Board and kind of continuing 19 around the area of searching. So the terminology of 20 "full searching", where the child is required to remove 21 their clothing, is not routinely done in the secure 22 estate anymore. It is very much risk-led. 23 There are safeguards around that, in terms of who 24 does it, how it's done, and there is a range of practice 25 learning around, there are ways in which we can better</p> <p style="text-align: center;">Page 119</p>
<p>1 between training and practice and, if so, what's causing 2 that? If there are issues with the training, what would 3 be driving that. So to try to maintain the integrity of 4 the system. 5 Equally, each side has MMR coordinators who are 6 responsible for reviewing all incidents. They have 7 a weekly Use of Force meeting where they bring 8 particular incidents to look at and discuss and the 9 national team can attend those. It gives us a level of 10 scrutiny and learning around the restraint techniques. 11 MS HILL: That wasn't in place a few years ago? 12 MR SAVAGE: It was variable. I think it gives us a kind of 13 standardised model that we have confidence has, kind of, 14 integrity. 15 In relation to the medical scrutiny, a key point for 16 us is that restraint is a risky -- it is a risky 17 situation, and we don't want to restrain any children. 18 Every restraint comes with an element of risk. The 19 medical practitioners that signed off the MMR syllabus 20 did so based on an assessment of risk of the techniques. 21 We are looking for warning signs that restraint 22 techniques are harming children, and those warning signs 23 are reported through and on a quarterly basis we have 24 a medical panel that reviews those situations where 25 there was a sign that that restraint could have been</p> <p style="text-align: center;">Page 118</p>	<p>1 maintain children's dignity in terms of doing that. 2 MS HILL: Does a strip search have to be authorised by 3 a particular level of person now? 4 MR SAVAGE: It does, yes, and there have to be two members 5 of staff, staff of the same sex -- 6 MS HILL: The same as in a secure children's home, in fact? 7 MR SAVAGE: Yes. It has to be risk-led. So there has to be 8 a clear reason why it's necessary. 9 I think our view is on searching that we need to 10 maintain a balance between the impact that we know that 11 searching has on children and the general safety of 12 those children in our care around, for example, drugs, 13 weapons and so on. We are pleased that actually the 14 reduction in the level of searching hasn't led to 15 a commensurate increase in the volume of drugs and 16 weapons, but we are mindful of that. 17 Interestingly, in 2011, the YJB had User Voice do 18 a piece of work around a number of areas consulting with 19 children and children seemed to accept that searching 20 was necessary to keep the environment they were in safe. 21 MS HILL: We will hear from Mr Johnson next week. I think 22 that survey also said that children sometimes find it 23 feels like rape -- is what I think one said -- they feel 24 like strip searching is intrusive and difficult. So I'm 25 not sure it was all one way.</p> <p style="text-align: center;">Page 120</p>

<p>1 MR SAVAGE: It wasn't all one way, no, and we absolutely 2 took on board that they do find it intrusive. They 3 don't like it and we would rather not do it. 4 MS HILL: But when a decision is being taken on a risk-led 5 basis about whether to strip search a particular child, 6 will the people making that decision have access to 7 information about that child's background? 8 MR SAVAGE: Yes. 9 MS HILL: So will they know on their ASSETPlus record, or 10 whatever, whether there is any suggestion that that 11 child had previously been abused? 12 MR SAVAGE: Yes. The ASSETPlus record would contain that 13 information if it has been input by the youth offending 14 team. 15 MS HILL: That would be available to the person deciding 16 whether to authorise the strip search? 17 MR SAVAGE: It would come into the establishment and that 18 information would be disseminated through reception 19 teams to teams who need to use it. I'm trying to think 20 through the process -- 21 THE CHAIR: You understand why I'm pressing the point? 22 Because, if the institution has, on the ASSETPlus 23 information, a marker that says, "This child has been 24 abused" or "This child has been in care" or something of 25 that nature and then someone later is deciding whether</p> <p style="text-align: center;">Page 121</p>	<p>1 have been trained, that have medical oversight. But we 2 fully accept that the pain-inducing technique point is 3 one in which there are a range of views and the 4 Restraint Advisory Board considered it at length and it 5 is now an appropriate point to consider it again. 6 MS HILL: The final question on this topic. Howe & Co have 7 questioned whether or not each custodial institution 8 should have a violence reduction coordinator who 9 monitors trends in violence in the institution. Perhaps 10 this is more about physical abuse and violent incidents 11 than restraint as such. What do you make of that 12 proposal? 13 MR SAVAGE: I looked at that proposal. I think the 14 activities they are suggesting are carried out, 15 I believe are carried out in a number of different ways 16 in different establishments within different roles. 17 Whether there is a value in bringing them together into 18 one post holder or whether there is just a value in us 19 having clarity in exactly how they are done, I think we 20 could look at that, yes. But those activities, 21 absolutely, need to be done. 22 MS HILL: I'd like to move now to 7.9 the issue of the 23 warning signs that a child is at risk of abuse or may 24 have been abused or an abuser of others. You have given 25 evidence about the ASSETPlus System which I think is the</p> <p style="text-align: center;">Page 123</p>
<p>1 to authorise that child being strip searched, how can we 2 be sure that A and B are in the same place? 3 MR SAVAGE: Yes. Would I be able to come back to you with 4 an answer which articulates how that information moves 5 throughout the establishment? Because I don't want to 6 give an incorrect position. 7 MS HILL: Thank you. Is there anything else in relation to 8 the MMPR review that you wish to add? 9 MR SAVAGE: I mean, in terms of pain-inducing techniques, we 10 are aware that it's a complex area and people have 11 a range of views on it. The panel -- the Restraint 12 Advisory Board that recommended ministers sign off the 13 syllabus with pain in it considered that position at 14 length and contained a number of experts, 15 paediatricians, a professor in child mental health, 16 et cetera. 17 I guess from our perspective, our staff are facing, 18 on occasion, extreme situations and they need to keep 19 the children in their care safe. The example a governor 20 gave to me recently was of a child, who had fashioned 21 a weapon, who was stabbing another child. The officer 22 needed to get the weapon from the child's hand and they 23 used a pain-inducing technique to do it. I think in 24 those situations, we wouldn't want our staff to 25 improvise. We would want them to use techniques that</p> <p style="text-align: center;">Page 122</p>	<p>1 assessment process that works within the youth justice 2 application framework, and also about the CHAT 3 assessment system that I think is a slightly different 4 thing. Just very briefly, Mr Savage -- perhaps, 5 Ms Robinson, this is for you, is it? 6 MS ROBINSON: No, for Mr Savage. 7 MS HILL: Could you very briefly tell the chair and panel 8 what the ASSETPlus System is and what the CHAT system 9 is? 10 MR SAVAGE: Sure. So ASSETPlus is an assessment framework 11 which is used throughout the youth justice system. So 12 youth offending team workers in the community and 13 custodial staff use the same framework for assessing 14 young people and capturing their information. That 15 framework is used by youth offending teams with young 16 people in the community, and if the young person ends up 17 in custody, it flows into our placements team and helps 18 us inform our placements decision, and flows from our 19 placements team into the custodial establishment so they 20 have it before the young person arrives. It helps them 21 form a view around how they are going to look after the 22 young person when they get there, and then also forms 23 the basis for sentence planning while the young person 24 is there. The youth offending team can access the IT 25 system that the establishment is using and see the</p> <p style="text-align: center;">Page 124</p>

<p>1 information that maybe is changing and being updated, 2 and then, at the end of the custodial period, it flows 3 back out into the youth offending team for them to use 4 while supervising the child in the community. 5 So it is the same framework, it is the same set of 6 information that flows from different IT systems. It 7 effectively flows from place to place and follows the 8 young person through the system. 9 MS HILL: To what extent is the ASSETPlus System a sort of 10 rolling one, that the YOT, on the outside of 11 the establishment, can add in information but the 12 institute itself can also update information about, for 13 example, a child's well-being or a child's welfare. Is 14 it an ongoing, organic system? 15 MR SAVAGE: It is an ongoing, organic assessment so they can 16 update it with changes while they're in custody. 17 MS HILL: But if a child did disclose abuse in custody, the 18 custody staff could add that? 19 MR SAVAGE: Absolutely. Equally, while youth offending team 20 staff come to review meetings at regular intervals, 21 actually they can log into that system any time they 22 want and see changes. Equally, casework teams in 23 establishments call youth offending teams the whole time 24 around young people that they have kind of shared case 25 management of. So that information is live and it kind</p> <p style="text-align: center;">Page 125</p>	<p>1 because it may not be appropriate to be sitting in 2 that -- 3 MS HILL: It is a bigger pool of material, isn't it, than 4 just health? 5 MR SAVAGE: Exactly. The CHAT tool was designed 6 specifically to give a set of assessment tools for 7 practitioners, health practitioners, to use with young 8 people coming into the justice system. So it's the tool 9 that's been specifically designed for that purpose. So 10 on arrival, health practitioners, during the first few 11 days in custody, will complete a range of bespoke health 12 assessments for young people in custody. 13 MS HILL: The evidence the REA collated, pages 82-3, 14 section 7.1 -- we don't need to bring it up -- was to 15 the effect that there was evidence that the CHAT 16 assessments in YOIs and STCs were not being completed 17 consistently and that children's health records were not 18 available on a consistent basis, meaning a child's 19 pre-existing health conditions might not be known to the 20 custodial establishment and potentially, therefore, any 21 previous issues around abuse were not known. What is 22 the Youth Custody Service doing to address that? 23 MR SAVAGE: We work with NHS England colleagues who have 24 recently, across the last year, started gathering 25 central data around the speed at which CHAT assessment</p> <p style="text-align: center;">Page 127</p>
<p>1 of flows. 2 The caveat is that a system and framework is only as 3 good as the information people put into it, but the 4 system makes it easy for the information to move, and 5 there are some kind of hard-wired management checks at 6 certain stages, where managers have to check that it's 7 been completed, that tries to ensure that the quality of 8 what goes in is maintained. 9 MS HILL: Quickly, please, if I may, can I bring up 10 HMP000340, which might take a little time. 11 While that is being brought up, could we ask you 12 some questions, please, to explain the CHAT process -- 13 forgive me. We are here. This is a document that the 14 panel can look at perhaps in due course. But this is 15 the guide for running the ASSETPlus Programme -- System. 16 MR SAVAGE: Assessment framework, yes. 17 MS HILL: We can take that down and, perhaps while we're 18 there, we can bring up NHS000009, which is the CHAT 19 manual. We may read some evidence from the NHS about 20 this, but perhaps just from your perspective, tell us 21 how this fits with the scheme we just looked at. 22 MR SAVAGE: ASSETPlus will contain a range of information 23 about a young person, including some headlines around 24 health. It will not necessarily contain all of 25 the detailed health information around a young person</p> <p style="text-align: center;">Page 126</p>	<p>1 stages are being completed. So they can see centrally 2 whether there are issues in particular health providers 3 in particular establishments, raise them with their 4 local health commissioning teams, to drive up the speed 5 and consistency of CHAT assessment. 6 They are -- my understanding is, they are doing 7 a review to see whether the CHAT assessment could be 8 updated and improved. 9 In terms of the movement of children's health 10 information around the system, and, again, they will be 11 better placed to give the kind of purely technical 12 answers, but my understanding is there is a particular 13 IT system that is used in the community which they are 14 investing in for their health providers in custody which 15 will aid the movement of children's records so that 16 their health providers in custody aren't having to kind 17 of track down and get sent in documents. 18 MS HILL: It is not a new problem, is it, the problem of 19 prisoners, even adult prisoners, their medical records 20 not necessarily following them around consistently. It 21 is not a new problem, is it? 22 MR SAVAGE: No, and I understand that this particular IT 23 system is quite well established, and I think it is in 24 some of the sites, but actually to get it consistently, 25 they -- I think it may be better to ask them the</p> <p style="text-align: center;">Page 128</p>

<p>1 specifics, but they are working on a programme to make 2 sure that's rolled out quite rapidly. 3 MS HILL: Thank you. I would like to move now to 4 information given to children. I think this is still 5 you, Mr Savage. Two broad themes, please, if I may. 6 The first is around sex education for children in 7 custody. You have heard a lot of evidence from 8 The Howard League, in particular last week, about that. 9 Should sex and relationships education be compulsory for 10 children in custodial institutions partly because it 11 might help them then have a better platform for 12 understanding what is an abusive sexual relationship? 13 MR SAVAGE: Yes. My understanding is sex and relationships 14 education is being widely taught in most of our 15 establishments. In terms of whether we want to mandate 16 exactly how it is taught, et cetera, I think, yes, we 17 can look at that point. 18 MS HILL: I think we had some evidence earlier in the week 19 that in many establishments there was a concern about 20 the rostered education provision not actually being made 21 available to children. There were some statistics 22 around missed lessons and things being cancelled and so 23 on and so on. How confident can you be that this SRE 24 provision is in fact being consistently given to 25 children?</p> <p style="text-align: center;">Page 129</p>	<p>1 the pillars of the reform programme is to review the 2 education provision, to look at flexibility within it. 3 Part of the challenge we have is the very specific 4 nature of how education should be delivered, and it 5 doesn't always work in that environment. So we are in 6 the process of reviewing it and also with the increased 7 number of staff on site, we should be able to increase 8 our numbers of children engaged in that activity, and 9 also looking at those who are not engaging to give them 10 a bespoke programme. 11 But the issue around whether or not there should be 12 key principles around sex education, I agree, and that's 13 one of the areas that I have asked Sonia Brooks to look 14 at in terms of, you know, what is being provided and how 15 consistently is that being provided. 16 MS HILL: In terms of what information children are given on 17 custody, on induction or admission into custody, and the 18 REA has quoted research that shows a direct link -- 19 forgive me, a potential link between the information 20 that children are given about sexual abuse and its 21 prevalence, ie, being -- the evidence being, I think, 22 that if they are given a very clear indication at the 23 beginning about how to report abuse and what is 24 appropriate and what isn't, that that can be pertinent. 25 I couldn't see anything in either of your statements</p> <p style="text-align: center;">Page 131</p>
<p>1 MR SAVAGE: It is a fair point that there is a difference 2 between having a timetable and teachers and classrooms 3 available and children accessing those. We have had 4 some issues, particularly during 2017, around children 5 getting to class. 6 We have seen some improvements in that area, but we 7 do need to do more to make sure the children are 8 accessing the timetable that they should. For children 9 who don't attend because they are excluded or they are 10 refusing, there is an outreach service that mirrors the 11 timetable that they should be getting, but I do take the 12 point that there are occasions on which lessons are 13 missed. 14 MS HILL: I thought -- I'll be absolutely corrected if I am 15 wrong -- Dr Janes' evidence was along the lines of the 16 30 hours a week that was required was generally about 17 17 hours or something of that nature. So there was 18 quite a disparity, if I have remembered the figures 19 correctly. There is a concern there certainly in 2017. 20 Is this issue of education not actually being made 21 available to children something that you feel you are 22 across at a national level? I see you nodding, 23 Ms Robinson? Is it one for you, really? Obviously that 24 is a concern, isn't it? 25 MS ROBINSON: It is a concern. Again, obviously one of</p> <p style="text-align: center;">Page 130</p>	<p>1 about the induction process to suggest that children are 2 given information about sexual abuse on induction. So 3 what can you offer us about that? 4 MR SAVAGE: At this moment, it's variable. There are some 5 sites when there's good coverage around that and there 6 are some where there's more work that needs to be done 7 on induction information. 8 MS HILL: Mr Wood's evidence yesterday, if I remember 9 correctly, was that even a sign that tells a child on 10 arrival at the institution that this is a safeguarding 11 institution or this is an institution that cares about 12 your safety, things like that, that might sound quite 13 simple, can be quite powerful. That's the sort of thing 14 I think he was talking about, information to children 15 like that. 16 MR SAVAGE: So one of the things we have done with the 17 Advocacy Service with Barnardo's is that they are 18 running induction sessions for children to talk to them 19 about their rights, what to expect, how to complain. 20 I think in terms of whether induction booklets that are 21 given to young people, the induction packs they are 22 taken through, say enough about what is sexual abuse, 23 what should young people do, who should they talk to, 24 I think there's more we can do in that area. 25 The point around, more generally, are we doing more</p> <p style="text-align: center;">Page 132</p>

<p>1 to tell young people how to raise concerns, how to 2 complain, I think the Advocacy Service gives us an 3 additional layer of assurance around that. 4 MS HILL: I'll come to that in a minute, if I may. The DfE 5 guidance for secure children's homes is very clear that 6 children in SCHs must have a children's guide which 7 gives them, in age-appropriate language, information 8 which -- that they must be supported by staff to 9 understand what abuse is and what constitutes 10 inappropriate behaviour. So the DfE guide seems to be 11 a fairly clear model from the SCHs that could well be 12 applied to STCs and YOIs. 13 MR SAVAGE: Yes. 14 MS HILL: I see Ms Robinson nodding. 15 MS ROBINSON: Yes. 16 MS HILL: In terms of complaints more generally, our 17 issue 7.11, I think you recognise, Ms Robinson, that the 18 issue of children's lack of confidence in the complaints 19 system is well recognised, and just to put it very 20 briefly, if I may, there is a pool of research showing 21 that children are not satisfied with the complaints 22 system, they have concerns about its credibility, its 23 accessibility, its formality, and then perhaps more 24 deep-seated difficulties about a fear of being seen as 25 a "grass" or having reprisals. There are particular</p> <p style="text-align: center;">Page 133</p>	<p>1 children coming forward and what can we do to support 2 better outcomes for those children? 3 MS HILL: Certainly Mr Wood's thematic review has expressed 4 concern about whether the complaint process or the 5 complaint mechanism is the best way for children to 6 disclose abuse, because it is so formalistic, it is so 7 adversarial, I think, and things like that. We will 8 hear more from him next week about that. Would you 9 share some reservations about whether the complaint 10 process is the way for children to disclose this sort of 11 thing? 12 MS ROBINSON: There are many different opportunities for 13 children to disclose. They don't have to use the 14 complaints system. There are a number of opportunities 15 that are available. I think the bit that we need to be 16 really aware of is that once they do disclose, that we 17 take them through the process, that it doesn't become 18 mechanistic. It is more about that support that's in 19 place. So whereas complaints are there and they are 20 available, it may not be the right methodology to raise 21 concerns. 22 MS HILL: But for those children who do wish to use the 23 complaints process -- because there is good evidence 24 that children have an awareness of it, so it's 25 a well-established route -- I think we have heard</p> <p style="text-align: center;">Page 135</p>
<p>1 issues on the REA evidence about the complaints process 2 in STCs. 3 Do you accept that broad body of evidence about 4 children and the complaints process? 5 MS ROBINSON: I do. I think it is an incredibly challenging 6 area to support children to come forward and give them 7 the confidence. I think that there's -- we are doing 8 some work with the advocacy -- I think it was mentioned 9 in earlier evidence -- in Wales, that rather than 10 waiting for children to come forward, we are actually 11 outreaching to them, so the Advocacy Service is going 12 direct to children. 13 MS HILL: That's trying to target children who might not 14 otherwise access it themselves, so I think it's being 15 slightly more proactive. 16 MS ROBINSON: Yes, being more proactive, and we are in the 17 position where we are recommissioning the service -- 18 well, not the YCS. The Advocacy Service, it is 19 important to note, is overseen by the MoJ, it is 20 independent of the YCS. It is a service that is 21 supposed to be providing additional support to young 22 people. But I certainly think that -- it goes back to 23 the point about the decision-making processes that are 24 being undertaken and some of the prevalence data, at 25 what point are cases falling down or at what point are</p> <p style="text-align: center;">Page 134</p>	<p>1 evidence that, at Rainsbrook, children have been given 2 tablets on which they can make complaints. Is there 3 more that can be done to make the complaints process 4 more accessible and confidential to children? 5 MS ROBINSON: Absolutely. It is -- again, one of the areas 6 I have asked Sonia to look at is to look at the 7 different systems that we have in place. Rainsbrook is 8 a really exciting piece of work that they are, at the 9 moment, rolling out, and we are looking and learning 10 from that to see what we can, you know, roll out across 11 the rest of the estate. 12 MS HILL: I think the HMIP report from Rainsbrook from 13 August last year -- INQ001569, but we don't need to 14 bring it up -- noted that that had improved 15 confidentiality in complaints, which is therefore 16 addressing one of the children's concerns. The feeling 17 is, if they can fill the complaint in on the tablet 18 rather than having to ask for a form from an officer, 19 it's a better route. 20 MS ROBINSON: Yes, and if we think of children and young 21 people and their use of technology nowadays, it's a very 22 different -- 23 MS HILL: And paper, yes. 24 MS ROBINSON: And paper, yes, I think we need to be adapting 25 to that, and that's what we are looking at through the</p> <p style="text-align: center;">Page 136</p>

1 Rainsbrook rollout.
 2 MS HILL: Certainly one of the Howe & Co proposals was that
 3 there be a more accessible complaint form, but I think
 4 what you are agreeing is you are giving thought to
 5 making the complaint process more generally accessible.
 6 MS ROBINSON: Generally, yes.
 7 MS HILL: The REA had noted that there were proposals again
 8 to review the complaints process by the end of 2011 and
 9 couldn't find any evidence that that had been
 10 implemented. Can you help with that or is that perhaps
 11 before your time?
 12 MS ROBINSON: Before my time, I'm afraid. But Peter may be
 13 able to assist.
 14 MR SAVAGE: There was a piece of work done in 2011 looking
 15 at complaints and it came up with a number of
 16 recommendations. My understanding is a number of those
 17 have been progressed. I think what we are usefully
 18 doing is, in terms of our current safeguarding review,
 19 we are going back to those recommendations and ticking
 20 them off and checking that they were done. There is now
 21 a kind of published action plan off the back of that, in
 22 terms of my understanding from having seen the internal
 23 documents, and my memory was that --
 24 MS HILL: That's why the REA couldn't find it --
 25 MR SAVAGE: Yeah, it wasn't a published action plan --

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1 MS HILL: -- because it wasn't publicly available, but
 2 you're saying it had been done?
 3 MR SAVAGE: Elements of it, and we are checking those off
 4 through the, um ... yes.
 5 MS ROBINSON: If I can add, there was an additional route
 6 that we have been trying to implement, which is around
 7 children and young people's ability to conduct exit
 8 interviews. So if they don't want to disclose whilst
 9 they are in the custodial environment, they can do so
 10 subsequently. That requires the support of the YOT
 11 workers to undertake those discussions with the young
 12 people. That hasn't given as good a return as we'd
 13 hoped.
 14 MS HILL: I think you were saying in your statement that
 15 children seem to just want to get out.
 16 MS ROBINSON: They just want to go and get on with their
 17 lives. Their priorities aren't necessarily about what
 18 is in the past. Their concern is where are they going
 19 to live, where they're going to go to school and those
 20 sorts of things.
 21 MS HILL: A few more questions on this topic, then -- just
 22 seeing the time -- about what children can do in terms
 23 of other routes to complain in custody. You have given
 24 some evidence, Ms Robinson, in your witness statement,
 25 000398, paragraph 45 and onwards, about the new CuSP

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1 officer. We saw that guidance briefly. That's
 2 a custody support plan officer, which is a new form of
 3 personal officer who will spend one hour a week with the
 4 child the idea being that's a more focused relationship
 5 and the CuSP officer has three days training for that
 6 role. That is only in place at Medway at the moment.
 7 Help us with how widely rolled out that's going to be.
 8 MS ROBINSON: It will be rolled out across the whole estate.
 9 At the moment, we are waiting for the numbers of
 10 officers to reach the point where we can assign two
 11 young people to each officer so they will become their
 12 CuSP responsible officer. I think Feltham is the next
 13 place where we will be rolling that out because their
 14 numbers are greater.
 15 MS HILL: That will be across YOIs and STCs?
 16 MS ROBINSON: It is public sector at the moment. The idea
 17 is, all of the things that we are implementing across
 18 the public sector will be going to the private sector to
 19 talk about their contracts and what we expect from them.
 20 We are making sure that we are able to deliver that
 21 ourselves.
 22 MS HILL: To what extent do you believe, then, that there
 23 will be national coverage for that scheme? How long
 24 will it take for every child to have access to a CuSP
 25 officer rather than their old personal officer scheme?

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1 MS ROBINSON: We hope that by the end of this financial year
 2 we will have the numbers in place to be able to
 3 implement the full CuSP officer role across the estate.
 4 So I think the last place is probably likely to be
 5 Cookham Wood because they have the lowest numbers of
 6 staff at this moment in time. We are rolling it out as
 7 and when the numbers become up to the right levels to
 8 enable us to do that.
 9 MS HILL: Taking two topics together, if I may. When the
 10 Harris Review reported, one concern expressed by the
 11 Harris Review back in 2015 was about the independence of
 12 the Independent Monitoring Board. How accessible are
 13 the IMB visitors to children? That's for you,
 14 Mr Savage -- or perhaps Ms -- I don't know who it is
 15 for, really.
 16 MR SAVAGE: My understanding is they have widespread access,
 17 they have free rein around the establishment. I'm not
 18 particularly au fait with the review that you're
 19 referring to, so in terms of what the particular issues
 20 are.
 21 MS HILL: I think they weren't so much about children
 22 directly, so I'm not sure I need to bring them up. But
 23 it's more about, as far as you're aware, that is
 24 a possible route for children, is it?
 25 MR SAVAGE: It is.

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<p>1 MS ROBINSON: It is. 2 MS HILL: For completeness, you have both given additional 3 evidence, as has Mr Allars, about other routes children 4 can use. There are of course the helplines to 5 The Howard League, there's the PPO. Once a complaint 6 has already gone through the first level, that can then 7 go to the PPO. There are chaplaincy services and other 8 lines run by -- 9 MS ROBINSON: Childline. 10 MS HILL: -- Childline and the Samaritans. There's 11 education and healthcare staff, social workers, YOT 12 workers and probation offender managers. 13 Overall, though, I think a question to put to you, 14 perhaps, Mr Savage, is, is there a need for any further 15 development of that key worker role or a need to have 16 entirely independent professionals working closely with 17 these children, or do you think that there are enough 18 routes available? Maybe, Ms Robinson, actually it is 19 for you, I think, because you dealt with this in your 20 statement. 21 MS ROBINSON: I think there are plenty of roles, both 22 independent and part of a system. I think, ultimately, 23 it's who does the child trust in order to disclose, and 24 at what time and at what point in their journey are they 25 wanting to do that? So I think we have a lot of</p> <p style="text-align: center;">Page 141</p>	<p>1 there are now independent referral processes to ensure 2 a separation of referrals from advocates and 3 establishment staff, I think to give a sense of 4 independence. Can you explain whether I have that right 5 or not? 6 MR SAVAGE: Yes, that's correct. I think that kind of 7 presentational and kind of ethos point of having that 8 separation, previously advocates would have gone and 9 worked for the local safeguarding teams or the social 10 workers on site to look at referrals, and now they refer 11 directly. I think probably more pertinent are the 12 changes from making children know that they are there 13 and being available to them, waiting for children to 14 come and raise issues. 15 MS HILL: There are plenty of posters that get put up and 16 things like that. We have seen some evidence on that. 17 MR SAVAGE: We wanted a child-led service, but there is the 18 question of, to what degree do children know when to ask 19 for help? And the education sessions were partly to 20 upskill children to know when to ask for help. 21 Equally, what we wanted advocates to do was, 22 actually, let's pick key, high-risk points in the kind 23 of life of a child in custody and let's not wait for 24 them to ask for help. Let's inject the advocate into 25 that situation.</p> <p style="text-align: center;">Page 143</p>
<p>1 systems, but I think we need to build confidence of 2 the young people in being able to do that and, by 3 building confidence, it's the support mechanisms and 4 that when they disclose, their concerns are being taken 5 forward and addressed and investigated. 6 MS HILL: I think at HMP000397, paragraph 74, you 7 essentially said all of these routes are there, but any 8 further routes you say it is unclear whether that will 9 overcome the perhaps fundamental reluctance of young 10 people to report concerns. 11 MS ROBINSON: Yes, absolutely. 12 MS HILL: That's where you need to build work, I think is 13 what you are saying. 14 MS ROBINSON: Yes. 15 MS HILL: Briefly, if I may, to finish this topic, and then 16 it might be time for our mid-afternoon break, the 17 Advocacy Services that you've talked about, we have 18 heard quite a bit about the Barnardo's service. For the 19 record, the Medway Improvement Board found at that time 20 the service was not fit for purpose, but changes have 21 been made to it and I think, if I have summarised your 22 evidence correctly, Mr Savage, there are two key changes 23 to it: that the Advocacy Services are now being targeted 24 proactively, not simply reactively; and you explain in 25 your witness statement at paragraphs 26(a) to (d) that</p> <p style="text-align: center;">Page 142</p>	<p>1 So for example, in relation to restraint, a child 2 has a debrief generally the day after there's 3 a restraint to try to find out from their perspective 4 how did they feel about that situation, what happened, 5 what was their view of the incident, and children being 6 asked did they want the advocate to come and be present 7 for that. Generally, they would say no. 8 Our concern was that they didn't really understand, 9 the first time they went to a debrief, what that was 10 going to be like, what the advocate could bring to that 11 discussion. And because it is such an important part of 12 the situation that we are putting young people in, we 13 felt that, actually, for the first debrief we would send 14 the advocate regardless. And actually, it kind of moves 15 us slightly away from the principle of, "We are there to 16 go and help children when they ask" to accepting there 17 are points when they maybe don't understand they need 18 the help and that we need to target the Advocacy Service 19 into those situations more actively. 20 MS HILL: On a practical level, if a child did now disclose 21 sexual abuse in custody, is the immediate aftermath of 22 a disclosure of that nature the sort of time where an 23 advocate might be proactively involved, do you think? 24 MR SAVAGE: Absolutely, yes. Any -- again, historically, it 25 was the child asking for the advocate's help. Actually,</p> <p style="text-align: center;">Page 144</p>

1 now, our staff, custody staff, YOT staff, can direct the
 2 advocate to go and meet with the young person, and we
 3 are being -- taking a kind of nuanced difference
 4 approach to a child-led service for children who
 5 struggle.
 6 MS HILL: Do you think there is an adequate understanding of
 7 that within the custodial estate?
 8 MR SAVAGE: Yes. We did work with establishments to roll
 9 out these changes so they would understand what was
 10 happening, and what the differences were.
 11 MS HILL: Two further short topics, please, under the
 12 overall heading of "Routes to complaints" and then
 13 perhaps we can have our break. The first is to do with
 14 family and friends and the second is to do with legal
 15 advice. So far as family and friends are concerned, is
 16 our understanding correct that in a YOI a young person's
 17 entitlement to communication with the outside world is
 18 limited to receiving a letter once a week and a visit
 19 twice every four weeks? That's what we have elicited
 20 from the applicable YOI rules. Is that still the
 21 provision?
 22 MR SAVAGE: Those are the minimums, and establishments are
 23 actually -- they are offering more than that. So what
 24 you have found is the minimum expectation in the
 25 legislation.

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1 Around visits, what establishments are doing is,
 2 based on the amount of time and the amount of space and
 3 the need to give every young person the opportunity to
 4 have a visit, they are allowing varying degrees of
 5 visits, but it is all more than that minimum.
 6 MS HILL: For completeness, I think PSI 8/2012 that we have
 7 looked at already does require arrangements to promote
 8 the positive contact between children and their
 9 families, but by way of a comparison in the SCHs, the
 10 regulations indicate that visits should be permitted as
 11 freely as possible. A child can meet privately at any
 12 reasonable time with family, friends and others, must
 13 normally be able at all reasonable times to make and
 14 receive phone calls, emails and post, and so on. So
 15 there does seem to be quite a different regime in the
 16 SCHs; is that right?
 17 MR SAVAGE: I think the principles remain the same, in that
 18 we have visiting times that are said to be reasonable to
 19 allow children to have visits outside of the school day,
 20 to allow for family to attend outside of work, we have
 21 arrangements for young people to use telephones. We
 22 have a range of arrangements that, while set out more
 23 starkly in terms of minimums, are broadly along the
 24 lines of those principles, so you wouldn't find, for
 25 example, that a secure children's home could accommodate

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1 a visit from every member of a child's family at every
 2 point of the day. They will have to make some practical
 3 arrangements to facilitate that, including some prior
 4 booking and some limitations on visits, but the
 5 principles of promoting as much visitation as possible
 6 within the facilities, the time, et cetera, that we
 7 have --
 8 MS HILL: Just by way of one example, the HMIP report on
 9 Feltham from 2017 did note concerns, I think, that
 10 children were trying to make telephone calls, they may
 11 be overheard by detainees or staff, the phones weren't
 12 in private places, and things like that. So, I mean,
 13 there are limits on the access children have to their
 14 family and friends, aren't there?
 15 MR SAVAGE: With telephones, we -- so in all secure training
 16 centres, children can have telephones in their rooms.
 17 So they can have wireless handsets or in some cases plug
 18 phones into sockets and they can have as many incoming
 19 phone calls outside of the school day as they want.
 20 We have rolled that out to Cookham Wood YOI and to
 21 the Keppel Unit which is the specialist unit within
 22 Wetherby YOI. We have been able to do that quite
 23 quickly and simply partly because they are new buildings
 24 and the infrastructure was designed to allow that at
 25 a future date.

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1 We are in the process of working out how to do that
 2 in the other sites where it may take us a little longer
 3 because they are older buildings and the kind of
 4 ducting, et cetera, wasn't envisaged at that point.
 5 But absolutely the plan is that children have kind
 6 of free access to telephone calls from their family.
 7 MS HILL: There's, I think, a pilot or use at the moment in
 8 Parc of Skype as a way of family members keeping in
 9 touch with children. Is that going to be more widely
 10 used, do you know?
 11 MR SAVAGE: The Skype pilot, I think it was a useful pilot
 12 in terms of dealing with some of the geographical
 13 barriers for family and professionals. In terms of
 14 privacy, it was in a visits meeting room, and there were
 15 adults present to set up the equipment to kind of
 16 supervise the usage of it. I don't think it really
 17 gives us additional confidentiality, but it did help
 18 with some people who had long distances to travel.
 19 I think, in terms of confidentiality, I would be keener
 20 on telephones, children having phones in their room, and
 21 things like kind of tablets, et cetera. But the Skype
 22 pilot was useful and we are looking at whether we can
 23 learn from that elsewhere. I'm less convinced that
 24 that's a route that's going to be particularly fruitful
 25 around this issue.

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<p>1 MS HILL: On this topic, Howe & Co say: 2 "Should schemes be introduced to establish visits of 3 young people relatively close to the child's own age, 4 such as student social workers, to create an opportunity 5 for a form of peer-to-peer disclosure?" 6 Is that something you have considered or would think 7 about? 8 MR SAVAGE: I mean, we do have some schemes where there are 9 young people visiting young people. So, for example, 10 Rainsbrook Secure Training Centre has a link with 11 Rugby School, and children from Rugby School come in and 12 do some work in education with the children from 13 Rainsbrook. I'm slightly wary of putting the 14 responsibility on children for managing disclosure. 15 I think there is value in mentoring schemes and building 16 up children's confidence and helping them kind of meet 17 with different types of young people. 18 I'm slightly wary of us considering that we would 19 look to children for that role in disclosure. 20 MS HILL: My final question, please, before the break, the 21 provision of legal advice and legal visits. I think we 22 know that legal visits are held in sight of a member of 23 staff but out of staff hearing. I think Mr Taylor 24 confirms they have a certain element of privacy around 25 that. One of the issues raised by the Joint Committee</p> <p style="text-align: center;">Page 149</p>	<p>1 similar on corruption prevention. You have indicated, 2 Ms Robinson, in your witness statement that all of 3 the sites operate whistleblowing policies -- that is 4 paragraph 57 of your witness statement. 5 Can you indicate overall how effective a system you 6 think this is in light, for example, of what we heard 7 about what happened at Medway, which clearly involved 8 staff not engaging in transparency and from what we 9 heard from Professor Hardwick the other day, 10 deliberately talking about how to do things to avoid 11 being found out. So how can you reassure the panel that 12 there is an effective whistleblowing system in place? 13 MS ROBINSON: Well, as a result of Medway, obviously there 14 was a review by the YJB on the processes of identifying 15 matters of concern, cross-referencing intelligence that 16 was coming out, and the whistleblowing policies, and 17 there was a push to enhance that and make sure that 18 individuals knew that that policy was available and that 19 the systems in place were there for recording it. 20 I know, for example, as I received one only this week, 21 that if a member of staff is concerned about something, 22 that they can use the policy, we will log it centrally, 23 I will have sight of that, we will identify an 24 investigator to have a look at that to identify what the 25 particular issues are, and I am confident that if the</p> <p style="text-align: center;">Page 151</p>
<p>1 on Human Rights has been that the reductions in prison 2 Legal Aid might increase the vulnerability of children 3 in custody. Is that something you can comment on or 4 not? 5 MR SAVAGE: It is not something I feel qualified to comment 6 on. 7 MS HILL: Thank you. Chair, perhaps we can have our 8 mid-afternoon break? 9 THE CHAIR: We will return just after 3.15, thank you. 10 (3.02 pm) 11 (A short break) 12 (3.18 pm) 13 MS HILL: Thank you, chair. 14 Ms Robinson, Mr Savage, just to help orientate you 15 perhaps, and the chair and panel, of the factual issues 16 we are exploring, there are five left that I need to go 17 over with you and then I would like to ask you some 18 general questions about the prevalence analysis and the 19 culture issues. That is what I am hoping to cover in 20 the time we have left. 21 7.12 is the issue of staff whistleblowing. We know 22 from the YOI and STC Rules that there is a requirement 23 that officers inform the governor promptly of any abuse 24 or impropriety which comes to their knowledge. There is 25 a PSI 2014 on reporting wrongdoing and something else</p> <p style="text-align: center;">Page 150</p>	<p>1 policy is being used, the systems are there, it's about 2 whether or not they are being used and it goes back to 3 the issue around disclosure and whether or not staff 4 feel confident or not. 5 But we use all sorts of different intelligence 6 methodologies to look at how the centre is operating. 7 So, as I said, there's the complaints process, there's 8 the matters of concern, there's whistleblowing, there's 9 the general performance issues, and the information 10 that's coming out day to day from staff and our monitors 11 on the STC sites. 12 MS HILL: Just help the chair and panel, please, what is the 13 matters of concern process that you have alluded to? 14 MS ROBINSON: Well, the matters of concern were brought -- 15 again, I think it was under the YJB prior to when 16 I joined, which was a way of, if an individual -- that 17 could be an external party, so it could be a YOT worker, 18 a caseworker, a member of staff or a family member, was 19 concerned about how a young person was being managed or 20 that they didn't feel that their complaints were being 21 heard, that it was escalated up into a central point, it 22 was logged, investigated and we were able to collate 23 patterns, and a good example of that was in one of our 24 providers we were receiving weekly matters of concern 25 which were identifying particular issues, so we were</p> <p style="text-align: center;">Page 152</p>

<p>1 just making sure that we assured the process to -- you 2 know, to test what was being said. 3 Some of the matters of concern that are raised by 4 a family member, it may be actually a complaint. So if 5 it was an individual thing that hadn't previously been 6 investigated, we would push that down to the local 7 establishment to review. 8 MS HILL: The next topic, please, Ms Robinson, 7.13, is 9 about applying best practice in responding to a child 10 who has disclosed abuse to a child in custody. Just 11 pausing there, as you know, Mr Wood gave a lot of 12 generic evidence yesterday about the standards for 13 responding to an allegation of abuse. Are there any of 14 those particular things that he talked about that you 15 think it's unrealistic to expect in custody, or is it 16 really that the principles of good practice that he 17 identified should apply in custody? 18 MS ROBINSON: Absolutely. The principles should apply. 19 They should be embedded in the day-to-day practice. 20 I think where we fall down is around the decision-making 21 processes and how we account for the practice, as 22 opposed to, you know, ensuring that we -- what I want to 23 understand is, when a young person comes forward with 24 a complaint or with an allegation, that we understand 25 why it has been taken forward to, for example,</p> <p style="text-align: center;">Page 153</p>	<p>1 page 55, there is a flowchart that I think again is also 2 intended to be a generic policy that's copied at a local 3 level. Is that right? 4 MS ROBINSON: Yes. 5 MS HILL: In terms of the concept, if you look over the page 6 at 54 -- sorry, forgive me, internal 56, you will see 7 that there are set out things like the concept of 8 significant harm, what is abuse and neglect and things 9 of that nature? 10 MS ROBINSON: Yes. 11 MS HILL: For completeness, if we look on internal page 58, 12 paragraph 14, please, there is a definition there of 13 sexual abuse. Is that right? 14 MS ROBINSON: Yes. 15 MS HILL: There is also information at internal page 59, 16 paragraph 21, please, about what the signs of sexual 17 abuse may be. Is that correct? 18 MS ROBINSON: Yes. 19 MS HILL: This, I think, is the overall package of materials 20 that have been in place since March 2012. That seems to 21 be the date on the bottom of this PSI. Does that sound 22 about right to you? 23 MS ROBINSON: It says 2012, yes. 24 MS HILL: It was issued across the board on 1 March 2012. 25 MS ROBINSON: In 2012, yes.</p> <p style="text-align: center;">Page 155</p>
<p>1 a prosecution or why it's not. You know, what are the 2 thresholds that are being applied. 3 MS HILL: Certainly for when we come to look at the analysis 4 next week, the key principles that were in Working 5 Together, there were certain key principles one looks 6 for in a good quality response. Those at a high level 7 should be applied? 8 MS ROBINSON: Yes. 9 MS HILL: Let's come to the third of the factual topics 10 then, 7.14, the way in which allegations are responded 11 to. Can I bring up, please, NOM000003. That's the 12 PSI 08/2012. Within that, please can I go to annex C. 13 It is page 48 in our numbering. This is annex C to the 14 PSI. It gives the standard child protection policy 15 statement. Perhaps we can just scroll through that. 16 Then I think the idea is that this is a framework 17 policy that institutions can copy directly; is that 18 right? 19 MS ROBINSON: Yes. 20 MS HILL: Then if we go through, down to internal page 50, 21 please, there is then a child protection procedure that, 22 again, I think the hope is that this is copied at 23 a local level. Is that right? 24 MS ROBINSON: That's correct, yes. 25 MS HILL: If we can scroll down, please, to internal</p> <p style="text-align: center;">Page 154</p>	<p>1 MS HILL: Is it your understanding that most institutions 2 adopt those standard policies? 3 MS ROBINSON: Yes. 4 MS HILL: You would expect them to because that's what's set 5 out in the PSI? 6 MS ROBINSON: I would absolutely expect them to. The 7 quality in which they are undertaken is a different 8 matter but they are the standards that I expect. 9 MS HILL: To what extent would you expect staff in the 10 particular institutions to be made aware of the contents 11 of those policies? 12 MS ROBINSON: I would expect them to be made aware through 13 briefings, through training, through the safeguarding 14 procedures, through the roles in which people are 15 undertaking. There's multiple ways of ensuring that 16 they are aware of what's intended in these policies. 17 MS HILL: If we have understood it correctly, what these 18 policies intend is that if there is a concern that 19 a child is believed to have suffered or is believed to 20 be at risk of suffering physical, emotional, sexual harm 21 or neglect, they should be referred to the child 22 protection coordinator or safeguarding manager; is that 23 right? 24 MS ROBINSON: That's correct. 25 MS HILL: But that the LADO has a slightly different role</p> <p style="text-align: center;">Page 156</p>

1 where there is a concern that the risk is coming from
 2 a member of staff. Is that right? I see Mr Savage
 3 nodding.
 4 MS ROBINSON: Yes.
 5 MR SAVAGE: Yes, so in terms of -- within each
 6 establishment, they'd have a safeguarding team with
 7 a coordinator, and all allegations would flow through
 8 that team. Where they go from there, whether they go to
 9 the Children's Services or to the LADO, depends on the
 10 type of allegation. My understanding is that's based on
 11 the structures that are in place within local
 12 authorities and Children's Services.
 13 MS HILL: If we have understood the evidence correctly, the
 14 LADO, the Local Authority Designated Officer, is only
 15 involved where the abuse, if it is abuse, is said to
 16 have been staff related. Is that right?
 17 MR SAVAGE: That's correct, yes.
 18 MS HILL: One of the themes that emerges from the REA, it's
 19 section 8.3, I think it might be 8.5, but certainly
 20 section 8.3, and one of the themes also that Mr Wood has
 21 identified is a suggestion that there is not sufficient
 22 involvement between the custodial establishment and
 23 Social Services. Are you with me?
 24 MR SAVAGE: Right.
 25 MS HILL: He has identified a range of issues about

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1 custodial institutions not referring what are child
 2 protection matters enough to Social Services.
 3 Can you comment on whether that is an issue that you
 4 have identified or remain concerned about? When
 5 I opened this evidence on Monday, the REA makes clear at
 6 section 8.3, I think, that concerns about this issue
 7 have been raised for quite a long time. Is that
 8 something that you have been sighted on?
 9 MR SAVAGE: I think kind of the working between
 10 establishments and Children's Services has been improved
 11 by the fact that we have got social workers embedded
 12 within establishments now, and in many cases, what we
 13 have done is we have seconded those social workers in
 14 from the local area and it's improved those working
 15 relationships.
 16 But, really, the safeguarding teams kind of manage
 17 those relationships on a local level with the
 18 organisations outside the establishment who provide that
 19 independent scrutiny. But I think the introduction of
 20 social workers in recent years has gone some way to
 21 helping with that as an issue, because I think that some
 22 of the concerns around that were quite a while ago,
 23 looking at the report.
 24 MS HILL: That reporting that has been summarised -- I can
 25 perhaps bring this up in the REA, SOL000245_096. There

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1 were a range of reports that go back to as far as 2002.
 2 But then they continue up to 2008 and beyond. But a lot
 3 of these themes about enquiries not being carried out by
 4 Social Services or referrals not being accepted or not
 5 being made look to be a little similar to what Mr Wood
 6 has identified in much more recent allegations. Is this
 7 something that will feature in the review that you have
 8 commissioned of safeguarding? It is that sort of issue?
 9 MS ROBINSON: It is. I think it is fair to say that there
 10 are multiple -- multi-disciplinary teams and lots of
 11 different agencies that are working together, both
 12 through the Local Safeguarding Board and also through
 13 the local authority from which the child comes from, but
 14 there isn't necessarily that real focus on the custodial
 15 element of it.
 16 I have been talking with the independent chair of
 17 the Medway board who also feels that there needs to be
 18 a more custodial focus on some of the activities,
 19 because the assurance needs to be undertaken by the
 20 local authority, the Local Safeguarding Board, because
 21 it is not just the custodial people involved in it.
 22 There are so many others.
 23 Whereas we do have clear procedures in place, it is
 24 the application, it's the quality of the service -- you
 25 know, it is all of the things that we have spoken about

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1 before, that we need more effective assurance models,
 2 and to understand where things are falling down. So it
 3 is about that sort of auditing, assurance, and making
 4 sure that we have improved practice with a focus on
 5 custody in particular.
 6 MS HILL: In relation to referring cases to the police, the
 7 guidance that we have just looked at indicates that
 8 allegations of serious sexual assault should be referred
 9 to the police. That's part of PSI 08/2012. When we
 10 looked at the ACPO protocol a few days ago, that
 11 required that any sexual offence should be referred to
 12 the police. Is that apparent disjoint between what the
 13 PSI says and what the ACPO policy says something that
 14 you have been sighted upon before?
 15 MR SAVAGE: The referrals go into a multi-agency
 16 safeguarding hub within the local authority --
 17 MS HILL: This is more just about reporting to the police,
 18 I think, just reporting to the police.
 19 MR SAVAGE: -- yeah, which has police as a partner within
 20 that group.
 21 MS ROBINSON: The police is part of the group. So by
 22 referring to that hub, the police are part of that.
 23 MS HILL: I think my point was more about the threshold,
 24 though, that the PSI talks about serious sexual assault
 25 being referred to the police, whereas the ACPO protocol

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<p>1 talks about any sexual offence. 2 MS ROBINSON: Any sexual offence is referred through to that 3 team which the police are part of. It is then up to the 4 police to decide whether or not it meets the threshold 5 to take further forward in terms of any investigation. 6 I think that's where some of the challenges around 7 balance of evidence fall down in terms of the outcomes 8 that we are wanting. But we do refer. And sexual 9 offences are also referred up the system, and national 10 incidents are also reported on to me and also at 11 ministerial level if there is a sexual offence. So 12 there are lots of reporting processes in place, but 13 whether or not the police choose to take that forward is 14 up to them. 15 MS HILL: Where the police don't investigate a particular 16 allegation and it is investigated within the 17 institution, do you think there is still work to be done 18 on how evidence is gathered, how children are 19 interviewed, whether evidence is properly preserved, 20 things of that nature? 21 MS ROBINSON: Yes. 22 MS HILL: We heard a lot of evidence from Mr Bailey about 23 the need for ABE principles when children are 24 interviewed and things like that. Do you think there is 25 room for improvement around those processes?</p> <p style="text-align: center;">Page 161</p>	<p>1 staff choose to leave before an outcome is concluded 2 there is a way of marking their DBS file. In terms of 3 outcomes as well, is there anything you can tell us 4 about work that might be done with children who are 5 found, at the end of an investigation, to have sexually 6 abused another child? What work is being done to 7 provide treatment-based models for those children? 8 MR SAVAGE: So work on sexual harmful behaviour in the youth 9 estate is part of the offer from health providers, and 10 they have programmes that are specifically around sexual 11 harmful behaviour, as opposed to sex offender treatment 12 programmes which are kind of adult focused. Those 13 programmes are available both for young people where 14 their offence is a sexual offence or as a preventative 15 measure with young people who are displaying sexual 16 harmful behaviour to prevent them reaching a point where 17 that becomes offending. 18 They would be able to give you some detail around 19 how they kind of ensure the sort of quality of that, but 20 it is a specific offer for young people and that health 21 have put in place. 22 MS ROBINSON: It is my understanding that NHS England are 23 reviewing their provision of harmful sexual behaviour 24 interventions across the custodial estate to ensure it 25 is up to date.</p> <p style="text-align: center;">Page 163</p>
<p>1 MS ROBINSON: There is always room for improvement, yes. 2 MS HILL: In terms of the support offered to children or the 3 message that children will be protected from reprisals, 4 if you like, if they make disclosures, that's, again, 5 one theme that seems to come through. How can children 6 be reassured that they will be protected from reprisals 7 if they make a disclosure? Or what efforts are made to 8 ensure that that happens? 9 MS ROBINSON: One of the considerations is who the 10 allegation is against, because disclosure could be about 11 another young person in the establishment, it could be 12 a member of staff or it could be something that's 13 happened at an earlier time. So we would assess the 14 situation, assess the individual, look at whether or not 15 it's in their best interests to remain where they are or 16 whether they could be moved in terms of their placement. 17 But also, with the member of staff, we do have a system 18 if there is an allegation that we would suspend them 19 from duty and potentially withdraw their certification. 20 So it depends on the situation. We would have to 21 assess what the particular risks were and respond 22 accordingly. 23 MS HILL: You have given some evidence, Ms Robinson, in your 24 statement at paragraphs 61 and 63 about the power to 25 suspend staff. You have also explained that even if</p> <p style="text-align: center;">Page 162</p>	<p>1 MS HILL: In terms of the topic you have alluded to, 2 Ms Robinson, of how allegations are recorded and 3 audited, I think you have explained that there is going 4 to be this annual thematic review that will take a range 5 of issues across the youth custody estate, and your 6 intention, I think, is to have a thematic overview based 7 on a range of topics around complaints, safeguarding, 8 whistleblowing and things of that nature. 9 MS ROBINSON: Yes. 10 MS HILL: Are you of the view that that will lead to 11 a greater ability to audit this topic of sexual abuse? 12 MS ROBINSON: Now that we have moved into the custody 13 service we have a second line of assurance, which I'm 14 referring to, which is the audit team that sits outside 15 of the YCS that will be looking at our provision of 16 services. We are in the process of agreeing the 17 framework with them -- we will have a different 18 framework for the YOIs and STCs -- the frequency and 19 whether or not it is risk based or thematic based, but 20 we are certainly progressing that and we ran the first 21 one in Feltham. 22 So it will definitely help us, in terms of giving -- 23 although it is not a completely external view that we 24 get from HMIP and Ofsted, it gives us another level of 25 assurance -- or it gives me another level of assurance</p> <p style="text-align: center;">Page 164</p>

<p>1 that isn't just coming from my staff.</p> <p>2 MS HILL: In terms of how raw data might be recorded of</p> <p>3 children who make disclosures of sexual abuse, as you</p> <p>4 know, the inquiry's prevalence analysis has identified</p> <p>5 several gaps across the provision. Indeed, Mr Taylor's</p> <p>6 statement confirmed in various parts that, in some</p> <p>7 cases, child protection logs may not have existed and</p> <p>8 there seemed to be different ways in which allegations</p> <p>9 of sexual abuse were being recorded. Do you think there</p> <p>10 needs to be a clearer system for recording these</p> <p>11 allegations so that there can be a proper overview and</p> <p>12 audit later on?</p> <p>13 MS ROBINSON: Absolutely. Again, that's part of what I have</p> <p>14 asked Sonia to look at, is, what are the mechanisms that</p> <p>15 we can put into place to get consistency in the way we</p> <p>16 record.</p> <p>17 At the moment, a lot of the information is recorded</p> <p>18 at a local level, but we are considering how we can pull</p> <p>19 together that at a more centralised level so that we can</p> <p>20 look at patterns across the board.</p> <p>21 At the moment, all the data and information is held</p> <p>22 by the YJB, and we are in the process of transferring</p> <p>23 all those data sets across to the YCS, and we are</p> <p>24 looking at lots of different datasets to see if we can</p> <p>25 create a more sort of centralised view.</p> <p style="text-align: center;">Page 165</p>	<p>1 you can help with this, Ms Robinson, but there is some</p> <p>2 evidence in the REA that having different regimes from</p> <p>3 the HMIP, Ofsted and others can sometimes lead to an</p> <p>4 uncoordinated approach. Is that something you can</p> <p>5 comment on, or not really?</p> <p>6 MS ROBINSON: I can't really comment. You may want to ask</p> <p>7 Ofsted and HMIP. But I know they both work together and</p> <p>8 we work with them, and they are both reviewing their</p> <p>9 inspection regimes, but they do have a different premise</p> <p>10 on which they do those audits.</p> <p>11 MS HILL: You can perhaps, though, help with the evidence</p> <p>12 from the REA that issues raised by the joint</p> <p>13 inspectorate aren't always implemented. I think we have</p> <p>14 got statistics from the 2016 HMIP report that, for the</p> <p>15 first time, the number of recommendations that had been</p> <p>16 fully achieved was lower than the number not achieved.</p> <p>17 So that's about inspectors making recommendations that</p> <p>18 are then not followed.</p> <p>19 MS ROBINSON: Yes.</p> <p>20 MS HILL: What's been done to improve that?</p> <p>21 MS ROBINSON: Well, that was certainly an issue back in</p> <p>22 2017. We have subsequently undertaken a number of --</p> <p>23 MS HILL: That's only last year.</p> <p>24 MS ROBINSON: Yes, I know but --</p> <p>25 MS HILL: You say "back in 2017". We are only --</p> <p style="text-align: center;">Page 167</p>
<p>1 But what we don't want to do is create lots of</p> <p>2 bureaucracy. We need to use the systems that are</p> <p>3 available at the local level and make sure they are</p> <p>4 implementing them appropriately.</p> <p>5 MS HILL: Another Howe & Co proposal on this topic: should</p> <p>6 there be the creation of a statutory agency similar to</p> <p>7 the US Bureau of Justice Statistics to monitor sexual</p> <p>8 abuse in prisons or a new mandatory duty on an existing</p> <p>9 agency, such as HMIP, to collect this data. What's your</p> <p>10 view on that, Ms Robinson?</p> <p>11 MS ROBINSON: The spirit of the Working Together to</p> <p>12 Safeguard Children 2018 is that it should be locally</p> <p>13 based, so there is a local responsibility to provide</p> <p>14 audit and assurance and oversight.</p> <p>15 I think that there is a step further, which is what</p> <p>16 I discussed with the Medway chair, which is having</p> <p>17 a focus on custody, but my view is that the YCS actually</p> <p>18 has a role to play of bringing together the different</p> <p>19 boards, regional boards, to review and look at the data</p> <p>20 and look at improvement. I'm not sure whether</p> <p>21 a national body would add any weight to that process.</p> <p>22 I think we just need to use the existing systems more</p> <p>23 effectively.</p> <p>24 MS HILL: Then the last two factual topics, please. 7.16 is</p> <p>25 that of inspection regulation. I don't know how much</p> <p style="text-align: center;">Page 166</p>	<p>1 MS ROBINSON: Yes, because the YCS has only been around for</p> <p>2 the last few months. I have been responsible during</p> <p>3 that period. We have created a real focus on improving</p> <p>4 our responses to HMIP, with the outcomes that we want</p> <p>5 for improving performance across the board.</p> <p>6 We are beginning to see that that is paying</p> <p>7 dividends. So since last year, the most recent</p> <p>8 inspections have seen improvements across the board, in</p> <p>9 terms of not only the outcomes but also the narrative.</p> <p>10 Responding to the recommendations contributes to that --</p> <p>11 MS HILL: Sorry, just at a local level, you mean local</p> <p>12 inspection reports?</p> <p>13 MS ROBINSON: Local inspection reports, and the annual</p> <p>14 report that was published this week indicated that there</p> <p>15 had been improvements across the board.</p> <p>16 But we understand that this is early days, that it</p> <p>17 is fragile, and that, actually, what we need to be clear</p> <p>18 about is what recommendations we can respond to, and</p> <p>19 make sure that we do those. But there are some that are</p> <p>20 more difficult because they sit outside of our immediate</p> <p>21 sort of ability to change them.</p> <p>22 So we have a real focus on improving performance and</p> <p>23 we have a plan in place to do that, and we are seeing</p> <p>24 definite results in terms of the outcomes we are</p> <p>25 getting.</p> <p style="text-align: center;">Page 168</p>

<p>1 MS HILL: Which brings me to the final factual topic before 2 I have got some more general themes at the end, please. 3 Leadership and governance. Is it fair to assume -- and 4 please tell me if this is wrong -- that the design of 5 the YCS is an attempt to improve governance and 6 accountability within the youth estate? 7 MS ROBINSON: Absolutely. That was what was part of 8 the announcement last year to improve governance by the 9 former Secretary of State, Liz Truss, is to get that 10 greater line of accountability. 11 There was clear issues around governance between the 12 YJB and HMPPS, and this brings it together, and I have 13 oversight of the whole system, which enables me to be 14 able to drive some of these changes that we are 15 beginning to see. 16 MS HILL: I think you have talked about the creation -- or 17 certainly Mr Savage's statement has talked about the 18 creation of the YCS as involving a single point of 19 responsibility for the day-to-day running of the youth 20 estate in the director of youth custody, with direct 21 accountability through the line management chain for 22 those sites; simplify performance; and new routes of 23 scrutiny for the youth estate. Is that a fair summary 24 of what you are hoping this is going to achieve? 25 MS ROBINSON: It is a fair summary. We are on a journey.</p> <p style="text-align: center;">Page 169</p>	<p>1 to improve leadership and guidance on safeguarding 2 issues? Is that part of it? 3 MS ROBINSON: Part of it is to create a culture and 4 leadership that puts children at the centre of what we 5 are doing, so the vision is around -- safeguarding is 6 part of that, but it is about achieving positive 7 outcomes for children who are in our care. 8 MS HILL: You have talked a lot about the vision and about 9 the five-year plan. Is that set out in any particular 10 document that you might be able to provide to us, the 11 five-year plan or the vision that you are talking about? 12 MS ROBINSON: Yes, we will be able to give you that from the 13 reform programme. 14 MS HILL: The reform programme is within the YCS, is it? 15 MS ROBINSON: It sits -- at the moment, the reform 16 programme -- the SRO, or the senior responsible officer, 17 sits within the Ministry of Justice in terms of policy. 18 I am the senior business owner. We work together to 19 deliver the reform agenda, and we have an integrated 20 team. 21 We are reviewing where the ownership sits in the 22 next phase, because we have moved from design, we are 23 moving into full implementation, and the question is, 24 does it move; does it sit within the MoJ or does it sit 25 within the YCS?</p> <p style="text-align: center;">Page 171</p>
<p>1 It is early days. But we are certainly making good 2 progress. 3 MS HILL: You describe having the deputy director of 4 contracts performance and quality who oversees the 5 monitoring teams in the private STCs; you have 6 a quarterly contact review meeting, with any performance 7 concerns being addressed; monthly monitor and director 8 meetings and internal review meetings; and then the 9 deputy director of custody, DDC, who oversees the YOIs; 10 and then fortnightly senior managers' team meetings. 11 I am trying to understand the way in which it is 12 structured, but is the hope that all of that feeds into 13 you and, therefore, you are a single point of contact? 14 MS ROBINSON: I'm a single point of contact. I currently 15 also report to the Permanent Secretary quarterly on 16 performance across the custodial estate. So the lines 17 of accountability go beyond my chief executive, to the 18 Permanent Secretary to the Ministry of Justice. 19 MS HILL: The Youth Custody Improvement Board 20 in February 2017 said that what was needed was one 21 system of governance and accountability and roles and 22 responsibilities which were crystal clear. Do you think 23 that standard has been achieved? 24 MS ROBINSON: I think it has, yes. 25 MS HILL: Is part of the motivation for this greater clarity</p> <p style="text-align: center;">Page 170</p>	<p>1 MS HILL: I think we would be grateful to see something 2 which sets out your vision and these proposals for 3 reform, if that's all right. 4 MS ROBINSON: Yes, we can certainly provide that. 5 MS HILL: Under this heading, two questions from Howe & Co: 6 should there be peer-led panels in youth custody estates 7 to facilitate representation of children on a variety of 8 issues? Do you think that would improve -- I have put 9 it under the "Governance" heading, because it is a bit 10 about governance. 11 MS ROBINSON: There are children's panels already within the 12 YOIs. We certainly would look to see whether or not 13 there is additional facilitation that we can put into 14 place and how they operate. But we have peer panels and 15 we use peers within the establishments to support other 16 young people, particularly in education as well. 17 MS HILL: Is there merit in a child custodial safeguarding 18 authority being created to act as a central referral 19 point for all allegations of abuse in custody? Would 20 that add anything to the schemes you set out? 21 MS ROBINSON: I'm not sure it would. I think it is about -- 22 as I said before, it is about making sure that we work 23 the current process as effectively and efficiently as 24 possible, and that can be done through the YCS in 25 partnership with the MoJ, the YJB and other parties.</p> <p style="text-align: center;">Page 172</p>

<p>1 MS HILL: That completes my questions on the factual topics. 2 Just a few more general themes, if I may. 3 You have been provided, I'm sure, Ms Robinson, with 4 access to the prevalence analysis that the inquiry has 5 done. That's a very exhaustive piece of work, as I hope 6 you appreciate -- 7 MS ROBINSON: Yes. 8 MS HILL: -- in culling a lot of material into one place 9 that was not otherwise in one place. I realise there 10 are different interpretations on the statistics. We 11 heard Professor Hardwick's views. We have our own 12 statistical analysis. 13 But, overall, where that is seemingly indicating 14 a greater prevalence of sexual abuse than the HMIP 15 surveys were otherwise disclosing, what is the YCS's 16 response to our prevalence analysis? What do you have 17 to say about it? 18 MS ROBINSON: I note the findings. I accept that prevalence 19 is generally higher than what is disclosed by young 20 people through surveys. 21 I think it goes back to the point that we talked 22 about earlier, which is about building confidence of 23 young people to come forward and ensuring that the 24 systems and processes that are in place aid positive 25 outcomes for them in coming forward.</p> <p style="text-align: center;">Page 173</p>	<p>1 training that we are delivering, to create a culture 2 that is enabling, and it takes time. 3 There were many -- and there are many staff in the 4 system who every day work very hard to engage with young 5 people and want to make a difference. It is just the 6 environment isn't always conducive to them being able to 7 do that. So all the steps that we are undertaking 8 through the reform agenda, through the creation of 9 the YCS, is to create that culture and the means by 10 which we can take that work forward. 11 MS HILL: Can I bring up finally, please, NOM000008_002, 12 which is the third statement, in fact, from Mr Taylor. 13 It is a 2016 statement. But if you scroll in, please, 14 at paragraph 5, he gave the then corporate view, if 15 I can put it that way, of NOMS that, in general terms, 16 the framework he had set out constituted an effective 17 set of systems and procedures to protect children in 18 custody from sexual abuse. I am being careful to state 19 that that was in 2016. Do you adopt that now as well, 20 or not? 21 MS ROBINSON: I think that the framework that is available 22 is sufficient. It is the application of the framework 23 that needs more work. That's what we are trying -- it 24 is about continuous improvement. It is testing, it is 25 assuring, it is making sure that we give people the</p> <p style="text-align: center;">Page 175</p>
<p>1 I accept that prevalence is higher than what we have 2 probably seen recorded and that we need to take every 3 step possible to ensure that people come forward and 4 that we appropriately investigate those and bring them 5 to fruition. 6 MS HILL: In terms of the culture issues more generally, you 7 know that the REA has identified several key themes 8 about the custodial estate that might be relevant, about 9 the rehabilitative/punitive approach, the closed nature 10 of these institutions, the macho culture, and about 11 staff and child relationship issues. 12 I think you, yourself, have said that a key 13 component of encouraging young people to come forward 14 and addressing their marked reluctance to report their 15 concerns is what you are grappling with. 16 What are the key things you think you can do to 17 change that culture, or what are you doing? 18 MS ROBINSON: Having a vision that places -- I mean, it goes 19 back to the point around what is the central point of 20 why we are there. Of course we are there to protect the 21 public, but we are also there to provide education and 22 to support children so that they can make -- have 23 positive outcomes and not reoffend when they leave. 24 We are doing a lot of work with our staff in terms 25 of the people that we are trying to recruit, the</p> <p style="text-align: center;">Page 174</p>	<p>1 right tools to undertake the tasks at hand. 2 We certainly have a system that enables people, you 3 know, to come forward, but it is what we do with that 4 information that is critical. 5 MS HILL: Mr Savage, is there anything you would like to add 6 on those broader themes? 7 MR SAVAGE: The only thing I thought I would add around kind 8 of culture, and something, I guess, from personal 9 experience of having kind of seen change in the YOI 10 estate over the last few years, is about trying to 11 create a kind of porous boundary around the 12 establishment, which sounds strange for a secure 13 facility, but where you have a range of different 14 organisations, different disciplines, coming into the 15 establishment, so that you have teachers who aren't 16 employed by us, healthcare staff who aren't employed by 17 us, volunteer groups, youth workers, family, friends; 18 that we try and create a situation where, when a young 19 person goes into custody, they are seeing a whole range 20 of different people who come from different 21 organisations and professional backgrounds. 22 There has been a lot of movement on that, but 23 I think it is an area where we need to continue to do 24 more. 25 MS ROBINSON: Just to add, the Secure Stairs model that's</p> <p style="text-align: center;">Page 176</p>

<p>1 being implemented through NHS England is very much based 2 on a trauma-informed framework, and by introducing that 3 into establishments and by placing staff on training 4 that talks about children and the pathways into crime 5 and out of crime actually will, I think, assist the 6 culture that we are trying to drive. 7 It doesn't happen overnight, but you need to take it 8 from different angles, and the health angle is one of 9 those. 10 MS HILL: I think we will hear a little bit more about that 11 next week. 12 Chair, those are all my questions. 13 THE CHAIR: There are some questions from the panel, 14 briefly. 15 Questions by THE PANEL 16 THE CHAIR: I want to ask you about pain-inducing 17 techniques. I assume that there is a reporting and 18 recording mechanism for them. Can you give us any idea 19 of how frequently they are used? 20 MR SAVAGE: I'm afraid I don't have those numbers off the 21 top of my head but there is data on that which we can 22 provide. 23 THE CHAIR: Yes, I would be interested to know the 24 circumstances in which they are used as well: if it is 25 used to address child-on- child violence, for example,</p> <p style="text-align: center;">Page 177</p>	<p>1 that are heads of the service, and they accountable to 2 their own boards within their private companies, but 3 through the contracts that we manage and oversee, we 4 hold them accountable for delivery of services, so that 5 also comes through my line. Fiona Parker is my head of 6 contracts, and Peter sits in her team. So there is 7 a line to myself again through that route, but it is 8 slightly different. 9 MS SHARPLING: Can you just help me, if that particular 10 institution is not performing and there are performance 11 concerns around the governors or directors, tell me 12 about that. 13 MS ROBINSON: They are different routes. For the governors, 14 it would be direct line performance issues. 15 With the contracts, it's through the contracts 16 mechanisms that we have in place through service credits 17 and through fines, essentially, for not being able to 18 meet the requirements. 19 But I do have, and have had, conversations with 20 higher people up in a private company if there are 21 issues around the directors, but I can't sack them. But 22 the government could stand in. I think the 23 Secretary of State is able to bring the public sector in 24 to stand in if they felt that the system was not working 25 effectively enough.</p> <p style="text-align: center;">Page 179</p>
<p>1 or child-on-staff violence, if you can provide that 2 information. 3 MR SAVAGE: We will give you as detailed a breakdown as we 4 possibly can. 5 THE CHAIR: Thank you very much. Ms Sharpling? 6 MS SHARPLING: Thank you. Just something about governance, 7 if I may, at a more granular level. You have spoken 8 quite a lot about what's happened with the reform 9 programme and national governance arrangements. Could 10 you just help me and clarify the governance arrangements 11 for governors? So are they different? Is the reporting 12 mechanism for a governor in a public sector environment 13 different from a governor, or equivalent, in a private 14 sector environment? Can you just describe what those 15 differences are, if any? 16 MS ROBINSON: Yes. So in the public sector, the governor is 17 obviously responsible for the delivery of services 18 within their establishment, and we have a group 19 director, Kathy Robinson, who is one of my SMT, senior 20 management team, who line manages the governors, 21 essentially, and then I line manage her, so you have 22 a direct line of responsibility to the governors. 23 MS SHARPLING: Hierarchical? 24 MS ROBINSON: Yes. Within the private sector, obviously we 25 manage them through contracts, so there are directors</p> <p style="text-align: center;">Page 178</p>	<p>1 MS SHARPLING: I see, thank you. 2 MS ROBINSON: Which is what happened in Medway. 3 THE CHAIR: Mr Frank? 4 MR FRANK: Thank you. I just have a few, I think, 5 Mr Savage, again, on the question of the pain-inducing 6 techniques. You indicated that the 2012 MMPR was 7 subject to a review which was currently being scoped 8 which you thought soon would be commenced. Can you give 9 us an idea of where you are in that process and when we 10 are likely to know what the outcome of that will be? 11 MR SAVAGE: Sure. So the review is being led by colleagues 12 in the Ministry of Justice, and there is a proposal for 13 the structure of that review which has been submitted to 14 ministers for approval. Until they approve that, 15 I can't say with certainty how that review will 16 progress. 17 MS ROBINSON: The proposal is a 12-month review from the 18 point at which we indicated it was going to take place. 19 So we are in that cycle at the moment. We are just 20 trying to agree the terms of reference: who is going to 21 chair it; who is going to be on the panel; and how we 22 are going to run that. 23 MR FRANK: Do I understand it will be 12 months from -- 24 MS ROBINSON: 12 months from the point where it was agreed 25 we would do it.</p> <p style="text-align: center;">Page 180</p>

<p>1 MR FRANK: I understand. That's helpful to know. 2 The second question is for you, if I may: you 3 mentioned your annual report that was published this 4 week. 5 MS ROBINSON: It wasn't our annual report; it was HMIP's 6 report. 7 MR FRANK: Forgive me. Sorry. In that case, I don't have 8 a question for you. Thank you. 9 THE CHAIR: Thank you very much, Mr Savage and Ms Robinson. 10 MS HILL: Chair, just briefly. I think, in terms of 11 material that you perhaps agreed to provide to us, there 12 is some material about your five-year plan and the 13 reform programme generally; I think we asked for the 14 terms of reference for Ms Brooks' safeguarding review; 15 and I think, following on from Mr Frank's question, any 16 background information about the pain compliance review 17 that you are able to share at this stage I think would 18 be appreciated. We can send a formal rule 9, but I'm 19 just putting on the record what we will be grateful to 20 receive. 21 MR SAVAGE: And data around usage and circumstance. 22 MS HILL: Yes, which presumably is part of the background 23 for the review or may be material that you can share. 24 MR SAVAGE: It will be quicker and easier to get that. 25 MS HILL: Thank you very much, chair.</p> <p style="text-align: center;">Page 181</p>	<p>1 Examination by MS HILL (continued)114 2 Questions by THE PANEL177 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 183</p>
<p>1 THE CHAIR: Thank you very much to everyone today for your 2 tolerance on the changing climatic conditions in this 3 room. Thank you. We will return on Monday. 4 (3.57 pm) 5 (The hearing was adjourned to 6 Monday, 16 July 2018 at 10.30 am) 7 I N D E X 8 9 Welcome and opening remarks by THE1 10 CHAIR 11 12 MS SARA ROBINSON (affirmed)2 13 14 MR PETER SAVAGE (affirmed)2 15 16 Examination by MS HILL2 17 18 MR ALBERT HEANEY (affirmed)102 19 20 Examination by MR STRAW102 21 22 MS SARA ROBINSON (continued)114 23 24 MR PETER SAVAGE (continued)114 25</p> <p style="text-align: center;">Page 182</p>	

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