

## **CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE**

**29 NOVEMBER 2022**

### **THE CURRENT STATE OF THE CUSTODIAL ESTATE FOR CHILDREN IN MEDWAY**

Report from: Medway Safeguarding Children Partnership

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#### Summary

This report advises Members of the Children and Young People Overview and Scrutiny Committee on the current state of the custodial estate for children in Medway. At the moment the estate consists solely of one children's prison, HMP Young Offender Institution Cookham Wood in Rochester. However, the Government's plan is that a second custodial establishment, a secure school run by Oasis Restore, will open in February 2024 on the site of the old Medway Secure Training Centre close to Cookham Wood. Members should note that this plan is subject to Treasury approval in February 2023 and may therefore be affected by any central government budget decisions before that date.

This report summarises the national context of custody for children, updates members of the committee on the most recent inspection of Cookham Wood, provides an accompanying report from the Youth Custody Service on Cookham Wood, and from Oasis Restore on their plans for the Secure School, and summarises the main work of the Safeguarding Children Partnership in respect of the secure estate.

#### 1. Budget and policy framework

- 1.1 This report is prepared in the context of the Council's statutory duty, with named partners, to maintain a Children's Safeguarding Partnership to oversee the well-being of all children residing in Medway. So far as children living in the secure estate the discharge of this duty is a complex matter, since the children themselves can be drawn from anywhere in England or Wales, and the primary responsibilities for them are held by the Youth Custody Service (acting as an Executive Agency of the Ministry of Justice), and the authorities

within whose areas the children are ordinarily resident. Some of these children are also children in care to whom additional duties are owed by their home areas.

- 1.2 The Council's policy and budgetary responsibilities extend to ensuring that their Local Authority Dedicated Officer (LADO) service covers the secure estate and also providing and managing three social workers based at Cookham Wood, for which the Council receives a grant.

## 2. Background

### **National background**

- 2.1 The Committee is reminded that the Custodial Estate for children in England and Wales exists to provide accommodation for children who are remanded in custody while awaiting trial, or who are given custodial sentences at the conclusion of their court case. There are currently 434 children (under 18-year-olds) in such custody, of whom 60% are serving sentences and 40% are on remand. Children are placed in 14 establishments, with the largest single grouping (approximately 77%) being in one of five Young Offender Institutions (YOIs), while smaller numbers being held in the one remaining Secure Training Centre (STCs) (6%) or Secure Children's Homes (SCHs) (17%). The YOIs and the STC are either run by the Prison Services or G4S, while the SCHs are run by local authorities. Although the placing agency, the Youth Custody Service (YCS) has one of its aspirations to place children close to their homes, in practice this is usually not possible, and all the institutions are in effect national resources.
- 2.2 There are considerable variations in resources available to each type of institution, with YOIs most closely resembling adult prisons, while SCHs are in the main indistinguishable from secure homes for children exhibiting troubled but not criminal behaviour (mainly around the risks of self-harm).
- 2.3 The Custodial Estate for children has continued to be an extremely problematic setting for children throughout the past year, both nationally and locally. The STC at Rainsbrook in Northamptonshire remains closed due to prolonged and continued concerns about safety (and other issues) there, and the remaining STC, Oakhill in Milton Keynes, has been the subject of an independent safeguarding review following the emergence of concerns there during the summer and autumn of 202. It is operating at less than half its capacity. This review did not take place under the auspices of *Working Together 2018* and equally unsatisfactorily has not been published **so there is no way of knowing if there are any lessons for our Partnership from this review.**
- 2.4 There have also recently been notably critical reviews or inspections of the YOIs at Wetherby in Yorkshire (138 children), the Keppel Unit also at Wetherby (27 children), and of the YOI Werrington in Staffordshire (66 children), in each of which the Chief Inspector has remarked on a deterioration in conditions. The sole exception to this picture was the unannounced inspection of the small children's unit at HMP Parc in south Wales (59 children), which continued to be

assessed as a 'good' prison, his highest assessment. Parc is the only children's YOI not run by the Prison Service; the provider is G4S.

- 2.5 So far as safeguarding children in custody is specifically concerned, the Youth Custody Service (YCS) has launched a series of initiatives, including holding quarterly meetings with those Directors of Children's Services (DCS) in whose area one of the nation's 14 custodial establishments is located. The Medway Director of People (statutory DCS) attends these. Generally, the YCS's approach to safeguarding is cloaked in some secrecy. As an example, the YCS held a well-attended national 'Safeguarding Learning Event' in June 2022 to which the Medway Independent Scrutineer for Secure Estate was invited. We applauded the initiative but the impact was reduced because the YCS did not provide sufficient detail on the 65 most common safeguarding weaknesses it had uncovered. This opaqueness, which sits in stark contrast to the approach championed in *Working Together 2018*, does not serve children well.
- 2.6 On a more positive note, there is some evidence both nationally and locally that the use of physical restraint, particularly the use of pain to secure compliance, has reduced in the past year. Nationally it is reliably reported that pain-inducing restraint was only used on 45 occasions in 2021, a halving of numbers in one year alone. This is a significant achievement and hopefully a trend to be continued in the development of a more child-focussed custodial system.

### **HMP YOI Cookham Wood**

- 2.7 The most recent inspection of Cookham Wood was carried out in August 2022. The Chief Inspector's summary is produced here in full:
- 2.8 "Providing relatively new accommodation, Cookham Wood in Kent is a well-established young offender institution (YOI) that has been largely redeveloped in recent years. The institution can hold up to 188 boys between the ages of 15 and 18, but due to reductions in the population of children in custody during the COVID-19 pandemic, at the time of our inspection there were just 87 boys in residence. Coming from the greater part of south and south-east England, these boys had varying status, ranging from those recently remanded to those serving indeterminate sentences for the most serious of offences. The risks associated with the detention of such young people mean that this is the latest in a series of annual inspections, although there was some interruption during the pandemic."
- 2.9 "When we last fully inspected Cookham Wood in 2019, we were concerned to find that outcomes for children were not sufficiently good against any of our four tests of a healthy institution. At this inspection we found they had not improved and had in fact worsened in our purposeful activity test, where outcomes were now poor. For an institution providing services to children this inability to address failings was completely unacceptable. Admittedly the restrictions imposed by the pandemic had not helped, but it was hard to understand why the institution had not been more ambitious in, for example, providing a better regime, perhaps adopting an approach that mirrored more closely that adopted for children in the community or at other YOIs. As it was, we found parts of the

prison where more than half of children were locked in cell during the school day and typically spent as little as four hours a day out of cell, and just two hours at weekends.”

- 2.10 “We found low morale among staff, low standards, low expectations and a lack of energy and creativity that could engage and motivate children to use their time at Cookham Wood usefully, despite holding only half the young people it was resourced to hold. The response to difficulties found between children was invariably limited to keeping them apart, placing further restrictions on the regime. Leaders needed to find ways to move beyond this reactive and limiting approach, starting with energetic and motivational engagement with children, as well as the clear demarcation and enforcement of standards.”
- 2.11 “The key to this is good local leadership and national leadership through HM Prison and Probation Service (HMPPS). Since we last inspected a new governor and a further six senior managers had been appointed. The governor was beginning to implement a business plan which prioritised reducing violence, the creation of communities and investing in staff. These priorities seemed reasonable, although it was too early to discern progress and we were not convinced that staff were fully aware or engaged with this vision. Their engagement was not, however, optional. Staff needed clarity about what was expected of them and leaders needed to show greater rigour in ensuring policies were understood and delivered. Poor practice and behaviour needed to be challenged consistently, and staff needed to make sure basic standards were maintained.”
- 2.12 “We encourage close scrutiny by HMPPS, and the provision of support to assist the new governor of Cookham Wood. There needs to be a shared and collective determination that establishes how and when improvements will be made.”
- 2.13 In addition, the Governing Governor of Cookham Wood has provided his own Self-assessment report, written in October 2002, and this is attached as an Appendix. It is understood that no member of the Youth Custody Service is available to attend this Scrutiny committee but Medway’s Independent Scrutineer for the secure estate will be present and will endeavour to address any questions that members have. Questions and comments that cannot be satisfactorily dealt with in this way will be relayed to the Youth Custody Service.

Members of this committee may wish to pay particular to the Governing Governor’s report (pages 5 – 20 of the Appendix).

### **Oasis Restore.**

- 2.14 The attached report from Oasis Restore describes the initial plans that have been developed for the Secure School there, together with a possible mobilisation plan should HM Treasury approval be gained to take the project forward. The Director of Oasis Restore will be in attendance.

## **The Medway Safeguarding Children Partnership (MSCP).**

- 2.15 The principal initiative of the Medway Safeguarding Children Partnership in this area is to maintain a Secure Estate Safeguarding Assurance Group, meeting quarterly, to coordinate the work of all agencies inside and outside Cookham Wood prison to keep children safe by providing opportunities for communication and constructive challenge to the task of ensuring children in HMP YO1 Cookham Wood are safe.
- 2.16 It is important to emphasise that while the Safeguarding Assurance Group can, in this way, reduce the safeguarding risks to children at Cookham Wood, it is the Youth Custody Service that holds principal responsibility for keeping children in the prison safe
- 2.17 Key points arising in the past year from the work of the Safeguarding Assurance Group in the past year include that:
- While the prison has made some progress in improving the time children are out of their cells (our information is that it is now up to 7 hours a day, against a national average of 5), there is still a long way to go to get back to the Government's target of 14 hours a day;
  - Cookham Wood remains the country's most violent children's prison according to the Chief Inspector, but we have seen a downward trend in violence since March 2022. Most recently (September 2022) 20 incidents were reported with, as is typical, slightly more being attacks by children on children rather than on staff.
  - Levels of 'use of force' (that is, by staff on children) have remained generally steady.
- 2.18 The Government's still new protective measure for children in custody, a national independent restraint review panel that meets by rotation to consider the use of restraint at YOIs and STCs has met twice and continues to provide a useful overview of the use of restraint at Cookham Wood. This is a welcome initiative.
- 2.19 A primary focus for our group remains to ensure that the different 'protective measures' at the prison are working well and there is good evidence that this is the case. Both the work of the Medway Safeguarding Designated Officer and her small team and the local Independent Monitoring Board still stand out as strong features, and health service professionals are also actively involved in our work. Barnardos, who run the Advocacy Service at Cookham Wood, are now more positively engaged with our work, an outcome that we have been pursuing for some time.
- 2.20 Working with the Governing Governor at Cookham Wood, we have designed a suite of key performance indicators that allow us to review progress in keeping children safe at a glance. We have received these reports for the last two quarters and are making some refinements to the system. As far as the Group is aware no other local Safeguarding Partnership operates such a system.

- 2.21 There is a strong and professionally healthy relationship between the Designated Officer and the Head of Safeguarding at Cookham Wood, and the Independent Scrutineer for the Secure Estate has been able to observe at first hand this working well to keep children safe. Recent changes of key personnel within the prison do mean, however, that some of these relationships now need to be built afresh.
- 2.22 The Safeguarding Partners remain in regular contact with Oasis Restore and their Director, Andy Willetts is an active member of our group. Safeguarding related activity by almost all partners will ramp as we approach the opening of this school. The date of the proposed opening has continued to slip. The proposal to develop a secure school was first accepted by the Government in 2017.
- 2.23 During the last 12 months the Safeguarding Partnership have overseen a Learning Lessons Review concerning 'Eve', a 16-year-old child whose short stay at the old Medway STC over 8 weeks in 2019 raised serious safeguarding concerns. An Action Plan has been established, including a few residual elements from the earlier Serious Case Review about abuse at the STC in 2015, and we hosted a webinar on the outcome of the Review in June, which attracted 67 attendees. Disappointingly, despite our attempts to secure a national audience, those present were almost exclusively from the Kent area. The YCS did not promote the event and only 2 members of their staff attended, which once more highlights issues of the ability of the sector to learn from safeguarding failures.
- 2.24 The Safeguarding Partnership's Business Manager is finalising the fourth Annual Review of Restraint and Safeguarding (the production of which is a requirement under the terms of *Working Together 2018*, technically for the Youth Justice Board but also for this Executive. Unlike last year, when we achieved a more satisfactory level of participation from local authorities (both looked-after teams and Youth Offending Teams) than previously, response from authorities has been very poor. We are taking various steps to try to prompt those (a majority of those whose feedback was sought) to respond, even if only to tell us that they have no concerns about the safety of their children while at Cookham Wood. although there is still room for improvement.

### 3. Financial implications

- 3.1 The planned opening of a secure school in Medway may bring additional costs to the local authority, since it is likely to increase the activity required from the Local Authority Designated Officer (LADO) Service as well as Children's Services 'front door' due to referrals. However, at the time of writing this report it is assumed these additional costs could be absorbed within existing resources. If the current provision of designated social workers at Cookham Wood is replicated at the new secure school, this may also bring additional cost burdens to the Council, however once again at the time of writing there is no provision being made for this service by the Ministry of Justice. If this changes and Medway cannot absorb this cost within existing

budgets, the directorate will request additional funding via the normal budget setting and approval process.

- 3.2 The Safeguarding Children Partnership has made representations on both of these issues, but the Scrutiny Committee may wish to add its voice on this issue. The Secure School is a national provision, and it is unlikely that children from Medway will be accommodated in it yet, as things stand, some additional safeguarding costs May fall on Medway Council.”

#### 4. Legal implications

- 4.1 There are no specific legal implications for the Committee arising from this report.

#### 5. Recommendations

- 5.1 The Committee is asked to note and consider the contents of the report.

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#### Appendices

Appendix 1 – Oasis Restore Update

Appendix 2 – HMYOI Cookham Wood – HMIP Summary – October 2022

Annexe a Terms of Reference

Annexe b Purposeful Activity

Annexe c June Assurance Report

Annexe d Complaints Analysis

#### Background papers

None