



HM Government

# **Secure Schools: How to Apply Guide**

Draft for comment

1 June 2018



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## Foreword



I am delighted to present our draft 'How to apply Guide' for Secure Schools.

Publication of this guidance marks an important milestone in the Government's commitment to reforming youth justice, as set out in our response to [Charlie Taylor's review of the Youth Justice System](#) in December 2016.

Developed in partnership with the Department for Education, Department for Health and Social Care and NHS England, the guide builds on the [Secure School's vision](#) we launched last September to provide a detailed outline for potential providers who are interested in establishing a Secure School.

The Justice Secretary recently set out his strategy to put education and employment at the heart of rehabilitation. This impacts across the custodial estate and secure schools are a key part of embedding this vision in youth custodial provision. By putting child-focused providers in full control of the education they deliver, we now have the opportunity to offer a more innovative and tailored approach to the care and education of young people.

The children we care for in the youth custodial estate are some of the most vulnerable in our society and have a wide range of complex and challenging educational, health and psycho-social development needs. It is essential that while they are in custody we begin the process of equipping them with the tools they need to address their offending behaviour, meet their developmental needs and help them to become law-abiding members of our community.

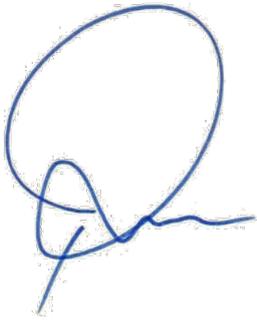
We can only do that through the provision of a service that is underpinned by the principles of best practice as set out in our vision: child focussed providers, strong leaders with freedom and autonomy, a specialised workforce offering bespoke provision for individual children that has education, healthcare and physical activity at its heart and is delivered in a therapeutic environment in a secure setting.

To deliver our vision we must attract the very best specialist providers for Secure Schools, and work in partnership with them to deliver a truly integrated approach to education and care. It is essential that the guidance provides the information that allows applicants to submit a thorough and compelling application and I would ask that you share your comments on any aspect of it with the Secure Schools team: [secureschoolsapplications@justice.gov.uk](mailto:secureschoolsapplications@justice.gov.uk).

We will also be hosting a market engagement event in July where potential providers will be able to meet the Secure Schools team, gain a more detailed insight into the developing model and influence our emerging thinking, as well as find out more about the cohort of young people they will care for. I invite you to please pre-register your interest in applying to run a Secure School through the attached link if you would like to attend these sessions: [Secure Schools 'How to Apply Guide' Event](#).

I believe that smaller custodial establishments, such as Secure Schools, which are child focused, and have the autonomy to ensure that education, health and rehabilitation are placed at the heart of their environments, are the key to helping children to address their offending behaviour and improve their chances in life.

I look forward to receiving your views and seeing the final model develop over the next few months.

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

**Dr Phillip Lee MP**  
Parliamentary Under-Secretary of State for Justice

## Summary

This publication is draft non-statutory guidance from the Ministry of Justice, the Department for Education, the Department of Health and Social Care and NHS England to help proposer groups to make an application to open a secure school.

### Expiry or review date

This draft guidance is intended to allow interested parties to comment on the proposed secure school model. The window to comment on this draft will be from 1 June 2018 to 30 July 2018, following this the Ministry of Justice will produce a final version in which they will invite applications to establish a secure school.

### Who is this publication for?

This guidance is for potential applicants.

### How to submit feedback

Throughout this draft guidance there are some specific issues for feedback, but we would welcome your comments on any aspect of it. Please send your comments to [secureschoolsapplications@justice.gov.uk](mailto:secureschoolsapplications@justice.gov.uk) by 30 July 2018.

## Part 1 The government's vision for secure schools

- 1.1 The government published its response to Charlie Taylor's 'Review of the Youth Justice System in England and Wales' in December 2016. It set out the government's commitment to improve standards in youth justice, and make youth custody a place of safety and rehabilitation.
- 1.2 It said that we would tackle violence and improve outcomes for children in custody by placing education and health at the heart of the custodial estate. This included a commitment to develop secure schools.
- 1.3 Our vision for secure schools aligns with the Taylor Review's principles: child-focussed providers, strong leaders with freedom and autonomy, a specialised workforce offering bespoke provision for individual children that has education, health, care and physical activity at its heart. A therapeutic environment in a secure setting. It is a service that incorporates all of these principles which distinguishes secure schools from existing youth custodial provision.

### Proposed model

- 1.4 In order to achieve the vision, secure schools will combine the ethos and practice of the best alternative provision schools with the structure and support of the best secure children's homes. It is proposed that they will be registered as both a 16 to 19 academy and a secure children's home. They will operate 24 hours a day for 52 weeks a year.
- 1.5 The successful applicant will
  - Set up a not for profit company limited by guarantee, mirroring the Department for Education's requirement for academy trusts.
  - Obtain a licence to run a secure children's home.
  - Integrate with the health provider commissioned by NHS England.
  - Enter into a funding agreement with the Secretary of State for Justice that is modelled on an academy funding agreement.
- 1.6 Secure schools will be set up and run by secure academy trusts. A secure academy trust will be a new trust, set up separately from an existing academy trust. It will have a separate board to give strategic leadership to and have accountability for the performance of its secure school(s). This is set out in greater detail in Part 5 of this document.

### Service providers

- 1.7 We want to attract the very best specialist providers to set up and run secure schools. They must have a clear child-focused ethos at their core, demonstrate the knowledge and skills necessary to work with children in crisis and exhibit an unshakeable desire to help them turn their lives around. They will be able to establish strong links with community provision and offer a seamless service, both during a custodial sentence (through temporary release) and upon release.

- 1.8 NHS England will commission health services for secure schools, including primary care (general practice services) and secondary care (hospital services) for both physical and mental health and neurodisability needs, substance misuse services, ophthalmology, dentistry and auditory services.

## **Strong leaders with freedom and autonomy**

- 1.9 Secure schools will be led by headteachers with an excellent record who will demand ambitious standards for all students, advancing equality and helping them to live successful, crime-free lives on their return to the community. We want to enable the best leaders to take advantage of a level of autonomy similar to that which headteachers enjoy in academies, so that they can create a strong culture across the school that makes the vision a reality. This includes the ability to set and adapt the curriculum and timetable, as long as they feature English, maths, computing, physical education, sports and vocational training with appropriate and aspirational qualifications available to all. It also includes appropriate autonomy to decide how they recruit, train and pay staff. The high levels of autonomy provided to leaders will be matched with similar levels of accountability.

## **A specialised workforce**

- 1.10 Staff will never give up on the students in their care. Secure schools will have a stable and properly supported workforce, dedicated to and trained for working with children with complex needs and challenging behaviour in a secure residential setting. Headteachers will establish a whole-school approach where the entire workforce work together as a single entity with a common goal and are motivated and supported to achieve positive outcomes for students, develop their own skills and support each other. The skills of the people who work in secure schools and their ability to develop strong relationships with the students will be critical in the success of the schools.

## **Integrated provision with education, health, care and physical activity at its heart**

- 1.11 In secure schools we want to see students engaging with integrated care, health and education services tailored to their individual needs. Each child will have a full assessment of needs to establish a baseline against which progress can be measured and identify unmet health and special educational needs and disabilities. Students will have personalised programmes that build on their strengths and develop their potential, with the use of evidence-based interventions that help them build resilience and develop the skills to succeed. Teaching will take place in appropriate-sized groups, including one-to-one intervention, where needed. To enable students to participate fully in education, their health needs must be met and so it is essential that education and health are integrated in their approach.
- 1.12 We want students in secure schools to make meaningful educational progress comparable with their peers in mainstream schools, proportionate to the length of their sentence. The ambition is for every student who returns to his or her community from custody to have education, employment or training arranged, with as many as possible starting formal apprenticeships, or going to college or university when they leave. The secure school will

need to work with students to identify appropriate opportunities for when they return to the community and ensure that they are ready and able to take them up. This will help them to build a better life, free from offending. Staff at secure schools will work closely with local authority services, education, health, other community providers, the voluntary sector, employers and with students' families or carers. Planning for resettlement will start when a child enters a secure school and be adapted to support transfer to the adult estate, where appropriate.

## Location and environment

1.13 The Ministry of Justice will be responsible for providing the site and building for each secure school. They will each have around 60 to 70 places. They will be located in line with demand and close to the communities they serve. We expect providers to create an environment where students feel safe and secure, so that they are able to focus on engaging with integrated health, care and education services. They will be similar to residential special schools or secure children's homes and not simply prisons with education. There will be both indoor and outdoor sports facilities at each secure school and, while sites will be secure, visible security features will be kept to a minimum.

## The cohort

- 1.14 Any boy or girl aged 12 to 17 who is remanded or sentenced into youth detention accommodation could be placed into a secure school. The Youth Custody Service makes a decision about the most appropriate placement after consideration of each child's individual needs, taking into account the youth offending team's placement recommendation and the available accommodation. Placements are made with the aim of promoting the child's safety and ensuring decisions are made with the child's best interests as a primary consideration.
- 1.15 The courts will continue to place children in secure children's homes.
- 1.16 Secure schools will not initially accommodate children on welfare placements. Welfare placements are where an order has been made in respect of a child under section 25 of the Children Act 1989 to keep him or her safe.
- 1.17 The number of children in custody in England and Wales has decreased substantially over the last decade from 2,900 in 2007/08 to under 900 now. As the number of children has reduced, the characteristics of those sentenced to custody have changed. There are fewer girls and 10 to 14 year olds in custody. As of November 2017, 4% of children in custody were girls and 6% were children aged 10 to 14 years old.
- 1.18 In 2016/17 Black children made up a disproportionately high proportion of the youth custody cohort (23%) and wider youth justice system (10%), compared to the general population (4%).
- 1.19 Children in custody can be a high risk to the public, but are also very vulnerable.
- Looked after children are disproportionately represented in the secure estate. Between April 2014 and March 2016 33% of new admissions to youth custody were recorded as currently being a looked after child, with a further 16% having previously been a looked after child. More than 62% of looked after children have gone into care because of abuse or neglect.

- Over 90% of the 16 or 17 olds sentenced to custody in 2014 had been persistently absent from school in the past.
- 45% of children sentenced in 2014 to less than 12 months in custody who had been at the end of key stage 2 in 2012/13 were recorded as having special educational needs without a statement and 28% were recorded as having special educational needs with a statement. Of the new admissions to youth custody between April 2014 and March 2016 32% of children were recorded as having learning disability or difficulty concerns.

1.20 More information about the characteristics of children in custody has been published in a separate data pack alongside this document.

## Inspection

1.21 Like other schools, secure schools will be inspected to ensure that they are providing an effective service across education, health, care and wellbeing.

### Feedback request

We will set out details of the inspectorate(s), the frequency of inspection and the inspection framework in the final version of this guidance and in the meantime would welcome stakeholders' views.

## Timetable for opening the first school

1.22 The Ministry of Justice will agree the opening date with the successful applicant.

## Part 2 How to submit your application

- 2.1 The deadline for applying to open a secure school is **midday on [ ]**.
- 2.2 You can submit your application at any time until midday on [ ]. You need to submit a copy of your application by email to [ ]. The size of your email should not exceed [ ] as anything larger will not be delivered. If the application is larger than [ ], please split the documents and send 2 or more emails.
- 2.3 In addition, send [ ] hard copies to [ ].
- Electronic files:
- must be identical to the hard copies and be submitted by email.
  - must include the name of your proposed school in the file name for both your Word and Excel documents.
- Application forms:
- should be formatted for printing on A4 paper
  - completed in Arial 12-point font and
  - include page numbers.
- 2.4 The information you provide, including personal information, may be subject to publication or disclosure in accordance with access to information legislation, currently primarily the Freedom of Information Act 2000, the Data Protection Act 2018 and the General Data Protection Regulation 2018. Please note that we will publish a list of all applicants once the successful applicant has been selected.

### Support for potential applicants

- 2.5 When the application window for the first secure school opens, all potential applicants will have equal access to support and guidance from the Ministry of Justice and the Department for Education. To access it, please register your interest in applying to run a secure school by emailing [secureschoolsapplications@justice.gov.uk](mailto:secureschoolsapplications@justice.gov.uk) using the subject line 'Provider interested in applying to run a secure school'.

Please send any queries you have about the application process or any comments on this draft guide to [secureschoolsapplications@justice.gov.uk](mailto:secureschoolsapplications@justice.gov.uk)

## Part 3 What your application should contain

### Section A: Tell us who you are

#### Things you need to know

In this section we ask for basic information about your company and the people involved in your application.

This section will not be scored.

You will need to provide details of your lead applicant and, where applicable, your organisation (for example, your academy trust) that are applying to set up and run a secure school.

Further information about the academy trust model is in Part 5.

Some details about your company will be publicly available on the Companies House website. However, the personal information you provide in Section A will be treated in accordance with the Data Protection Act 2018 and the General Data Protection Regulation 2018 (please see Annex F for further details).

### Section B: Vision

#### Things you need to know

This is your opportunity to tell us about your overarching vision for your secure school and how it informs how you would operate it. You will need to show in later sections that your vision is both achievable and affordable within the funding allocated.

Your application should be coherent and consistent throughout and work together as a cohesive whole.

#### Your application must

- Explain your own vision for your secure school and how it forms part of your overall vision for your trust and any planned expansion strategy for your trust.
- Explain the ethos, culture and values that your school would have and why they are right for the cohort.
- Describe the experience that your students will have in your school.
- Explain the relevant experience that you would bring to a secure school
- If you already run one or more schools or secure establishments for children, provide evidence of their impact.
- Show how you will identify and share best practice in your school and with other custodial settings for children.
- Ensure that your vision is consistent with the rest of your application and achievable.

## Section C Managing arrivals and day-to-day life

### Section C1 A supportive arrivals process that considers students' status and needs and helps their integration into the school

#### Things you need to know

You will need to show that your school will have effective processes to manage students safely, effectively and appropriately when they arrive at the school from court or another secure setting, including those arriving from court late at night.

The 'National Standards for Youth Justice' set out the minimum level of service to ensure:

- effective practice in youth justice services.
- safeguarding of children who come into contact with youth justice services.
- protection of the public from the harmful activities of children who offend.

The standards are being revised to make them more outcome-focused and we are consulting broadly on their development, we will engage with potential applicants as part of this development process.

The secure school will need to ensure that students' records are accessible to all those involved in their case and that there is an appropriate system for assessing students and planning to meet their needs in order to get the best outcomes for them. We will discuss with potential applicants the options for achieving this.

The school will be required to follow the 'Healthcare Standards for Children and Young People in Secure Settings' (RCPCH 2013).

#### Your application must

- Show how your school will welcome and be welcoming to students on their arrival.
- Show how your school will assess and manage students' immediate needs.
- Show how your school will ensure that students and their families/carers have the necessary information on arrival to reassure them, inform them how to access support and assist with their integration.

## Section C2 Day-to-day life, relationships and routines that create a positive ethos and culture

### Things you need to know

The school will be an environment where students and staff develop positive and respectful relationships based on trust and students can maintain or rebuild relationships with their family and carers.

The school will have a varied and full schedule of activities for students during the week and weekend that will include (but may not be limited to) education, health appointments, sentence planning meetings, family visits, enrichment, sport and leisure activities.

Students will be provided with all meals and the menu will be varied and nutritionally balanced.

Secure schools will need to work with youth offending teams to support students in attending criminal courts, whether in person or as part of a virtual court.

Secure schools must have an entirely smoke free environment within their buildings. Students will not be able to smoke in any part of the secure school.

### Your application must

- Show how your staff will get to know students in their care and can understand and relate to their needs. Show how staff will maintain positive relationships with all students.
- Explain the day-to-day routines that your school will follow.
- Show how students will have access to appropriate faith and chaplaincy teams and be able to observe their faith or religious beliefs.
- Show how you will engage each student's family or carer during his or her time at your school and how students will be able to maintain contact with their families, friends and professionals involved in their case and care.
- Show how you will provide support for students who have no contact with their family or carer or help students to rebuild poor relationships with their family or carer.
- Explain how you will provide a varied and nutritionally balanced menu in a way that takes account of students' health, cultural and religious requirements and school food standards.
- Explain how you will support students to maintain good standards of personal hygiene and cleanliness.

## Section D Education, health, care and wellbeing plan

This is the heart of your application. Your plan must explain how everyone in your school will work together to meet students' needs to achieve your vision. As well as being achievable, your plan must be affordable within the funding available and consistent with your financial plans.

Preparation for life after the secure school should be a golden thread throughout your application. Being supported towards independence and employability can be life-transforming for children who have been in custody. This support needs to start early and should centre around each child's own aspirations, interests and needs and the support they need to reach these goals.

Your education, care, health and wellbeing plan must explain how your school will achieve its vision. This section consists of:

- D1 Integrated plan for meeting students' education, health, care and wellbeing needs
- D2 Setting targets and measuring progress
- D3 Safeguarding
- D4 Promoting good behaviour
- D5 Enrichment and social activities.

Your application should set out how your secure school would support preparation of students' for life on release. The 7 resettlement pathways established by the Youth Justice Board are:

- Accommodation.
- Attitudes, thinking and behaviour.
- Education, employment and training.
- Family and carers.
- Finance.
- Physical and mental health.
- Substance misuse.

### Section D1 An ambitious and achievable integrated plan for meeting students' education, health, care and wellbeing needs

#### Things you need to know

The secure school will be a place that is fully inclusive and where all students will be genuinely involved in their own care plan and treated fairly and in accordance with their individual needs. It will promote equality among students, staff and visitors and actively challenge and eliminate discrimination.

The school will be required to act in accordance with the Equality Act 2010 and your application must show how it will comply with its duty under Section 149 of the Act. The 9 protected characteristics to which this duty applies are: age, race, sex, disability, religion or belief, marriage and civil partnership, sexual orientation, gender reassignment, pregnancy and maternity. Applicants should also consider the impact that the school's services will have on students who are parents.

The government agrees with the importance that David Lammy's Review on 'The Treatment of, and Outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System' places on addressing disproportionality in the youth justice system, so that children's needs are not marginalised and patterns of offending do not continue into adulthood. Secure schools must embody fairness, transparency and accountability and see the child first and the offender second. They must enable all students, including those from BAME backgrounds, to have trust in the youth justice system.

Youth justice is not a devolved matter. Accordingly, the UK government has responsibility for youth justice in Wales, as well as England. Wherever possible, when Welsh children are given a custodial sentence they will serve the sentence in a Welsh institution. However, there may be instances where the placement decision determines that it would be in the best interests of the child to be placed in an English institution, for example where distance from home favours placement in an English institution rather than a Welsh one.

For children for whom Welsh is their first language, this is not only the language they use to access education, but is also often how they feel most comfortable communicating and expressing themselves outside the classroom. Whilst there is not a requirement for Welsh pupils placed in English institutions to have access to education that meets the Welsh curriculum or to be able to converse in Welsh, we believe it is in the best long-term interests of the child and least disruptive to their education and rehabilitation beyond their sentence, that these needs are met.

Like other custodial institutions, secure schools will operate all year round and 24 hours a day. Children will arrive and leave at many different points in the year. However, your school will have flexibility over how it organises the time to balance education, enrichment and leisure.

As secure academies, secure schools do not have to follow the national curriculum. They should provide a broad and balanced curriculum, including English, mathematics, computing, physical education and vocational options. The curriculum should be tailored to students' needs and help them to develop the skills they need to live productive and fulfilling lives.

NHS England, in partnership with the leader of the school, will commission health services in secure schools to ensure integrated provision across the school. All providers will be required to adhere to the 'Healthcare Standards for Children and Young People in Secure Settings'.

Where appropriate, students will need to be released temporarily into the community to take part in activities to prepare them for their release and resettlement.

### Your application must

- Show how an understanding of the lives and diverse needs of the expected student cohort, including girls and Black, Asian and Minority Ethnic children, will inform the interventions at your school.
- Show how you will listen and respond to the voice of students to shape and improve services.
- Describe how you will work as an integrated whole-school team and with other agencies to design an offer that meets the individual educational, care, physical and mental health and wellbeing needs of each student while they are at your school and on release.
- Explain how you expect to work with NHS England and the healthcare provider, including at governance level and health promotion.
- Provide a rationale for the type of curriculum proposed and show how it will be broad, balanced and appropriate for students' needs and how you will implement it. Please provide a list of the subjects and qualifications your school will offer.
- Show how the education provision will be organised (for example, whether it will be organised in school terms) and operate in practice, including groupings and provision for short and long stay students.
- Include the strategies you will put in place to raise aspirations and support students to be successful from the time they enter your school to after they have left it.
- Include your approach to students' use of technology in education and leisure.
- Explain how you will engage with other providers to broaden the educational offer and develop further skills through temporary release to go to college and/or work experience and prepare the student for release and resettlement.

- Explain how your school will meet its equality duties in relation to the 9 protected characteristics and parenthood.
- Explain how you would cater for the needs of children with Welsh as their first language, should any be placed in your secure school.

## **Section D2 Establishing each student's starting point, setting targets and measuring progress**

### **Things you need to know**

A comprehensive assessment of each student should be carried out on his or her entry into the secure school, taking account of previous assessments and plans, for example the placement assessment and, where there is one, the student's education, health and care plan. Establishing each student's starting point, setting targets and measuring progress, irrespective of the length of the sentence, are crucial to achieving the best outcomes for students.

This section of your application should cover all elements of your education, health, care and wellbeing plan described in section D1.

You will need to show how integrated working across the school and with relevant partners and agencies will lead to effective assessment and plans to meet each student's needs.

Plans should include building on the positive elements of each student's life, setting targets and interventions that link to needs and risks. They should take account of remand/sentence type and length, mental health and neurodisability, physical, developmental, care and wellbeing needs, religious or cultural needs, protected characteristics and any other factors that will enable each student to achieve a successful resettlement.

The health provider will operate the comprehensive health assessment tool (CHAT). The tool provides the opportunity for standardised health screening and assessment for all children held in the secure estate, aiding early identification of needs, improving continuity of care and reducing duplication during transition periods in the secure estate and while leaving it.

The secure school will need to ensure that students' records are accessible to all those involved in their case and that there is an appropriate system for assessing students and planning to meet their needs in order to get the best outcomes for them. It will need to record each student's overall progress, ensure that the student has a copy and pass his or her justice, education and health records onto appropriate organisations involved in his or her resettlement. The Youth Justice Board has developed AssetPlus, a framework designed to provide a single assessment and intervention plan that follows a child throughout his or her time in the youth justice system and the broader youth justice application framework to monitor progress. We will work closely with the successful applicant to develop a system that allows for the smooth transfer of information between establishments and with professionals outside the youth secure estate.

Under section 104(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 children remanded to youth detention accommodation become looked after children and their home local authority will have a duty to undertake reviews of their case.

### **Your application must**

- Have ambitious and realistic targets for students' performance, behaviour, wellbeing, social and emotional development and health, explaining why they are suitable and your strategy for achieving them.
- Describe how you will put in place an assessment and data tracking system that will enable you to monitor students' progress against education, health, care, wellbeing and other needs

and how you will monitor and evaluate the overall success of your school, improve practice and review targets regularly to improve your school's performance.

- Show how your school will work with youth offending teams to take a co-ordinated and practical approach to planning. Plans should continue from community, through custody, and back into the community to fully support resettlement and help to reduce reoffending.
- Describe your plans to involve students and their families or carers in discussions and decisions about support, ambitions and progress.

### Section D3 Safeguarding

#### Things you need to know

Your school must have robust and effective procedures and practices to promote the health and wellbeing of students and keep them all safe and protected from harm from themselves and others. It must follow the 'Working Together to Safeguard Children' guidance.

It must also have robust and effective procedures and practices to promote the wellbeing and safety of staff and visitors.

The Ministry of Justice has commissioned and funded an independent and confidential advocacy service to support children in custody, if they feel they cannot speak for themselves, do not understand something or cannot make themselves understood. Barnardo's currently provides this service and we envisage that students in secure schools would also have access to it.

Schools must report serious or significant incidents and near misses to the Youth Custody Service and the student's home local authority and learn from any incidents to make improvements.

#### Your application must

- Show how your school will maintain appropriate boundaries between students and between students and adults, keep everyone safe at all times and promote students' wellbeing.
- Show how you will make students aware of safeguarding information in a way that is accessible to them.
- Show how your school will quality assure its safeguarding policies and practices, review them and open them up to independent scrutiny.
- Explain how your school will manage safeguarding concerns and complaints and how they will be monitored and reviewed to inform future practice.

### Section D4 Promoting good behaviour

#### Things you need to know

You will need to show how your school will

- provide clear and consistent boundaries
- gain an understanding of and address the underlying causes of each student's behaviour
- help students to understand and manage their emotions and the way they react to life
- help students to communicate their needs and feelings
- encourage good and safe behaviour
- incentivise and reward progress and achievements.

Your school should work to reduce the chance of incidents occurring and escalating and manage well the negative incidents that do occur, respecting the students and their rights.

In exceptional cases it will be permissible for staff in the secure school to restrain a student to prevent harm to him or herself, other people or serious damage to property. During the pre-opening period we will discuss with the successful applicant acceptable methods of restraint and the training requirements. Pain inducing restraint techniques will not be permitted in a secure school.

A secure school cannot exclude a student from the school. The school could request a transfer to another establishment. The Youth Custody Service will make the transfer decision, taking into account the evidence from the secure school and the student's youth offending team.

### Your application must

- Show how your school's staff will encourage, reinforce and praise positive behaviour.
- Outline how your school's behaviour management systems and strategies will be easy to understand, clearly communicated and implemented consistently and fairly and how you will monitor them.
- Show how your school will deal with challenging behaviour and how this can be linked to therapeutic support.
- Show how your school will measure and track changes in students' behaviour from the time they enter your school until their release date.

### Section D5 All students have access to enrichment activities that will inspire, develop and enhance areas of interest and develop skills

#### Things you need to know

You will need to show how your school will provide enrichment and social activities, including sport, that will promote good health and wellbeing, are accessible to all students and contribute to their wider development and resettlement.

Secure schools will need to process temporary release for students. The guidance and processes for temporary release are currently being reviewed for the whole youth estate. While accountability for temporary release will continue to sit with the Secretary of State for Justice, we are exploring how we might be able to grant providers as much autonomy as possible to make decisions about temporary release.

### Your application must

- Explain how your school's proposal for sport, leisure and enrichment activities will help students to develop skills, grow in confidence and encourage social integration within the school and the wider community.
- Show how your enrichment offer will work during school term time and how the offer will be different at weekends and outside term time.
- Show how your school will engage with local organisations in order provide enrichment and social activities in the community and manage the risks involved.
- Show how you will monitor, evaluate and quality assure activities.
- Show how your school will include all students in physical activity/sports.
- Show how your school will engage with employers, local authority services and other services in the community to enable students to use and build on the skills they have developed after their release.

## Section E Managing resettlement and transfer

### Section E1 Supporting the effective resettlement of former students

#### Things you need to know

Paragraph 9.57 of the 'National Standards for Youth Justice Services' says that someone from the secure estate should attend each student's first post-release review meeting in the community arranged by the supervising officer from the youth offending team.

Although your secure school will no longer be formally responsible for students after they have left it, it should play an important role in ensuring that resettlement is successful. The Youth Justice Board's 'Custody and resettlement: section 7 case management guidance' sets out how youth justice practitioners should plan for custody and resettlement.

#### Your application must

- Describe how you could support the successful resettlement of former students.
- Describe your plans for measuring the longer-term impact your school has had.

### Section E2 Managing the transfer to another custodial setting

#### Things you need to know

Your school will have students who need to transfer to a secure hospital, another custodial setting for children or an adult custodial setting. It will need to comply with the 'Placement Review and Transfer Guidance'.

If a student needs to transfer to a secure hospital, your school will need to comply with the 'Procedure for the Transfer from Custody of Children and Young People to and from Hospital under the Mental Health Act 1983 in England'.

#### Your application must

- Show how students will be supported before, during and after transfer to another secure setting to ensure that they are safe, integrate quickly into their new environment and are able to continue making progress.
- Show how you will ensure that all relevant information is transferred with the child and in a format that can be used by the new establishment.

## Section F Capacity and Capability

### Section F1 Demonstrating the experience and credentials needed to open the school

#### Things you need to know

You will need to show that your applicant group contains or has access to individuals with the expertise and time commitments required to open the secure school. The group will need to be multidisciplinary, using the knowledge and experience of different specialists to ensure that the school can achieve positive outcomes across all areas.

#### Your application must

- Show that the pre-opening group consists of individuals with relevant expertise and a strong track record in pre- and post-16 mainstream education, residential care for vulnerable children with complex needs, security, safeguarding and finance and that these individuals have specific and sufficient time commitments. You will also need to identify an individual with sufficient knowledge of and experience in healthcare to be able to work in close partnership with NHS England and the contracted health provider. Please complete the CV template for each member of your pre-opening group.
- Show that you have access to individuals with extensive experience and a strong track record in as many of the areas below as possible and that these individuals have specific and sufficient time commitments:
  - Alternative provision and/or special educational needs and disabilities.
  - Managing finances, preferably in a school, residential children's home or secure setting.
  - Working with youth justice agencies.
  - Leadership.
  - Project/change management.
  - Human resources.
- Identify any gaps in skills in the pre-opening team and say how you intend to fill them.

### Section F2 Effective and accountable governance

#### Things you need to know

Information about the secure academy trust governance model is in Part 5.

Secure schools will be dual registered as both 16 to 19 academies and secure children's homes. A secure academy trust will need to be created as a separate entity by the successful applicant. You will need to comply with the requirements of secure children's homes.

You will need to show that you will have an effective governance structure in place with lines of accountability and roles and responsibilities that are clearly defined. The individuals that you recruit to govern your school will need to have the knowledge and expertise to challenge senior leaders and hold them to account with the aim of driving improvement and upholding the school's vision.

You will need to comply with a bespoke financial handbook that will be developed for secure schools. It will be based on the same Managing Public Money principles as the Academies Financial Handbook developed by the Department for Education. Secure academy trusts will enter in to a funding agreement with the Secretary of State for Justice and be accountable to him. This funding agreement will set out terms of funding, financial accounting and accountability. Unlike academies, secure schools will report their accounts to the Ministry of Justice on a financial year basis (1 April to 31 March).

### Your application must

- Provide a diagram showing the proposed governance structure. It should include lines of accountability between the company members, your school's trustees, any local governing bodies or committees and the school's senior leadership team. The governance structure should cover all elements of the proposed school.
- Include a brief explanation of the roles and responsibilities of the company members, the trustees and any proposed committees.
- Include for each member and trustee a completed CV template showing his or her skills and experience. Identify any skills gaps and your plans for filling them.
- Include a strategy for avoiding and minimising conflicts of interest and for securing independent challenge to members and trustees.
- Include a brief description of any specific conflicts of interest and an explanation of how you will manage them. Declare any financial transactions that are likely to take place between any member or trustee (or a connected party or business) and the school, the nature of the transaction(s). These transactions must be at cost.
- Show how you will comply with the principles set out in the Ministry of Justice's Secure Schools Financial Handbook.

### Section F3 A headteacher and senior leadership team that lead by example and are committed to achieving positive outcomes for their students

#### Things you need to know

You will need to show that your school will have a headteacher with the experience, skills and motivation to make the school's vision a reality, ensuring all staff are committed to the same ambitious standards.

The headteacher, supported by an experienced and diverse senior leadership team, will need to have the knowledge and understanding, as well as the autonomy, to make informed decisions on how the school can best meet the needs of a challenging and constantly evolving cohort.

### Your application must

- Set out your plans for recruiting a headteacher with extensive experience and a strong track record in promoting excellence in challenging circumstances and, if you have a preferred candidate in mind, describe his or her experience and track record.
- Set out your plans for recruiting a senior leadership team with an appropriate range of experience and skills.
- Show how the headteacher will promote your vision for the school and ensure that all staff are committed to the same values.
- Outline how the senior leadership team will build a network beyond the secure school to broaden the offer, add capacity and facilitate transfer and resettlement.
- Show how the staff team will be empowered to respond to the changing needs of the cohort, making informed decisions to secure the best outcomes.

## Section F4 Building a skilled, integrated and committed team

### Things you need to know

The secure school will have a staff team that is committed and motivated to work with children with challenging and complex needs and who can respond with empathy, respect and skill to improve their outcomes and life chances.

The school's senior leadership team will support and develop staff, create a positive working environment and engage relevant staff in decision-making.

David Lammy's Review on 'The Treatment of, and Outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System' found that, on average, Black, Asian and Minority Ethnic men and women in prison report poorer relationships with prison staff, including higher rates of victimisation by prison staff.

The secure school will operate all year round and 24 hours a day and this should be reflected in the staffing profile.

As secure academies, secure schools will be able to set their own pay and conditions for their staff. Teachers of academic subjects in secure schools must hold qualified teacher status. Care staff must have the Level 3 Diploma for Residential Childcare (England) or a qualification that the headteacher considers to be equivalent.

The secure school will need to have a special educational needs co-ordinator (SENCO).

The secure school should encourage and enable staff to gain a professional qualification in youth justice, for example the Youth Justice Effective Practice Certificate or the Foundation Degree in Youth Justice.

### Your application must

- Provide an organogram showing the proposed staffing structure as your secure school builds up student numbers and when it is full, setting out the main responsibilities of each role. The staffing structure should reflect an appropriate balance of experience and expertise across education, care and health.
- Explain what your staffing ratios will be and the rationale behind them.
- Explain how your school will provide services throughout the day and year and how staff will provide continuity of care for students.
- Explain your plans for initial training and ongoing learning and development for staff in their current role and in relation to their wider profession. This includes ensuring that staff can keep any mandatory qualifications and professional body requirements up to date.
- Explain how you will support staff to work in the challenging environment and how you will manage staff retention.
- Explain the procedure for whistleblowing and how you will support staff during the process.

## Section G Site

### Section G1 A therapeutic environment to live and learn in

#### Things you need to know

The Ministry of Justice will identify and provide sites for secure schools.

You will need to show how your school will provide accommodation that promotes the positive mental health, emotional wellbeing and dignity of students and supports their engagement with all aspects of the school.

Accommodation should be clean, safe and fit for purpose.

If you are likely to require non-standard facilities to turn your vision into reality, please tell us what you need and why you believe it would be beneficial to your students. This aspect of your application will not be taken into account when deciding whether your application is successful.

#### Your application must

- Explain how you will create an environment that supports the positive mental health and emotional wellbeing of students.
- Explain how you will create surroundings that look and feel like a residential school rather than a traditional youth detention facility and balance this with security considerations.
- Show how you will consider the needs of individual students when providing accommodation.
- Explain how you will maintain a clean environment.

### Section G2 A secure environment

#### Things you need to know

You will need to show that you have strong, well-managed processes to accommodate students in a secure environment that appropriately balances the need to manage risks to the public, students and members of staff.

Secure schools will receive support from the Youth Custody Service to develop their security policies.

Your school will need to operate a number of security and safety systems, such as CCTV and personal alarms. We will provide training and support to the successful applicant.

Security information must be gathered and evaluated in accordance with relevant legislation, including the Regulation of Investigatory Powers Act 2000. The Investigatory Powers Commissioner's Office is responsible for keeping under review the interception of communications and the acquisition and disclosure of communications data by intelligence agencies, police forces and other public authorities.

The school must comply with obligations under multi-agency public protection arrangements (MAPPA) to ensure that students at most risk are protected from harm. The school will need to co-operate with MAPPA arrangements in students' local home authority and contribute to risk management plans.

The trust operating the secure school will be responsible for the day-to-day management and maintenance of the building and grounds. The trust must apply for funding and obtain permission from the Ministry of Justice for any proposed structural changes or development of the site. Non-fixed clinical equipment will be the responsibility of NHS England.

**Your application must**

- Show the processes you will put in place to keep students secure and protect sensitive information appropriately.
- Explain how you will make staff aware of their responsibilities in respect of the secure running of your school.
- Show how your school will develop and maintain effective relationships with external agencies to share information relating to safety and security appropriately and manage risks.
- Explain your approach to routine maintenance of the site.
- Show how you will maintain the capacity of the school and keep facilities operational.

## Section H Financial plans that are consistent with the rest of your application, demonstrate financial viability and are based on realistic assumptions about income and expenditure

### Things you need to know

Before you begin to develop your financial plan, you should read

- the guide to secure school revenue funding, which sets out the potential funding your secure school will receive
- the Secure Schools Financial Handbook
- and the guidance in the 'Cover' tab on the Excel financial plan template, which contains important information and advice.

We ask you to provide a financial plan in the attached finance template showing your predicted expenditure for your secure school. We want to check that your financial plans will support the implementation of your vision and plans and that your school will be viable within the funding provided. Your financial plan needs to be consistent with the rest of your application and show what assumptions and strategic financial decisions you have made.

If your application is successful, you will need to update your financial plans on this template as they develop throughout the pre-opening phase.

### Budget

The projected funding for the secure school, operating at full capacity, is indicated in [ ] of the 'summary' tab in the finance template.

You should refer to the Secure School Financial Handbook in planning your budget. For example, forecasts should be prepared on the accruals basis of accounting, which means that you should recognise expenditure in the accounting period in which it is incurred, which may be earlier than when the invoice is paid.

Budget assumptions must be listed throughout this sheet at column [ ] and be consistent with the rest of your plans. You should include your assumptions, references to your sources of evidence and benchmarking information.

The kind of assumptions that you might make include:

- You are able to open the secure school with a reduced capacity and increase the number of students over an initial period of operation until full capacity is reached.
- Proposed teaching and non-teaching staff salaries are each benchmarked against those of staff in the trust's nearby schools.
- Employer National Insurance and pension contributions are calculated with regard to HMRC and relevant pension providers' guidance.
- Expenditure on heating and other costs are based on information provided by the Ministry of Justice.

The Ministry of Justice will pay revenue funding in April and September each financial year to cover the cost of providing a specified number of places. If the actual number of places available during any given payment period is lower than required, meaning that the school needs to spend less, the ministry will adjust future payments in order to avoid continued overpayment. If there is any surplus at the end of the financial year, you must invest it in the secure school in the following financial year.

## The financial plan template

[The final version of this guidance will include a link to the template]

### (a) Cover sheet

You will need to start by completing the cover sheet.

### (b) Application stage

As this is the application stage to open a secure school, please select 'Applicant'.

### (c) Budget sheet section 2 - Summary

#### Income

##### *Operational funding*

The Ministry of Justice will provide funding to enable the secure school to operate at full capacity from opening. This sum will be expected to cover all costs associated with running the school, including maintenance, repair and laundry. If you are proposing to build up student numbers to full capacity over a period, the template will allow you to indicate your projected costs quarterly in the initial year of operation. The ministry will discuss the treatment of large-scale capital work with the successful applicant.

##### *Other income*

If you expect income from sources other than the Ministry of Justice (for example, grants, fundraising or sponsorship), please include them in your budget sheet. You should use the assumptions column (column [ ]) to explain why your income assumptions are realistic and achievable. You should use any additional income to enhance, extend and enrich the school's offer or to save towards capital projects. Your school should not be dependent on this additional income to break even or operate as a secure school. We expect your school to be viable on the funding it receives from the ministry.

### (d) Budget sheet section 3 – Expenditure

Please enter your projected expenditure total under each heading.

Staff costs will calculate automatically once the 'Staff' worksheet is completed.

Please include costs associated with depreciation of assets, excluding land and buildings. This is where items such as laptops or minibuses (but not day-to-day items) will need to be replaced. These assumptions should be reflected in column [ ].

We would expect contingency to be included in your budget forecast.

#### **Feedback request**

We would welcome your views on what percentage of the secure school's budget should be set aside for contingencies.

#### **Staff sheet**

The information you enter here should match your expected staffing model. Please provide details of the position, type of position, salary, allowance, pension rate and National Insurance rate in columns [ ] to [ ]. Columns [ ] to [ ] require you to input a number between 0 and 1 setting out the full time equivalence of that role depending on whether the member of staff is

full or part time. You need to enter each member of staff needs on a separate row. An example is given at the top of the sheet.

You can find out who your local government pension scheme manager is on the LGPS website. You should contact the relevant fund manager in the first instance to get a likely estimate of the rate in your area.

National Insurance is not a fixed rate and varies with earnings. For further information visit the HM Revenue and Customs website.

### **(e) Summary sheet**

This sheet will provide you with an indication of your funding, as well as giving you a set of financial ratios on strands of your expenditure against overall costs. The text will be red where your ratios and spending differ from what we might expect to see. However, the expected ratios and spending are just a guide and your plans do not have to match them.

### **(f) Checklist**

Please use the checklist at the front of the template before submitting financial plans with the rest of your application.

#### **Assessing your financial plan**

We will assess the quality of your financial plan by the extent to which it is realistic and appropriate, represents good value for money and is prudent.

#### **Feedback request**

The Ministry of Justice would welcome your views on the major cost elements of a secure school to help us to determine the budget.

If your organisation is considering applying to set up a secure school, it would be helpful to have your initial thoughts on the attached finance template on the

- Staff structure and costs for a secure school.
- Percentage of total operating costs you would expect to be allocated to non-education/non-health related elements.

We will use the information that you give us now solely to help us to set the budget for secure schools. If you subsequently apply to set up a secure school, we will not take it into account when assessing your application. The Ministry of Justice cannot guarantee a particular level of funding at this stage.

## **Section I Suitability of applicants**

We will require a suitability and declarations form for each member and trustee of the secure academy trust, as well as the headteacher (when appointed). We will not need forms for individuals on any local governing bodies that you plan to set up

Scanned copies of signed forms and a passport-sized photograph attached to each form must should be emailed at the point of application to [ ] stating the proposed school name in the email title.

## Part 4 What happens after you submit your application

### Assessment of your application

- 4.1 We will assess your application against the criteria for assessment and make a judgement on the most suitable provider(s) based on all of the evidence. It is therefore essential that you read this document in full before starting your application. Under each criterion, we have included a description of what you should include in your application.
- 4.2 Each criterion includes information you must provide for your application to be assessed.
- 4.3 If you do not provide information for any of the relevant criteria, it is likely that we will not consider your application further and you may not get feedback.
- 4.4 If you plan to use policies from another provider, you must be transparent about that (cite your sources) and explain your rationale for doing so. If you do not, and we subsequently discover you have sourced material from elsewhere, we may reject your application.

### Interviews

- 4.5 If we assess your application as one of the strongest, we will invite you to interview. Interviews will be tailored, based on the quality of the application, the strength and track record of your group, and where applicable, your understanding of the state school and youth justice systems.
- 4.6 We cannot pay any interview or other costs incurred during the application process, whether your application is successful or not.

### Decisions

- 4.7 The Ministry of Justice will take decisions on applications. The decisions are final and there is no appeals process. If your application is successful, you are given approval to move to the pre-opening stage; you are not being given approval to open a new secure school.
- 4.8 Approval of your application does not mean approval of every detail, such as your financial plans or preferred headteacher. Approval may be conditional on amending certain aspects of your application.
- 4.9 If your application is not successful, you will receive an offer of feedback giving information about the decision.

## What happens if your application is successful

- 4.10 If your application is successful, you will be invited to move to the next stage of the process, the pre-opening phase. In this phase your academy trust will need to develop detailed plans for its secure school and turn them into a school ready to open.
- 4.11 The final decision to open a secure school depends on the Secretary of State for Justice entering into a legal contract (the funding agreement) with the academy trust. The Secretary of State will only sign a funding agreement if he is satisfied that the school will be ready to provide a good standard of education, health and care from its first day of operation.
- 4.12 Where a project fails to make sufficient progress in pre-opening, a funding agreement cannot be signed and the opening of the school may be delayed or even cancelled.
- 4.13 Progressing to the pre-opening phase might be subject to precise and strict conditions, which are set out in the approval letter. Further conditions may also be set during the pre-opening phase. These conditions often relate to a specific risk that must be addressed for the project to proceed successfully. Failure to meet any of these conditions would make it unlikely that the Secretary of State will be able to enter into a funding agreement with your trust.
- 4.14 One of the most important milestones in the pre-opening phase will be to agree your provisional opening date. The Ministry of Justice will agree the date with the academy trust. A number of factors will affect a school's opening date, not least the completing necessary building works.

## Part 5 Legal framework and guidance

### Dual registration as a 16 to 19 academy and a secure children's home

- 5.1 In order to bring about the cultural change envisaged in Charlie Taylor's review, we plan to establish secure schools using both 16 to 19 academy and secure children's homes legislation. This will be the first time that institutions have been established using both sets of legislation and our aim is combine the best ethos and practice from both sectors with the necessary ability to detain the children.
- 5.2 Powers under academies and children's homes legislation are normally exercised by the Secretary of State for Education. However, a framework has been developed to enable the Ministry of Justice to exercise certain functions under education legislation. To enable one line of accountability, the successful applicant will need to establish a new and separate secure academy trust, rather than having secure schools form part of an existing multi-academy trusts that is accountable to the Department for Education.
- 5.3 As they will be dual registered, the secure academy trusts will have to comply with the Children's Homes Regulations 2015 and academies legislation and secure schools will be inspected against these regulations. We are discussing with the inspectorates to identify the inspectorates, the frequency of inspection and the framework. The Ministry of Justice will have oversight of performance in the secure school, including education, care, governance, finances and, in partnership with NHS England, health. Where there are instances of underperformance, it will intervene in a way that is proportionate to the area to be addressed.
- 5.4 The new secure academy trust would be set up like an academy trust and would therefore need to adopt a memorandum and articles of association. The new secure academy trust articles will include an object to cover the provision of care, health and accommodation.] Before opening a secure school, a secure academy trust will also register with Ofsted in order to run a school and a secure children's home.

### Setting up a secure academy trust

- 5.5 Each secure school will be run by a secure academy trust, a not for profit company limited by guarantee, formed specifically to establish and run a secure school.
- 5.6 You do not need to establish a secure academy trust before applying to open a secure school. If your application is approved to the pre-opening stage, you will need to do so then, using the model articles that we will develop for secure schools. Information on how to set up a company is available from Companies House.
- 5.7 The secure academy trust will be accountable to the Ministry of Justice and be a separate legal entity from an academy trust that is accountable to the Department of Education.

## Governance

- 5.8 An academy trust has members and trustees. The members are akin to the shareholders of a company; the trustees are the directors of the company and are responsible for the operation of the trust and all committees (no matter what type or how many schools they govern). In your secure school articles, you will need to specify how many trustees the members will appoint.
- 5.9 The members of the academy trust are the original subscribers to the trust's memorandum of association and any other individuals appointed under its articles of association. Members have an overview of the governance arrangements of the trust, and have the power to appoint and remove trustees. A minimum of 5 members helps to ensure that, to the extent that members are available to attend meetings, the trust has enough members to take decisions via special resolution (75% of members agree) without requiring unanimity, while minimising circumstances in which a split membership prevents decisions being taken by ordinary resolution (at least 51% of members are in favour). 'Limited by guarantee' means that the personal liabilities of the members who establish it are restricted.
- 5.10 An employee of the school/trust must not be a member. The members have the power to appoint trustees and you will need to name at least one trustee to set up your trust. The members also have the power to amend some of the provisions of the articles of association, although certain amendments to provisions relating to the appointment and removal of members and trustees will need prior approval by the Secretary of State for Justice.
- 5.11 The trustees have 3 core functions:
- Ensuring clarity of vision, ethos and strategic direction of the organisation.
  - Holding executive leaders to account for the educational performance of the organisation and its students, and the performance management of staff.
  - Overseeing the financial performance of the organisation, and making sure its money is effectively used.

Trustees are also responsible for ensuring compliance with company law and the funding agreement agreed with the Secretary of State for Justice. Trustees also have responsibility for approving the trust's company accounts and annual report.

There should be separation between the members of the trust and the trustees. Only a minority of members of the trust should also be trustees. This separation promotes strong accountability, and is equally important in single academy trusts and multi-academy trusts.

## Conflicts of interest

- 5.12 An important test of a trust's capability is how well it plans for and manages conflicts of interest. A conflict of interest can be defined as 'any situation in which a person's personal interests, or interests that they owe to another body, may (or may appear or be perceived to) influence or affect their decision making'.
- 5.13 Conflicts are most likely to arise when a trust is considering awarding a contract to an individual or organisation in which one of its members or trustees has an interest. Before you form your trust and recruit your board of trustees, you must consider your plans for contracting work to minimise the risks of a conflict. This will include ensuring that:
- Bodies that sponsor schools do not derive a financial profit from doing so.
  - Any individual or organisation represented as a member of the trust, or with influence over the trust, understands that they will only be able to bid for contracts from the trust through an open procurement process and on an 'at cost' basis.

- There is sufficient challenge within the trust, with independent members and trustees, capable of holding suppliers to account.
- Trustees and members comply with the protocols set out in the trust's articles to ensure that decisions are taken without bias and that individuals who are conflicted take steps to avoid influencing a decision.
- The trustees establish and maintain a register of interests to identify and record potential areas of conflict and ensure the register is published on the trust's website.
- Trustees and members understand the need for all procurement to follow an open and fair competition.

5.14 Conflicts of interest may also arise if family or other personal relationships between the individuals running an academy trust make it hard to hold an individual to account. For example, if a husband and wife were to take the roles of chair of the board of trustees and principal, it may be more likely that decisions will be influenced by shared interests or views, and not taken in the best interests of the trust.

5.15 It is important to note that even the perception of a conflict can create negative publicity and could affect your secure school's reputation.

## Achieving value for money

5.16 You may appoint a third party through an open and competitive tender process to support you in developing your application. However, you must not enter into any contracts in the expectation of public funds. If you have been assisted in writing your application by any individuals or organisations that are not part of your trust, please say so in your application. You should also explain how you would secure further support during the pre-opening phase, if your application is approved.

## Funding agreement

5.17 Mirroring the arrangements for academies, the successful applicant will need to enter into a contract (funding agreement). The model funding agreement will be

- Bespoke to secure schools, reflecting their unique requirements, but
- Based on many of the standard underlying terms, conditions and principles that underpin the current model Department for Education's funding agreements.

5.18 A secure school model funding agreement will be available with the How to Apply guide when we invite applications for specific secure school sites. Given there are a number of existing model funding agreements, covering a range of school types, which can be reviewed, if required, we do not intend to share a draft secure school model funding agreement template now. However, to reflect the specific needs of a secure school, we can indicate the agreement is likely to differ from the Department for Education's models in areas such as

- A different contracting body (the contract will be awarded and the funding agreement will be signed by the Secretary of State for Justice).
- Changes to reflect a guaranteed capacity-based model with a set budget.
- The Ministry of Justice will undertake many of the tasks and responsibilities that normally fall to the Secretary of State for Education and the Education and Skills Funding Agency.
- The legislative, procedural and other requirements associated with a secure children's home.

- Requirements relating to custody.
- The requirement to work with external organisations that provide services (for example, external escorting and transport providers, the health provider, youth offending teams and the Youth Justice Board).

## Public sector equality duty

5.19 All secure schools are subject to the Public Sector Equality Duty, which forms part of the Equality Act 2010. This duty requires the trust, both in planning and running your school, to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and develop good relations between persons who share a relevant protected characteristic and persons who do not share it. We will look for evidence that you have considered this duty in your application. You may find it helpful to consult the advice for schools on the Equality Act.

## Sources of useful information

5.20 You might find the following websites and documents useful when writing your application:

### **Academies Financial Handbook**

The Education and Skills Funding Agency's guidance that sets out the financial management, control and reporting requirements that apply to academy trusts.

### **AssetPlus**

The Youth Justice Board's guidance to help youth justice practitioners to implement AssetPlus. AssetPlus is an assessment and planning framework designed to provide a complete assessment and intervention plan, allowing youth justice practitioners to follow a child throughout their time in youth justice.

### **AssetPlus Joint Working Protocol**

The joint working protocol is for youth offending teams, secure establishments and the Youth Custody Service placements team and underpins the information sharing process.

### **Boarding schools: national minimum standards**

The Department for Education's national minimum standards that boarding schools must meet to safeguard and protect the children in their care.

### **Case management guidance**

Guidance for youth offending teams and managers on how to work with children in the youth justice system.

### **Children Act guidance on care planning, placement and case review**

The Department for Education's statutory guidance on local authority support to children and families.

### **Companies House**

Companies House incorporates and dissolves limited companies. It registers company information and makes it available to the public.

### **Comprehensive Health Assessment Tool (CHAT)**

The evidence-based screening and assessment tool for assessing the healthcare needs of children in the youth justice system.

### **Criminal record checks**

The Disclosure and Barring Service's process for applying to check someone's criminal record. See also the Disclosure and Barring Service's [list of umbrella bodies that carry out criminal record checks](#).

### **Custody and resettlement case management guidance**

The Youth Justice Board's guidance for youth justice practitioners on how to plan for custody and resettlement.

### **Cyber Essentials certificate**

Cyber Essentials is a government-backed scheme to help you to guard against the most common cyber threats and demonstrate your commitment to cyber security.

### **Equality Act 2010**

Information and guidance on the Equality Act 2010, including age discrimination and public sector Equality Duty.

### **Equality Act advice for schools**

The Department for Education's guidance to help schools understand how the Equality Act affects them and how to fulfil their duties under the act.

### **Foundation Degree in Youth Justice**

A distance-learning Level 5 qualification run by Unitas designed for youth justice professionals.

### **Freedom to speak up**

An independent review that sets out principles and actions to create an open and honest reporting culture for health professionals working in the NHS.

### **Fundamental British values**

The Department for Education's guidance on promoting British values in schools.

### **Guide to the Children's Homes Regulations**

The Department for Education's statutory guidance for those providing residential children's homes for vulnerable children. This guidance accompanies [The Children's Homes \(England\) Regulations 2015](#).

### **Health and Justice Commissioning Intentions 2017/18**

The NHS's priorities for commissioning services in secure and detained settings in England.

### **Healthcare Standards for Children and Young People in Secure Settings**

The Royal College of Paediatrics and Child Health's standards are designed to help plan, deliver and quality assure the provision of children and young people's health services in secure settings.

### **HM Inspectorate of Prisons' annual report**

HM Chief Inspector of Prisons' Annual Report for 2016-17. Chapter 5 covers children in custody.

### **Information Commissioner's Office**

The independent authority that upholds information rights in the public interest and promotes openness by public bodies and data privacy for individuals.

### **Inquiry on girls: From courts to custody**

A report by the Howard League for Penal Reform presenting the findings of an inquiry by the All Party Parliamentary Group on Women in the Penal System into the experiences of girls in the criminal justice system.

### **Investigatory Powers Commissioner's Office**

The Investigatory Powers Commissioner's Office provides independent oversight of the use of investigatory powers by intelligence agencies, police forces and other public authorities.

### **Keeping children safe in education**

The Department for Education's statutory guidance for schools and colleges on safeguarding children and safer recruitment.

### **The Lammy Review report**

An independent review led by Rt Hon David Lammy MP into the treatment of and outcomes for Black, Asian and Minority Ethnic individuals in the criminal justice system. Chapter 5 refers to prisons specifically.

### **Lammy Review – government response**

The Government's response to the review by Rt Hon David Lammy MP into the treatment of and outcomes for Black, Asian and Minority Ethnic individuals in the criminal justice system.

### **Managing public money**

HM Treasury's guidance on how to manage public money effectively.

### **Multi-agency public protection arrangements (MAPPA)**

Guidance for the police, prison service and probation trusts on assessing and managing the risks posed by sexual and violent offenders.

### **National Insurance**

HM Revenue and Customs' guidance on National Insurance.

### **National Standards for the Provision of Children's Advocacy Services**

National standards for children's advocacy services.

### **National Standards for Youth Justice Services**

The Youth Justice Board's standards for youth justice services. This document is for youth offending teams and all other professionals working with children in the justice system.

### **NHS England Five Year Forward View**

A shared vision for the future of the NHS, based around new models of care.

### **NHS England's Health and Justice Commissioning Intentions 2017/18**

NHS England's national commissioning intentions for healthcare services in secure and detained settings for 2017/18.

### **NHS England Information Sharing Policy**

NHS England's policy and high level procedures for sharing personal information.

### **NHS Outcomes Framework**

The frameworks and indicators that the Department for Health and Social Care uses to hold NHS England to account for improvements in health outcomes.

### **Ofsted's common inspection framework: education, skills and early years from September 2015**

Ofsted's framework for inspecting maintained schools and academies, non-association independent schools, further education and skills provision and early years settings.

### **Participatory approaches for young people in resettlement**

Beyond Youth Custody's guide to involving children in designing and determining resettlement services.

### **Placement Review and Transfer Guidance**

The Youth Custody Service's placement team's process for reviewing a request for a placement move and arranging a transfer.

### **Placing young people in custody: guide for youth justice practitioners**

The Youth Custody Service's guidance on how it places a child into custody and how to question a placement decision.

### **Planning for custody and resettlement**

The Youth Justice Board's guidance for youth justice practitioners planning for custody and resettlement.

### **Policy implementation guidance on addressing mental health problems of children and young people in the youth justice system**

Guidance from the Welsh government and the Youth Justice Board to address the mental health problems of children and young people in the youth justice system.

### **Prevent duty: departmental advice for schools and childcare providers**

The Department for Education's advice on what the Prevent duty means for schools and childcare providers.

### **Prevent duty guidance**

The Home Office's guidance for specific authorities in England and Wales on the duty in the Counter-Terrorism and Security Act 2015 to have due regard to the need prevent people from being drawn into terrorism.

### **Procedure for the Transfer from Custody of Children and Young People to and from Hospital under the Mental Health Act 1983 in England**

The Department of Health and Social Care's procedures for the transfer from custody of children to and from hospital under the Mental Health Act 1983.

### **Professional standards of practice and behaviour for nurses and midwives**

The Nursing and Midwifery College's professional standards for all registered nurses and midwives.

### **Public Health Outcomes Framework**

The Department of Health and Social Care's framework that sets out the desired outcomes for public health and how they will be measured.

### **Residential special schools: national minimum standards**

The Department for Education's guidance for special schools providing residential accommodation for children.

### **Review of the Youth Justice System in England and Wales by Charlie Taylor and the Government's response**

The Taylor Review made recommendations for extensive reform of the youth justice system covering devolution, courts, sentencing and custody. The government's response supports many of the principles of The Taylor Review and sets out its intention to review the governance of the system, improve the way we tackle youth offending and put education and health at the heart of youth custody.

### **SEND code of practice: 0 to 25 years**

Statutory guidance from the Department for Education and the Department of Health and Social Care for organisations that work with and support people up to 25 years old who have special educational needs or disabilities.

### **Seven principles of public life**

The Committee on Standards in Public Life's overview of the Nolan Principles that form the basis of the ethical standards expected of public office holders.

### **SMSC requirements for independent schools**

Guidance from the Department for Education on how independent schools should support pupils' spiritual, moral, social and cultural (SMSC) development.

### **Social care commentary on children's homes**

Eleanor Schooling CBE, Ofsted's National Director for Social Care, on how homes can support 'hard-to-place' children and still achieve a good or better inspection outcome.

### **Standards for school food in England**

Guidance from the Department for Education on the standards for planning and providing food in schools.

### **Understanding the educational background of young offenders**

A report from the Ministry of Justice and the Department for Education on the educational background, attainment outcomes, characteristics and needs of children sentenced in England and Wales.

### **Verification of identity form**

A form for new chairs of trustees in academies, free schools and independent schools to verify their identity.

### **Wales YOT management board guidance**

Guidance from the Welsh government and the Youth Justice Board to help young offender team management boards to review their governance and the roles and responsibilities of statutory partners to provide improved services for children involved in the youth justice system.

### **What works in managing young people who offend?**

The Ministry of Justice's review of the international literature about the management of children who have offended.

### **Working together to safeguard children**

The Department for Education's statutory guidance on inter-agency working to safeguard and promote the welfare of children.

### **Working together to safeguard children consultation**

Consultation on revisions to 'Working together to safeguard children'. The consultation has closed, but you might find it helpful to read the consultation paper.

### **Youth Justice Board for England and Wales**

The Youth Justice Board for England and Wales is a non-department statutory public body responsible for overseeing the youth justice system in England and Wales. Its primary function is to monitor the operation of the youth justice system and the provision of youth justice services.

### **Youth Justice Effective Practice Certificate**

A distance learning qualification for youth justice professionals that is accredited by the Skills for Justice Awards, endorsed by the Youth Justice Board for England and Wales and recognised by the University of Suffolk.

### **Youth Justice Resettlement Consortia: A process evaluation**

An evaluation of an initiative to provide an enhanced service to children leaving custody.

### **Youth Justice Strategy for Wales: children and young people first**

The Welsh government and the Youth Justice Board for England and Wales joint strategy to improve services for young offenders or those at risk of offending.

## Annex A Due diligence checks

Only suitable persons are permitted to establish and run secure schools. We will reject any applications put forward by organisations that advocate violence, extremism, or other illegal activities, or by individuals associated with such organisations.

To ensure the suitability of those proposing to set up and run secure schools, the Ministry of Justice will complete due diligence checks. This may include police, enhanced Disclosure and Barring Service and credit checks and other checks, as necessary. To meet the suitability requirements, it is necessary for the ministry to receive Disclosure and Barring Service certificates relating to members and trustees of the academy trust, lead applicants who are not a member or trustee of the academy trust, and headteachers, either identified at application stage or once appointed. Personal information provided as part of the application process may therefore be passed to third parties for the purpose of these checks.

### Disclosure and Barring Service (DBS) and verification of identity checks

#### Chair of trustees

The chair of trustees (of the trust, not a chair of a local governing body) must hold an enhanced DBS certificate that is dated within the past 2 years and countersigned by the Ministry of Justice or the Department for Education.

Chairs of trustees who already hold a valid, countersigned enhanced DBS certificate should send a scanned copy of the certificate together with the declaration below to [ ].

Chairs of trustees who do not already hold a valid, countersigned enhanced DBS certificate must request a new DBS certificate by:

- Phoning DBS on 0300 0200 190 to ask for a DBS enhanced disclosure application form. Please let them know that it is for the Ministry of Justice (reference number [ ]) and that you are a volunteer.
- Getting a copy of the verification of identity form and its accompanying guidance by emailing the Due Diligence Team at [ ].
- Completing both forms. Do not complete sections [ ] of the DBS form (the ministry will complete them).
- Ensuring the verification of identify form is signed by an acceptable professional.
- Sending both documents in the same envelope by registered post to the [ ].

The following people can be asked to confirm your identity:

- Headteachers - but not the head of the school for which the check is being undertaken.
- Judges.
- Magistrates.
- Barristers.
- Solicitors.
- Civil servants - Executive Officer grade or above.
- Police officers.

A relative cannot confirm your identity even if they fall into one of the acceptable professions listed above.

- We do not require you to post identity documents to us at any stage of the process.
- Once you receive your certificate, email a scanned copy, together with the signed declaration below, to [ ].

**Declaration:** I confirm that the certificate provided is an exact duplicate of that returned to me by the Disclosure and Barring Service (DBS). I understand that any false declaration or alteration of this certificate would be a criminal offence under Section 123 of the Police Act 1997.

Full name:.....Date:.....

### All other members and trustees

All other members and trustees must hold an enhanced DBS certificate. It is the responsibility of the chair of trustees to ensure that all members and trustees have an up-to-date (within the last 2 years) enhanced DBS certificate. They can apply online via an umbrella body that will carry out the checks on their behalf. The Disclosure and Barring Service's website has a searchable database of umbrella bodies that offer an online service. As volunteers, they will not be charged £44 by DBS for an Enhanced Disclosure. Umbrella bodies request a small payment to cover their administrative costs for each application. Once they receive their certificate, they should email a scanned copy, together with the declaration above, to the chair of trustees.

Members and trustees who already hold a valid enhanced DBS certificate from any registered body should email a scanned copy of the certificate, together with the declaration above, to the chair of trustees. The Secretary of State for Justice requires the chair to ensure that all members and trustees hold an up-to-date DBS certificate at all times.

## Annex B Health commissioning

NHS England became responsible for commissioning health services for people in prisons from April 2013.

Its health and justice commissioners commission health 'services or facilities for persons who are detained in a prison or in other accommodation of a prescribed description'. This includes the children's secure estate. These children are low in number, but vulnerable and complex in need and often need a combination of specialist services and interventions.

For children's services the central health and justice commissioning team operates through 10 local commissioners who between them cover England. This enables local teams to work closely with individual secure settings.

In recent years there has been a large reduction in the number of children detained in the secure estate. Since then it has been commonly observed that the estate holds a 'high harm, high risk, high vulnerability' cohort. This small group of children has a high impact on health, education, social care and justice systems. There is a developing evidence base for this cohort of children and data now being gathered by NHS England will improve knowledge in future.

NHS England does not directly provide health services. It carries out commissioning through a procurement process, contracts with the successful tenderer to provide the service and monitors the contract.

In secure settings NHS England commissions primary care (general practice services) and secondary care (hospital services) for both physical and mental health needs, substance misuse services, ophthalmology, dentistry and auditory services.

As a result, the successful applicant group will be working closely with the chosen healthcare provider to ensure full integration of health into the overall service offered to the students. With health staff on site and a substantial area of the secure school equipped as treatment and consultation rooms, the health provider will be significant factor in the school you are looking to create.

## Annex C Framework for integrated care

In its simplest form, the framework is made up of 2 elements:

1. **Get the care right:** An environment that provides day-to-day care of children, underpinned by a focus on their relationships with staff and an understanding of trauma/attachment principles.
2. **Integrated interventions driven by formulation:** Formulation is a way of developing a shared understanding that summarises a child's core difficulties and specific risk behaviours and is not fixed on a particular diagnosis, label or behaviour. On the basis of a child's 'story' it suggests how his or her difficulties may relate to one another. This includes an understanding of how the child's early experiences, including experience of attachment and trauma, have shaped his or her current patterns of coping, belief system and ways of relating to others. A formulation then aims to explain the development, functions and maintenance of the concerning behaviours, identify strengths and protective factors and results in a plan of intervention. This plan is connected to the development of the child and focused on reducing factors that keep this child the same and increasing the protective factors that will change him or her. All formulations are theories that are tested by the planned interventions and can be changed as new information emerges.

One of the core principles of the framework is that the day-to-day staff are at the centre of the intervention, recognising that they have a key role in developing the environment and relationships that can manage risk, make children feel safe and can make change for them. With this framework day-to-day staff, rather than specialist 'in-reach' services, will have the most impact on how children will change in secure settings. For this to work, the secure setting has to incorporate the following:

- **Safeguarding** – A highly robust and transparent safeguarding process and commitment from management and staff to safeguard and promote the welfare and resilience of children, staff and visitors, both in the establishment and outside.
- **Shared ownership and joint responsibility** - Clear, strong and effective multi-agency buy-in, collaboration and leadership at strategic, operational and practitioner levels. Services are provided in a collaborative way. Partners value one another's knowledge, skills and experience.
- **Relationship-based** - A stable staff group where all staff are trained in psychological approaches and where every interaction matters. The primary focus is on relationships and the social context in which people live as the main way in which change can happen. Staff understand the way they should approach relationships and where boundaries should be.
- **Enhanced training for staff** - All staff are clear in their approach and trained in the overall model of care, child development and attachment/trauma principles.
- **Supervised and well-supported staff** - There is a high level of staff support, supervision and psychological consultation.
- **Integrated pathway** – The service uses an integrated, whole-pathway approach that takes into account the child's journey through the criminal justice, health, education and care systems, both in the secure environment and in the community. This population is likely to require a long time to make and evidence progress.
- **Developmentally sensitive** – The approach recognises that children are not mini-adults and adopts a developmentally-sensitive approach to their care. This includes involvement of staff experienced and trained in child development and working with children and who recognise that adult-informed practice cannot be applied to adolescents without adaptation.
- **Child involvement** – Children are actively and collaboratively involved in planning their care, setting goals and managing risks.

- **Transition management** – All children leaving the service should have an agreed and collaborative formulation with recommendations for future intervention and management, that is shared with the receiving case management team and any other agencies involved in the child's care in the establishment or the community.
- **Psychologically-informed and formulation-based approach** - All children have a psychologically and developmentally-informed formulation that drives all risk management and intervention. It informs specialist interventions, tailored to each child, and the content, intensity and timing of interventions.
- **Outcome focused** - Regular and clear outcome monitoring against individual goals. Progress is regularly evaluated using a formulation-based approach as part of a multidisciplinary review.
- **Evaluated and evidence informed** – Services will develop with the involvement of children and in line with evidence. They will be independently evaluated to inform the future development of the service and contribute to the practice evidence base.

## Annex D Quality indicators

As part of oversight, monitoring and accountability for secure schools, it is important that we have a series of measurable quality indicators that reflect the services to be provided, the aspirations and vision of the secure school model and the standards we are looking to obtain.

We will take a multi-faceted approach to measuring quality, with indicators being provided by quantitative metrics (such as key performance indicators and management information) and qualitative reviews (such as monitoring visits and inspections). We would expect secure school establishments to have a number of other indicators that they track to monitor their own performance and delivery and inform their own self-evaluation and continuous improvement.

### Feedback request

Below is a high-level view of the initial work undertaken in this area, which we are sharing so that organisations can provide feedback, if they wish, on

- What we should look to measure.
- How we should measure it.
- What we should aspire to meet in terms of standards or results for those measures.

The areas we envisage measuring are:

#### 1. Improving the safety and wellbeing of students and staff

##### a. Leadership and workforce

- Providing an integrated service.
- Recruiting and retaining specialised staff.
- Maintaining appropriate staff to child ratios to allow effective relationships to be built between staff and child.
- Offering high quality training programmes for all staff, including the opportunity to develop vocational qualifications on the job.
- Promoting the wellbeing of members of staff and ensuring they have access to a dedicated programme of support.

##### b. Safe and secure

- Assessing students for the risk they pose to themselves and others and putting in place plans to support them and reduce the risks.
- Supporting and caring for students at times of crisis, minimising harm to themselves and others.
- Ensuring students feel safe at all times.
- Keeping the environment secure, while keeping visible security to a minimum.

##### c. Promoting good behaviour

- Minimising levels of violence towards students and staff, with suitable responses to incidents when they occur.
- Keeping isolation of individual students from others to a minimum.

**d. A therapeutic environment**

- Creating and maintaining an environment that promotes health and wellbeing, including eliminating environmental stressors such as noise and providing opportunities for social support.
- Providing a range of enrichment activities that engage and support the students.

**2. Improving life chances**

**e. Education**

- Ensuring timely and relevant assessment on arrival and regular reviews.
- Providing education programmes that meet the individual needs of all students.
- Maximising students' attendance in education.
- Helping each student to engage with education.
- Supporting each student to fulfil his or her potential to make progress and achieve.

**f. Health**

- Carrying out a timely and relevant assessment of health needs that covers the physical, emotional and psychological wellbeing of young people, including previous health needs.
- Supporting each student to make progress.
- Providing access to services to promote an active and healthy lifestyle.

**g. Care**

- Ensuring, where possible, the successful involvement of the student's family during his or her time in the school, including family support services.
- Helping students to have ownership of their plan and make decisions about their care.
- Ensuring that students can access the information and services they need, such as health, legal representation and safeguarding information.

**h. Rehabilitation and resettlement**

- Planning for resettlement or transition from admittance.
- Measuring the outcomes and timeliness of accommodation placements on release.
- Ensuring students have suitable education and training placements on release.
- Reducing the reoffending rate and the cessation of offending.
- Putting in place effective transition arrangements, if students are transferring to the adult estate.

## Annex E Glossary of terms

### **Academies financial handbook**

The Academies Financial Handbook developed by the Department for Education sets out the financial management, control, and reporting requirements that apply to academy trusts. It describes a financial framework for trusts that focuses on principles rather than detailed guidance and reflects their accountability to Parliament and the public. Each trust's funding agreement requires compliance with the handbook. The Ministry of Justice will develop a bespoke equivalent for secure academy trusts.

### **Academy**

A state-funded independent educational institution free from local authority control. Other freedoms include setting their own pay and conditions for staff, freedom from following the national curriculum (for mainstream and special schools – 16 to 19 and alternative provision schools already have this freedom in the maintained sector) and the ability to change the lengths of their terms and school days.

### **Articles of association**

Set out the governance arrangements of the company limited by guarantee (the secure academy trust).

### **AssetPlus**

AssetPlus is a comprehensive assessment and planning framework for use by youth offending teams and the secure estate, with children across England and Wales receiving statutory orders or formal out of court disposals. It aims to identify strengths, needs, risks and issues and to help the planning of appropriate interventions for children who have offended or are at risk of offending, both in community and custody.

### **Board of trustees (also known as board of directors or governing body)**

The body appointed by the members of the academy trust to oversee the strategic management of the school and hold the senior management team to account. The board of trustees must be constituted in accordance with the academy trust's articles of association. Trustees must be registered as directors of the company with Companies House.

### **Care Quality Commission**

The independent regulator of health and social care in England. The Commission monitors and inspects (alongside Ofsted and Her Majesty's Inspectorate of Prisons) health services in secure training centres and young offender institutions.

### **Company limited by guarantee**

A private company where the liabilities of its members are limited. This is the type of company that will most often be used for non-profit organisations. As a legal entity in its own right, a company limited by guarantee can take out agreements and contracts in the name of the company rather than the name of individual members.

### **Comprehensive health assessment tool (CHAT)**

An evidence-based, validated health assessment tool for children in contact with the youth justice system. There are 2 versions of the tool, one for the children's secure estate and one for the community.

Whilst the cohort is small, these children often have complex and multi-layered health needs, demonstrating much higher levels of mental health and neurodisability need than would usually be seen in their peer group in the wider community.

The CHAT for the children's secure estate is split into 5 sections: reception health screen, physical health, substance misuse, mental health, neurodisability (which includes learning disability, speech and language impairment, traumatic brain injury and autistic spectrum disorders). Clinical practitioners complete all sections and the results contribute towards a care plan for the child.

### **Custodial sentences for under 18 year olds**

- **Detention and training order (DTO)** - A custodial sentence that the courts can only give to someone aged between 12 and 17 years old. Children aged 12 to 14 years old can only receive a DTO if they are considered a persistent offender. An order lasts between 4 months and 24 months. The first half of an order is served in custody; the second half is served in the community under the supervision of a youth offending team. Breach of the supervision requirements (or 'DTO licence') can lead to a child being sent back to custody.
- **Detention at Her Majesty's pleasure** (section 90, Powers of Criminal Courts (Sentencing) Act 2000) - This is a sentence for murder convictions where the murder was committed when offender was under 18 years of age. This is a life sentence and the court will set a minimum term to be spent in custody, after which time release will be considered by the parole board.
- **Convictions for certain serious offences** (section 91, Powers of Criminal Courts (Sentencing) Act 2000) - This allows longer-term sentences of detention for more serious offences. The first half is served in detention, the second half on licence in the community. The length of the sentence can be of a duration up to the adult maximum for the same offence (which for certain offences may be life).
- **Extended sentence of detention for certain violent or sexual offences** (section 226B, Criminal Justice Act 2003) - This sentence is imposed where the young offender is convicted of a specified offence, where he or she is assessed as being dangerous, where the court is not required to impose a sentence for life pursuant to section 91 and where the appropriate custodial term would be at least 4 years. Young offenders who are sentenced under section 226B are also subject to more specific and onerous release provisions, because the court has determined that they are dangerous.

### **Due diligence**

This is an umbrella term for a number of checks that will be made on those applying to establish a secure school. The checks enable us to ensure that only suitable individuals are able to set up and run a secure school.

### **Education, health and care (EHC) plan**

An education, health and care (EHC) plan describes a child or young person's special educational and other needs and the outcomes they are working towards achieving. The plan specifies the special educational provision and any related health provision and social care provision a child should receive. The local authority will usually issue a plan if it decides, following a statutory assessment, that all of the special help a child or young person needs cannot be provided from within the resources of the school or other educational institution. These resources could include money, staff time, and special equipment. Plans can be developed from birth up to age 25. If a child has a plan, it needs to be linked to their CHAT assessment and relevant needs should be incorporated into their care plan while he or she is in the secure school.

### **Fundamental British values**

Secure schools need to actively promote the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs. This includes enabling students to develop their self-knowledge, self-esteem and self-confidence; show respect for others including those of different faiths; and have respect for the law and support for participation in democratic processes.

### **Funding agreement**

Is a legally-binding contract between the academy trust and the Secretary of State for Justice that sets out the conditions and requirements on which he funds the academy trust to set up and operate the secure school.

### **Interception of Communications Commissioner's Office**

The Interception of Communications Commissioner's Office is responsible for keeping under review the interception of communications and the acquisition and disclosure of communications data by intelligence agencies, police forces and other public authorities.

### **Local Safeguarding Children Board**

Established under the Children Act 2004 to ensure that organisations work together effectively to safeguard children and promote their welfare.

### **Looked after children**

Are children who are in the care of the local authority. A court will designate children remanded in custody as looked after (if they were not already looked after). Local authorities will only have duties towards these children as long as they are remanded in custody.

### **Members (of the company)**

The company's legal owners. They play a strategic role in running the school, are responsible for appointing trustees of the academy (the board of trustees) and are akin to shareholders of the company.

### **Memorandum of association**

Contains the names of the individuals who are forming the company (the company's founding members).

### **Minimising and managing physical restraint (MMPR)**

The government commissioned the development of MMPR in response to recommendations made by the Independent Review of Restraint in Juvenile Secure Settings in 2008. This system trains staff to enable them to better understand challenging behaviour and use de-escalation strategies to minimise the use of restraint. MMPR also provides a number of physical restraint techniques, which are used when force is considered the most appropriate response to manage the behaviour of a child safely and effectively.

### **Ministry of Justice (MoJ)**

The Ministry of Justice is a government department that works to protect and advance the principles of justice that works for all. The Secretary of State for Justice is the Cabinet minister in charge of the Ministry of Justice.

### **Multi-academy trust (MAT)**

Multiple academies governed by one academy trust. The multi-academy trust may delegate functions to one or more local governing bodies.

### **Multi-agency public protection arrangements (MAPPA)**

Section 325 of the Criminal Justice Act 2003 (CJA 2003) requires that multi-agency public protection arrangements must be established in criminal justice areas. Their purpose is to assess and manage the risks posed in that area by relevant sexual and violent offenders, and other persons who, because of offences committed by them (wherever committed), are considered by the responsible authority to be persons who may cause serious harm to the public. The CJA 2003 requires the co-operation of the local criminal justice agencies and other bodies dealing with offenders.

### **National Standards for Youth Justice Services**

The National Standards for Youth Justice Services are set by the Secretary of State for Justice with advice from the Youth Justice Board for England and Wales (YJB), which is responsible for monitoring adherence to standards on behalf of the Secretary of State.

The standards are designed to ensure that organisations providing statutory youth justice services protect the public, safeguard children and follow effective practice. They should be seen as a distillation of the range of legislation, compliance frameworks (contracts and inspection regimes) and sources of statutory and effective practice guidance that applies across the youth justice sector.

### **Prevent**

All schools are subject to the duty to have due regard to the need to prevent people from being drawn into terrorism. The Prevent duty: departmental advice for schools and childcare providers (June 2015) complements the statutory Prevent duty guidance and explains what the duty means for schools. It is intended to help schools and childcare providers think about what they can do to protect children from the risk of radicalisation and suggests how they can access support to do this. This includes building pupils' resilience to radicalisation by promoting fundamental British values and enabling them to challenge extremist views.

### **Public Protection Unit**

The unit that is responsible for multi-agency public protection arrangements (MAPPA).

### **Qualified teacher status (QTS)**

Is the accreditation that enables individuals to teach in state-maintained and special schools in England and Wales.

### **Secure academy trust**

A not for profit company limited by guarantee that operates a secure school.

### **Secure children's home (SCHs)**

A secure children's home offers a secure environment that supports the individual needs of all children that have been placed for either welfare reasons (under section 25 of the Children Act 1989) or who have been remanded or sentenced by the courts. It provides residential care for boys and girls aged 10 to 17 and access to education facilities and health care. Secure children's homes accommodate the most vulnerable children sentenced to custody.

### **Secure training centre (STCs)**

Is an establishment that provides secure youth detention accommodation, usually for boys and girls) aged 12 to 17 who are remanded or sentenced by the courts or who may be civil detainees.

### **Special educational needs and disability (SEND)**

A child or young person has special educational needs if he or she has a learning difficulty or disability that calls for special educational provision to be made for him or her. A child of compulsory school age or a young person has a learning difficulty or disability if he or she (a) has a significantly greater difficulty in learning than the majority of others of the same age, or (b) has a

disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

**Statement of special educational needs (see Education, health and care plan)**

A statement describes a child's special educational needs and the special help a child should receive. From April 2018, statements will no longer exist - see Education, health and care plan.

**Trustees**

Trustees oversee the strategic operation of the school. All individuals on the board of trustees must be formally appointed as trustees of the company and registered with Companies House. It is possible for an individual to be a member and a trustee, but we would expect at least the majority of members to be independent of trustees. Employees of the trust must not be members. Trustees are the directors of the company.

**Value for money**

The term used to assess whether or not an organisation has obtained the maximum benefit from the goods and services it acquires and/or provides, within the resources available to it. It not only measures the cost of goods and services, but also takes account of the mix of quality, fitness for purpose, timeliness, and convenience.

**Youth Custody Service (YCS)**

The YCS is responsible for the management and operation of the youth secure estate as well as the placement of children into relevant secure establishments once remanded or sentenced by the courts. The Youth Custody Service also oversees the transfer of children across the youth secure estate and has a role in authorising the temporary or early release of children.

**Youth offending teams (YOTs)**

Under section 39 of the Crime and Disorder Act 1998 'It shall be the duty of the youth offending team or teams established by a particular local authority to co-ordinate the provision of youth justice services for all those in the authority's area who need them'.

Youth offending teams co-ordinate youth justice services for children who are both remanded into youth detention accommodation or sentenced to a custodial sentence. They will have completed a thorough assessment of any child entering a secure school, taking into account a wide range of areas influencing the risk of offending, including education, training and employment, family and health. The assessment will provide information about the child's strengths and abilities. It will inform decisions made around the appropriate placement of the child in the secure estate and will be shared with you before the child arrives.

The youth offending team will assign a supervising officer to any child sentenced to custody who will work in partnership with a secure school to plan and co-ordinate provision for each student. The officer will work with the student following his or her release in to the community and continue to co-ordinate provision of services during the latter part of their order. Youth offending teams will continue to work with children on remand who receive a community or custodial sentence.

**Youth Justice Board for England and Wales (YJB)**

Established under the Crime and Disorder Act 1998 to oversee the youth justice system in England and Wales, to work to prevent offending and reoffending by children and to ensure that custody for them is safe and secure and addresses the causes of their offending behaviour.

**Young offender institution (YOI)**

A secure establishment that accommodates boys, usually between 15 and 17. Young offender institutions tend to have a lower staff to child ration when compared to secure children's homes and secure training centres.

## Annex F Data protection privacy notice

### Who we are

For the purposes of the Data Protection Act 2018 and the General Data Protection Regulation 2018, the Ministry of Justice is the data controller for personal information supplied on secure school application forms and for ensuring that this information is processed in accordance with the requirements of the act. Any third parties processing personal information on behalf of the Ministry of Justice will be acting as its data processors.

### Purpose

This privacy notice sets out the standards that you can expect from the **Ministry of Justice** when we request or hold personal information ('personal data') about you; how you can get access to a copy of your personal data; and what you can do if you think the standards are not being met.

### When we ask you for personal data

We promise to inform you why we need your personal data and ask only for the personal data we need and not collect information that is irrelevant or excessive;

- You can withdraw consent at any time, where relevant;
- You can lodge a complaint with the supervisory authority;
- Protect it and make sure no unauthorised person has access to it;
- Only where appropriate and necessary share it with other organisations for legitimate purposes;
- Make sure we don't keep it longer than is necessary;
- Not make your personal data available for commercial use without your consent; and
- Consider your request to correct, stop processing or erase your personal data.

### How and why we will use your information

The Ministry of Justice is collecting personal data on the Word and Excel application forms so that it can consider applications to set up secure schools. Personal data is information about you as an individual. It can be your name, address, telephone number or email address. To assess your suitability to run a Secure School the Ministry of Justice will also conduct due diligence checks which will include police, enhanced Disclosure and Barring Service and credit checks and other checks.

### The nature of your personal data we will be using

The categories of your personal data that we will be using for this project are:

- Name (both current and former)
- Age
- Previous and current address
- Telephone number and email address
- Criminal convictions

- Professional qualifications.

## Why our use of your personal data is lawful

In order for our use of your personal data to be lawful, Section 8 of the Data Protection Act 2018 provides the basis for this processing because it is necessary for the ministry to carry out this work and use the information for approving secure school applications.

## Publishing information

Please note that the Ministry of Justice is committed to being as transparent as possible. As such, if your application to set up a new school is successful, the ministry will publish the successful application on gov.uk. The following information will be redacted from the application and will not be visible to the public:

- Private addresses
- Private email addresses
- Private telephone numbers
- Commercially sensitive information
- CVs.

All other information, including the names of individuals and organisations mentioned in the application, will be published.

## Notification

Please notify any individuals or organisations that you have named in your application that their information will be processed by the Ministry of Justice during the assessment stage, and that if successful, the application will be published on gov.uk, as set out above.

## Who we will make your personal data available to

The Ministry of Justice sometimes needs to make personal data available to other organisations. These might include contracted partners (who we have employed to process your personal data on our behalf) and/or other organisations (with whom we need to share your personal data for specific purposes).

Where we need to share your personal data with others, we ensure that this sharing complies with data protection legislation. For this project officials at the Department for Education, the Department of Health and Social Care and NHS England, education advisers and independent panel members will be viewing your personal data as part of the decision-making process.

## How long we will keep your personal data

We will only keep your personal data for as long as we need it for the purpose(s) of this piece of work, after which point it will be securely destroyed. We estimate that we will keep your personal data for no longer than 10 years. Please note that, under section 10 of the Data Protection Act 2018, and in compliance with the relevant data processing conditions, we can lawfully keep personal data processed purely for research and statistical purposes indefinitely.

## Your data protection rights

You have the right

- to ask us for access to information about you that we hold.
- to have your personal data rectified, if it is inaccurate or incomplete.
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing.
- to restrict our processing of your personal data (that is, permitting its storage but no further processing).
- to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics.
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you.

## Withdrawal of consent and the right to lodge a complaint

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting us at the Ministry of Justice through our 'contact us' page (at <https://contact-moj.dsd.io/>) and enter 'secure schools' as the reason for contact.

Alternatively, you have the right to raise any concerns with the Information Commissioner's Office (ICO) through its website at <https://ico.org.uk/concerns/>.

## Contact Information

If you have any questions about how your personal information will be processed, please contact us at the Ministry of Justice's 'contact us' page (at <https://contact-moj.dsd.io/>) and enter secure schools as the reason for contact.

## Updates

We may need to update this privacy notice periodically, so we recommend that you revisit this information from time to time. This version was last updated on 31 May 2018.

As of 25 May 2018 most processing of personal data by organisations must comply with the General Data Protection Regulation and the Data Protection Act 2018. This annex may be further updated as a result of these changes to the framework.

## Annex G Information Technology

A wide variety of processes in the secure school will require the use of information technology.

The school will need to ensure a system for assessing students and planning to meet their needs. This system will need to record each student's overall progress, ensure that the student has a copy and pass his or her justice, education and health records onto appropriate organisations involved in his or her resettlement.

The Youth Justice Board has developed AssetPlus, a framework designed to provide a single assessment and intervention plan that follows a child throughout his or her time in the youth justice system. It has also developed the broader Youth Justice Application Framework (YJAF) to monitor progress.

The school will need to produce and transfer information in a manner that is compatible with these systems. We will work closely with the successful applicant to ensure that appropriate systems are in place.

### Information assurance

The approach to information assurance for secure schools will be like that used for connecting youth offending teams to the Youth Justice System (YJS). This requires the connecting establishment to maintain responsibility for their own internal IT and for the protection of any data. We would expect secure schools to be following best practice for the educational sector around these matters.

The school will be required to sign a code of connection when access to the YJS is provided. This will be a modified form of the current YJB connectivity code of connection (CoCo), which itself is modelled on the public services network (PSN) code of connection, but without the specific IT health check and detailed network diagrams.

The typical controls in the CoCo include:

- System and device patching.
- Secure configuration.
- Access control.
- Protective monitoring and audit.
- Physical security.

The majority of these controls could be met with a properly scoped Cyber Essentials certificate to support the code of connection submission. We will engage with the successful applicant on an ongoing basis to establish suitable controls.