



HM Government

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

October 2018



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# Contents

<b>Foreword</b>	<b>3</b>
<b>Summary</b>	<b>4</b>
Who is this publication for?	4
<b>Part 1 The government’s vision for secure schools</b>	<b>5</b>
Timetable for opening the first school	9
<b>Part 2 How to submit your application</b>	<b>10</b>
Support for potential applicants	10
<b>Part 3 What your application should contain</b>	<b>11</b>
Section A: Tell us who you are	11
Section B: Vision	11
Section C Managing arrivals and day-to-day life	12
Section C1 A supportive arrivals process that considers students’ status and needs and helps their integration into the school	12
Section C2 Day-to-day life, relationships and routines that create a positive ethos and culture	13
Section D Education, health, wellbeing and care plan	14
Section D1 An ambitious and achievable integrated plan for meeting students’ education, health, wellbeing and care needs	14
Section D2 Establishing each student’s starting point, setting targets and measuring progress	16
Section D3 Safeguarding	17
Section D4 Promoting good behaviour	17
Section D5 All students have access to enrichment activities that will inspire, develop and enhance areas of interest and develop skills	18
Section E Managing resettlement and transfer	19
Section E1 Supporting the effective resettlement of former students	19
Section E2 Managing the transfer to another custodial setting	19
Section F Capacity and Capability	20
Section F1 Demonstrating the experience and credentials needed to open the school	20
Section F2 Effective and accountable governance	20
Section F3 A headteacher and senior leadership team that lead by example and are committed to achieving positive outcomes for their students	21
Section F4 Building a skilled, integrated and committed team	22

Section G Site	24
Section G1 A therapeutic environment to live and learn in	24
Section G2 A secure environment	24
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	26
Section I Suitability of applicants	27
<b>Part 4 What happens after you submit your application</b>	<b>28</b>
Assessment of your application	28
Interviews	28
Decisions	28
What happens if your application is successful	29
<b>Part 5 Legal framework and guidance</b>	<b>30</b>
Dual registration as a 16 to 19 academy and a secure children's home	30
Setting up a secure academy trust	30
Governance	31
Conflicts of interest	32
Achieving value for money	32
Funding agreement	33
Public sector equality duty	34
Sources of useful information	35
<b>Annex A Due diligence checks</b>	<b>40</b>
<b>Annex B Health commissioning</b>	<b>41</b>
<b>Annex C Framework for integrated care</b>	<b>42</b>
<b>Annex D Glossary of terms</b>	<b>44</b>
<b>Annex E Data protection privacy notice</b>	<b>49</b>
<b>Annex F Information Technology</b>	<b>52</b>

## Foreword

This government has a bold vision to reform youth justice, to create a system that is fit for purpose, and capable of improving outcomes for children by truly rehabilitating them. That is the priority we outlined in our response to Charlie Taylor’s review of the Youth Justice System and the Secure School’s vision we launched in September 2017 was the blueprint for how we are going to deliver.



I have made it clear that I want us to get the basics right across the estate – so that we can lay the foundations for a relentless focus on rehabilitation. That has implications for all institutions and that includes those concerned with youth justice. If we can intervene early with the kind of provision that places education and healthcare at its core then we can help children who have offended to get their lives back on track, to live positive and productive lives, and create a safer society for everyone.

That must, after all, be the aim of any effective youth justice system.

But we also want to get the basics right in our approach. We have therefore worked in partnership with the Department for Education and the Department for Health and Social Care, as well as NHS England, to engage wholeheartedly with a wide range of stakeholders and ensure that the Secure Schools model is shaped by best practice and what we know really works.

As we look to the future of youth justice and start to take older types of provision out of commission, this new model will be at the heart of our wider efforts to ensure there are sufficient places available for the often-vulnerable children who really need them.

In deciding on a site for the first Secure School, we have taken a strategic view of how we can meet demand and ensure that a school in this model best serves the local community. We have also based our decision on how we can get this much-needed provision in place quickly, while at the same time making sure that it represents good value for taxpayers. In choosing Medway, we believe we have found a site that satisfies all these criteria.

Now it is time to choose the provider that is best placed to create an innovative, child- focused Secure School. This guide outlines the practical steps for potential providers who believe they are ready to take on that task. I want to wish all the applicants the very best of luck and I look forward to working with the chosen provider in delivering this incredibly exciting new provision – one that will place the best interests of children at the heart of its operations.

A handwritten signature in black ink, appearing to read 'David Gauke'.

**The Rt Hon David Gauke MP**  
**Lord Chancellor and Secretary of State for Justice**

## Summary

This publication is non-statutory guidance from the Ministry of Justice, the Department for Education, the Department of Health and Social Care and NHS England to help applicants to make an application to open a secure school in Medway. The closing date for submitting an application is noon Friday 1 February 2019.

### **Who is this publication for?**

This guidance is for potential applicants.

## 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 is built on care and quality. It aligns with the Taylor Review's principles: child-focused 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 support of the best secure children's homes. 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. We welcome both single and joint applications.



- 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, mathematics, 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 set of values and goals 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 The wellbeing and best interests of the child will be at the heart of secure schools and successful applicants will ensure that we meet our statutory obligations and our obligation to have due regard to the UN Convention on the Rights of the Child.
- 1.12 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 and care needs must be met and so it is essential that education, health and care are integrated in their approach.

- 1.13 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 in partnership with local authority services, education, health, other community providers, the voluntary sector, employers and with students' families or carers as part of a whole community approach to supporting each child. 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

- 1.14 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.
- 1.15 The first secure school will be located close to London on the site of Medway Secure Training Centre. By the time the successful applicant to run the school has been appointed, the refurbishment of the site will be well underway. We may involve the successful applicant in decisions about the site from the time of appointment.

## The cohort

- 1.16 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, among other things, 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.
- 1.17 We envisage secure schools accommodating children and young people currently detained in young offender institutions and secure training centres. Placement teams will continue to place children in secure children's homes.
- 1.18 Secure schools will not initially accommodate children on welfare placements. Welfare placements are where a court order has been made in respect of a looked after child under section 25 of the Children Act 1989 to keep him or her safe.
- 1.19 The number of children in custody in England and Wales has decreased substantially over the last decade from 2,900 in 2007/08 to around 900 now. As the number of children has reduced, the characteristics of those sentenced to custody have changed. There are now

proportionately fewer girls and 10 to 14 year olds in custody. As of July 2018, 3% of children in custody were girls and 4% were children aged 10 to 14 years old.

- 1.20 In 2016/17 Black, Asian and Minority Ethnic children made up a disproportionately high proportion of the youth custody cohort (45%) and the wider youth justice system (25%), compared to the general population (18%, based on 2011 Census data).
- 1.21 Children in custody can be a high risk to the public, but are also very vulnerable.
  - Looked after children are disproportionately represented in the youth justice 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. Sixty two percent 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.
- 1.22 More information about the characteristics of children in custody has been published in a separate data pack alongside this document.

## Inspection

- 1.23 Like other schools, secure schools will be inspected to ensure that they are providing an effective service across education, health, wellbeing and care.
- 1.24 Secure schools will be jointly inspected by Ofsted, and the Care Quality Commission, covering education, care and health, with the possibility of additional support from other inspectorates. As secure schools are to be dual registered as both children's homes and 16-19 academies, they will be inspected using both the Social Care Common Inspection Framework and the Common Inspection Framework. We expect that the frequency of inspections will mirror that used in both children's homes and academies, therefore there will always be at least 2 social care inspections each year (usually one full inspection and one interim). As a 16-19 academy, a secure school will receive its first education inspection in the third year of opening.
- 1.25 Regulation 44 of the Children's Homes (England) Regulations 2015 sets out a requirement for children's homes to be inspected by independent visitors on a monthly basis. For further information on independent persons, visits and reports, please see the Children's Home (England) Regulations 2015. The regulations provide that reports from independent visitors will be sent to a range of stakeholders, including both the secure academy trust and the Youth Custody Service (as the placing authority). It will be the responsibility of the secure academy trust to appoint an independent visitor.
- 1.26 The Ministry of Justice will support the school through its pre-opening phase and in the early stages of opening. Specialist education advisers may visit the school to provide support on a quarterly basis. This will work alongside the independent scrutiny provided by the local safeguarding children board.

- 1.27 The Prisons and Probation Ombudsman is responsible for investigating any deaths in custody in secure children's homes. It will therefore conduct the same role for secure schools.

### Timetable for opening the first school

- 1.28 The Ministry of Justice will agree the opening date with the successful applicant. The provisional timetable is

Noon on Friday 1 February 2019	Closing date for submitting applications.
March 2019	Interview period.
April 2019	Appointment of the successful applicant.
May 2019	Pre-opening period begins.
Autumn 2020	Secure school opens.

## Part 2 How to submit your application

- 2.1 The deadline for applying to open a secure school is **midday on Friday 1 February 2019**. You can submit your application at any time until midday on Friday 1 February 2019. You need to submit a copy of your application by email to [secureschoolsapplications@justice.gov.uk](mailto:secureschoolsapplications@justice.gov.uk) The size of your email should not exceed 9MB as anything larger will not be delivered. If the application is larger than 9MB, please split the documents and send 2 or more emails.
- 2.2 In addition, send 2 hard copies to The Secure Schools Team, Post Point 4.23, Ministry of Justice, 102 Petty France, London, SW1H 9AJ.
- 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.
- 2.3 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

- 2.4 All potential applicants will have equal access to support and guidance from the Ministry of Justice, the Department for Education and NHS England. 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' or by registering [here](#)
- 2.5 Please send any queries you have about the application process 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 organisation may be publicly available, for example 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 E 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 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 may be revised in 2019.

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 assess and manage immediate risks.
- Show how your school will ensure that students and their families/carers have the necessary information on arrival to reassure them, inform them about 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

- Set out the kind of environment you will create and how you will create it.
- 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 your school will engage each student's family or carer during his or her time at the school and how students will be able to maintain contact with their families, friends and professionals involved in their case and care.
- Show how your school 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 your plans for catering.
- Explain how your school will support students to maintain good standards of personal hygiene and cleanliness.



## Section D Education, health, wellbeing and care 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. Local youth offending teams will be considering the resettlement pathways below as part of their intervention planning for each child:

- 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, wellbeing and care 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 secure academy trust will be required to act in accordance with the Equality Act 2010 and your application must show how it will comply with the Public Sector Equality Duty found 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 secure setting. 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 secure setting, for example where distance from home favours placement in an English secure setting 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 secure settings 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 children's homes, secure schools will need to adhere to the statutory requirements, including in the Children Act 1989, the Care Standards Act 2000 and associated regulations and quality standards.

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, sport 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 secure academy trust, 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 your school will listen and respond to the voice of students to shape and improve services.
- Describe how your school 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 your school 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 your school 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.

## 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, wellbeing and care 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, wellbeing and care 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 your school to monitor students' progress against education, health, wellbeing, care 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 your school 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 and review them.
- 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 positive 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.

It will be permissible for staff in the secure school to restrain a student to prevent harm to him or herself, other people, serious damage to property or to prevent the student from absconding. During the pre-opening period we will discuss with the successful applicant acceptable methods of restraint and the training requirements. Restraint techniques which deliberately inflict pain will not be permitted in a secure school and all restraint must be necessary and proportionate.

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.

Temporary release is essential to establish strong links with community provision and provide a seamless service to children, both during a custodial sentence and upon discharge. For the time being, the accountability for temporary release will continue to sit with the Secretary of State for Justice, with the Youth Custody Service taking decisions on individual applications in line with current practice. The arrangements and process for authorising temporary release in secure schools will be developed with the aim of providing as much autonomy as possible to providers. This will always be subject to an individual risk assessment of the child concerned.

### 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 school's 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 to 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

Early release can be an effective tool to prevent re-offending. Currently, it is available to children serving detention and training orders between 8 and 24 months or subject to section 91 sentences. While early release is subject to existing guidance, the exact arrangements and process of the issuing early release will be developed with the aim of providing autonomy to the providers in the process. This will always be subject to an individual risk assessment of the child concerned.

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 or other secure 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 your school 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.
  - Equalities
  - 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 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.

Your secure academy trust 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 into 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 of your secure academy trust. It should include lines of accountability between the company members, the school's directors, 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 directors and any proposed committees.
- Include for each proposed member and director of your secure academy trust 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 directors.
- 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 director (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 shared values and 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.

If the registered provider of a children's home is an organisation then a Responsible Individual must be appointed. The definition of a responsible individual set out in regulation 2 of the Care Standards Act 2000 (Registration) (England) Regulations and the Children's Homes (England) Regulations 2015. We expect that the Responsible Individual will be the leader of the secure school and he or she will be the person accountable for the performance of the secure school.

**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 senior leadership team 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.

You will need to provide a provisional staffing structure and show how you will recruit and retain excellent staff. As secure schools will be registered as children's homes, the qualifications expected of leaders and staff are set out in the Care Standards Act 2000 (Registration) (England) Regulations 2010 and the Children's Homes (England) Regulations 2015.

We advise you to consider the relevant legislation and regulations when formulating your application and staffing plan, including:

- The Care Standards Act 2000
- The Children's Homes (England) Regulations 2015
- The Care Standards Act 2000 (Registration) (England) Regulations 2010
- Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2015

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. Other staff must have appropriate qualifications and experience.

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 how you will recruit and retain excellent staff.
- Explain what your staffing ratios will be and the rationale behind them.
- Explain how you will ensure that staff build and maintain excellent relationships with all children, including Black, Asian and Minority Ethnic children.
- 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 a site for the secure school.

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 the sort of physical environment you will create and how you will do it.
- 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**

The Ministry of Justice appreciates that the secure academy trust may wish to build up the number of students at the school over time and recognises that this will give rise to diseconomies of scale during the build-up period. When the school opens, the ministry will provide funding based on the maximum capacity of the school (64 children). Our current assumption is that £8,600,000 of the annual operational funding will be available to the secure academy trust. Once the legal status of the secure academy trust is confirmed, the Ministry of Justice will confirm the annual operational funding available. Any additional costs arising from a change in the expected legal status will be reflected in the funding envelope. Payments will be reviewed and made quarterly in advance and future payments may be adjusted to avoid the secure school operating with a large surplus. Health services will be separately commissioned and paid for by NHS England, so you do not need to include them in your financial plan.

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.

In the financial plan template we ask you to show 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.

Secure Schools will be expected to deliver a fundamentally different service to that provided in the current youth custodial estate. The Transfer of Undertakings (Protection of Employment) regulations (TUPE) are therefore unlikely to apply in most instances. However, there may be a small number of roles where TUPE could apply and these will need to be considered on an individual basis. In any circumstance where TUPE does apply, this will be added to the funding provided and applicants do not need to cost this into your proposals.

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

The Secure Schools Financial Handbook and the financial template will be included in the data room for applicants in November, once the legal status of secure schools has been confirmed.

Please see the 'Issues for Consultation' note for more details.

## **Section I Suitability of applicants**

We may ask members and directors of your company and other members of your core group to complete suitability and declarations forms early on in the application process. We are more likely to do this, if your organisation is not currently involved in running, or you are not employed by, a relevant publicly-funded institution in England, such as a school, children's home, secure setting or local authority. In addition we may carry out open source due diligence checks on all of the people connected with your application and your proposed secure school. Consideration of individuals who have previously been convicted of criminal offences will be conducted according to the usual legal requirements and robust risk assessments.

When the successful applicant has been appointed, we will require a suitability and declarations form for each member and director 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.

## 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 secure 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 secure 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 does not 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. If you do not meet any of these conditions, it is unlikely that the Secretary of State will be able to enter into a funding agreement with your secure 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 your secure academy trust. A number of factors will affect a school's opening date, not least the completion of 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 all the relevant legislation for children's homes, such as the Care Standards Act 2000 and the Children's Homes (England) Regulations 2015, and the academies legislation. Secure schools will be inspected against the relevant regulations for children's homes and academies. Where one of these pieces of legislation places a higher requirement on the trust or the school, the trust or the school will need to meet the higher requirement. Secure schools will be inspected by Ofsted, jointly with the Care Quality Commission, with the possibility of additional support from other inspectorates. 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, the 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.
- 5.8 The Ministry of Justice is working to confirm whether secure academy trusts will have charitable status. We aim to put information in the secure schools data romm clarifying the situation in November 2018.

## Governance

- 5.9 An academy trust, including a secure academy trust, has members and directors. The members are akin to the shareholders of a company; the directors of the company 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 directors the members will appoint. In academy trusts with charitable status, the directors are also the trustees of the charity.
- 5.10 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 directors. 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.
- 5.11 An employee of the school or the trust must not be a member. The members have the power to appoint directors and you will need to name at least one director 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 directors will need prior approval by the Secretary of State for Justice.
- 5.12 The directors 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.

Directors are also responsible for ensuring compliance with company law and the funding agreement agreed with the Secretary of State for Justice. Directors 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 directors. Only a minority of members of the trust, if any, should also be directors. This separation promotes strong accountability, and is equally important in single academy trusts and multi-academy trusts.

## Conflicts of interest

- 5.13 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'.
- 5.14 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 directors has an interest. Before you form your trust and recruit your board of directors, 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 directors, capable of holding suppliers to account.
  - Directors 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 directors 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.
  - Directors and members understand the need for all procurement to follow an open and fair competition.
- 5.15 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 directors 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.
- 5.16 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

- 5.17 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

- 5.18 The model funding agreement published alongside this How to Apply Guide gives potential applicants an indication of the content of the final funding agreement that will be agreed with the successful applicant. The agreement is based on an alternative provision funding agreement. The core areas of governance, termination and education have been adapted for a youth justice context, but largely mirror the normal expectations of the Department for Education. The financial section of this guide reflects the Secure Schools Financial Handbook.
- 5.19 The model funding agreement requires secure schools to comply with the Children's Home Regulations. We will work in partnership with the successful applicant to agree a set of policies describing the way in which the secure academy trust and the secure school will work with the Youth Custody Service, youth offending teams, NHS England and the health care provider. The funding agreement will place an obligation on the secure academy trust to comply with this document. We have chosen this approach, in the spirit of maintaining the autonomy of secure school providers. Alongside the funding agreement we have included a model Secure Children's Home Specification document. This document will give applicants an indication of how the Ministry of Justice communicates additional secure requirements in addition to the Children's Home Regulations for secure children's home. You should not assume that secure schools will have to mirror the requirements set out in the specification.

## Performance and Intervention

- 5.20 If the Secretary of State does not find performance to be at a satisfactory standard, then he will have the power to issue a termination warning notice.
- 5.21 The intervention model will be tiered that will be proportionate to the performance concern. Intervention could involve both soft intervention, such as building capacity within the secure school trust, as well as harder intervention, which could result in termination of the funding agreement. Further details on the termination process for secure schools are set out in the draft funding agreement.
- 5.22 Secure schools will be expected to comply with inspection recommendations. Where inspections identify non-compliance with children's home regulations or health regulations the secure school may be subject to relevant enforcement notices from the inspectorates. Failure to comply with any such notices can put the school's approval to operate at risk.
- 5.23 Secure schools need to maintain an overall Ofsted inspection rating of at least good. If judgements fall below this, the Ministry of Justice may intervene to support improvement in addition to any enforcement activity from inspectorates.
- 5.24 Independent visitors may recommend actions. The Ministry of Justice will receive independent visitor reports and, where the content indicates issues relating to safeguarding or the promotion of well-being, may take intervention activity to support improvement.
- 5.25 The Ministry of Justice will consider how best to gain assurance and provide support in relation to educational performance and custody between inspections. Where the Ministry of Justice engages education experts to review delivery and such a review indicates areas of significant concern, there may be intervention to support improvement.
- 5.26 There will be performance data that the school will be required to collate and provide to the Ministry of Justice and to NHS England on health performance. We expect that these performance measures will include:

- The progress of children. The detailed measurement of this will be developed in partnership with the provider to agree an appropriate method of assessment and performance indicators, but are expected to include educational, engagement and behavioural progress.
- Monthly financial reports. The Ministry of Justice will review these reports to gain assurance around compliance with the terms of the funding agreement.

5.27 We will also collect information for management purposes that will not determine performance success or failure. This includes:

- Children and Young People Indicators of Performance, which are collected on a quarterly basis for healthcare commissioning purposes, contract management, and national oversight, the indicators are gradually being introduced across the children and young people's secure estate and are submitted by healthcare data administrators. A review of the indicators is currently taking place.
- Number of violent incidents in the school.
- Number of instances of physical restraint used in the school.
- Number of instances where a child is separated from his or her peers for the purpose of managing challenging behaviour.
- Number of instances where a child has harmed him or herself.
- Levels of release on temporary license issued.
- Data on resettlement.

5.28 The Ministry of Justice will work with the school to determine the definitions and counting rules for this information. The school will be expected to work with the Ministry of Justice to determine the most effective way to collect and share information, for example the use of AssetPlus and the Youth Justice Application Framework.

5.29 Where the management information indicates potential areas of concern, the Ministry of Justice may seek additional information from the secure school and will consider if and what intervention activity is appropriate.

## Public sector equality duty

5.30 In addition to the Equality Act 2010, secure academy trusts will be required to comply with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 by virtue of Schedule 2, which includes proprietors of an academy. An important part of complying with the general equality duty is to understand and assess the impact of your policies and practices on people with protected characteristics. Therefore, this duty requires your 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.

5.31 We will look for evidence that you have considered this duty in your application. You may find it helpful to consult the policy and decision-making guide issued by the Equality and Human Rights Commission below. You may also wish to consult the guidance for schools on the Equality Act.

## Sources of useful information

5.32 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.

### **Child Death Review Statutory Guidance**

Statutory guidance for all organisations involved with the process of a child death review.

### **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.

### **Children and Young People Secure Estate National Partnership Agreement**

The agreement aims to enable a more fully integrated approach to the commissioning and delivery of excellent health services and to improve the health and wellbeing of those within the children and young people secure estate in England.

### **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.

### **Essential Guide to the Public Sector Equality Duty**

The Equality and Human Rights Commission's overview of the public sector equality duty requirements.

### **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](#).

### **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.

### **How to Make Resettlement Constructive**

This publication from the Youth Justice Board sets out the current evidence base in resettlement work and its plan to support an evidence-based approach in this area.

### **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.

### **Meeting the Equality Duty in Policy and Decision-Making**

The Equality and Human Rights Commission's guidance for public authorities.

### **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 England's Safeguarding Policy**

NHS England's policy for safeguarding children, young people and adults at risk of harm or abuse.

### **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.

### **Public Sector Equality Duty for Schools in England**

The Equality and Human Rights Commission's guidance for school leaders.

### **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.

### **Social Care Common Inspection Framework (SCCIF)**

Guidance about how children's homes, including secure children's homes, are inspected.

### **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 directors 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 directors of the academy trust, lead applicants who are not a member or director of the secure academy trust, and the proposed headteacher, 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 directors**

The chair of directors (of the secure academy trust, not a chair of a local governing body) will need to hold an enhanced DBS certificate that is dated within the previous 2 years and countersigned by the Ministry of Justice or the Department for Education.

#### **All other members and directors**

All other members and directors of the secure academy trust will need to hold an enhanced DBS certificate. The Secretary of State for Justice requires the chair to ensure that all members and directors hold an up-to-date DBS certificate at all times.

The Ministry of Justice will discuss the requirements for obtaining certificates with the successful applicant.

## Annex B Health commissioning

NHS England became responsible for commissioning health services for people in secure settings 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 secure estate for children. 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 health and justice commissioning 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 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 directors**

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 directors must be constituted in accordance with the academy trust's articles of association. It is possible for an individual to be a member and a director, but we would expect at least the majority of members to be independent of directors.

### **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 secure academy trust and the Secretary of State for Justice that sets out the conditions and requirements on which he funds the secure 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 directors of the academy (the board of directors) and are akin to shareholders of the company. Employees of the trust must not be members.

### **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.

**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 E 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 28 September 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 F 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.