



HM Government

# Findings of the Separation Taskforce

June 2020



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# Findings of the Separation Taskforce

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**“Every child needs fresh air, education and contact with other people if they are to grow up, thrive and lead healthy lives.”**

Frances Crook, Chief Executive, the Howard League for Penal Reform<sup>1</sup>

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<sup>1</sup> <https://howardleague.org/news/howard-league-responds-to-report-on-separation-of-children-in-custody/>

# 1. Setting the scene

## HMIP report: findings and recommendations

1.01 The Separation Taskforce did not carry out a review of the practice of separation in young offender institutions (YOIs). This was undertaken by HM Inspectorate of Prisons (HMIP) in May/June 2019 and published in their thematic review of the use of separation in under-18 YOIs.

1.02 HMIP published its report on 21 January 2020 and their findings and criticisms are outlined below:

- **Overall model:** The current model of separation in YOIs is an “adult-based” process and not fit for purpose in the youth secure estate.

HMIP concluded that the experience of some children amounted an experience akin to “solitary confinement” and that separation was effectively being used as punishment in contravention of stated policy.

Children had minimal time out of cell to access meaningful activities, relationships with others or time in the open air.

- **Governance:** There was a lack of leadership around this issue at local and national level.

Every request submitted by secure settings to the national team for approval of separation beyond 21 days was signed off, highlighting a lack of challenge to those applications.

There was a lack of data available to decision-makers to inform their decision-making and poor recording practices affected access their access to time out of their cell to access.

- **Local implementation:** Inconsistencies in how or why separation was used across the estate was found to be a fundamental failing.

Visits from important professionals were regularly delayed or cancelled when children were separated and planning for reintegrating them after a period of separation was not timely and often poorly implemented.

- **Safeguards:** HMIP found that many of the safeguards under YOI Rule 49 (“removal from association”) were not implemented consistently and that the current system does not safeguard children’s wellbeing.

In some cases, the required approval from the centre for an extended period of separation beyond 21 days was not requested.

## Previous reports

1.03 This thematic report from HMIP is the latest in a long line of reports which have highlighted similar serious problems with the management of separation in youth custody for some time. The scale of the change in practice which is required is clearly considerable:

- October 2018: Children’s Commissioner – *A report on the use of segregation in youth custody in England*<sup>2</sup>

*“Children are often left...without any meaningful contact with their peers, in cells with very few – sometimes none – of their possessions or other stimuli such as books and radios. In theory, removal from free association should not prohibit access to legal advice, advocacy, exercise and education. In practice, however, these appointments are often not facilitated. In some cases, children are in their cells all day and are only allowed out to shower or to exercise for 30–60 minutes. Sometimes they also have access to ‘education packs’ while in their cells.”*

- April 2019: Joint Committee on Human Rights – *Youth detention: solitary confinement and restraint*<sup>3</sup>

*“Evidence over several years shows that incidents of separation can ‘drift’, so that children end up in what amounts to solitary confinement (at least 22 hours per day without meaningful contact) which may be prolonged (at least 15 days’ duration). **This breach of children’s rights is not a policy decision by the Government, but it is within the power of Government to prevent it.**” (para. 55)*

1.04 The impact of exclusion and seclusion on the psychological wellbeing of children is considerable and well documented. A recent briefing entitled *Trauma, challenging and restrictive interventions in schools*<sup>4</sup> from the Centre for Mental Health highlighted the link between children who display challenging behaviour and their previous experience of trauma. In 2015, a report entitled *Unlocking Potential*<sup>5</sup> from the Children’s Commissioner also provided a stark account of the experience of separated children:

*“It was a lot of emotions going through my head at once really, I was upset, angry. I’ve gone from being out of my pad all day to being isolated, well locked up really for three days straight so there was a lot of emotions going through my head. I didn’t really know what was going on. I was up and down I was angry smashing up my pad and stuff like that. I ended up tying something round my neck and dropped to the ground” [YOI child]*

<sup>2</sup> <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2018/10/Segregation-report-final.pdf>

<sup>3</sup> <https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/994/994.pdf>

<sup>4</sup> <https://www.centreformentalhealth.org.uk/trauma-behaviour-restrictive-interventions-schools>

<sup>5</sup> <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Unlocking-Potential-supporting-research.pdf>

1.05 The findings in the thematic report are consistent with those in recent HMIP annual inspections:

- HMYOI Cookham Wood (2019):

*“Despite in principle having different purposes, Phoenix and Bridge units each held children who were separated on rule 49, some for lengthy periods. In practice there was no clear reason why a child would be placed on one unit rather than the other or remain on normal location while on Rule 49. **The regimes and contributions by other agencies were similarly poor on both units and some children alternated between the two without appearing to make much progress.**”* (Recommendation)

- HMYOI Feltham ‘A’ (2019):

*“After 21 days a prison group director (PGD) is required to authorise continued separation of a child under Rule 49. We found that these authorisations were regularly happening late and sometimes not at all. **This was a significant failing of a high-level safeguard.**”* (para. 1.46)

*“Regime for many children separated from their peers was very poor, amounting to less than two hours out their cell each day. **Some children received no meaningful interaction with staff or peers during their period of separation.**”* (para. 1.47)

- HMYOI Werrington (2019):

*“Slightly fewer children had been placed on rule 49 than at the previous inspection, but the length of time that children were separated had doubled and was three times higher than comparable establishments. **There was no plan to address this.**”* (para. 1.47)

- HMYOI Wetherby (2018):

*“A number of boys were also subject to separation procedures on mainstream locations at both Wetherby and Keppel. Their behaviour did not warrant full segregation but they were either self-isolating or had to be kept apart from other boys. These boys were subject to robust levels of governance, as they would have been if located in Anson. However, there were also several other boys at Wetherby who were only being unlocked to associate in two’s and three’s and as a result were out of cell for no more than three hours a day, some for as little as 45 minutes. **It was unclear why these boys were not safeguarded by an appropriate level of governance or oversight.**”* (para. 1.82)

1.06 During their visits, members of the Taskforce observed an improving picture to that portrayed in the Thematic report, however there were still too many examples where separation was not being applied appropriately.



## 2. The response

### Immediate action to safeguard children

- 2.01 The seriousness of the findings and impact on children in custody were such that the Youth Custody Service (YCS) undertook a range of immediate actions to ensure that children subject to separation would be managed safely.
- 2.02 After our initial visits to secure settings, the Taskforce proposed 18 immediate actions which are set out in full at Appendix A. They were agreed by the YCS Senior Management Team (SLT) and are being put into practice.
- 2.03 The Taskforce acknowledges the statement of commitment by the YCS SLT, Prison Group Director, and Governors and staff in secure settings in making improvements to improve the management of separation. It is too early to be able to assess the impact of these measures and there is still much to do, however internal management information suggests that improvements are being made.

### Action plan

- 2.04 In line with usual practice, HM Prison and Probation Service (HMPPS) developed an action plan<sup>6</sup> (prior to the establishment of the Taskforce) to set out the organisation's response to the recommendations in the thematic report.
- 2.05 Efforts towards meeting the commitments in the action plan will be monitored internally over the coming year and HMPPS will report to HMIP on how they have been achieved in January 2021, one year after the thematic report was published.
- 2.06 The Taskforce is concerned that the momentum achieved by the initial changes implemented by the YCS should not be allowed to drift and recommend that HMIP is invited to review progress on a regular basis.

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<sup>6</sup> <https://www.gov.uk/government/publications/separation-of-children-in-young-offender-institutions-action-plan>

## The Taskforce

- 2.07 This Taskforce, with Sir Alan Wood as an Independent Advisor to the Chair and Members, was commissioned to undertake an action-focused piece of work to make immediate, medium and long-term recommendations to MOJ Ministers, the Permanent Secretary and HMPPS CEO about operational practice, policy and information gathering requirements. The Terms of Reference are attached at Appendix B.
- 2.08 The Taskforce has visited YOIs and STCs to understand practice and to support and challenge Governors and their senior teams to improve the way in which separation is managed.

### 3. Why has the system of separation gone so wrong?

3.01 Separation is one of a number of troubling issues for youth custody which have been identified in countless reports and reviews before this HMIP thematic was published. While the YCS has an ambitious and far reaching programme of reform underway this will be an additional part of the significant change which needs to transform the delivery of services and meet the needs and safeguard the children in its care.

#### A lack of attention and focus by leadership

3.02 The Taskforce was concerned about a lack of curiosity in YCS and MoJ about rising use of separation. Issues identified in numerous reports and reviews were not discussed or remedied at MoJ or HMPPS governance boards, and there was no systemic assessment of the need for improvement to support YOIs in this area. New arrangements for separation will have to hold leaders to account, and support robust challenge and effective oversight.

#### A lack of understanding about the purpose and value of separation

3.03 HMIP acknowledges that a separation arrangement may be a necessary response to circumstances where a child needs to be protected from other children, or where that child presents a threat to other children or members of staff.

3.04 Although it is widely accepted that separation should never be used to punish a child, the overbearing influence of a “punishment orientated” segregation approach led by the adult estate policy and not designed with the child in mind should be acknowledged and remedied.

3.05 Any effective system of separation for children should:

- have positive and specific purposes and objectives
- be safe
- include proper oversight and authorisation
- be managed effectively by staff
- take place in a suitable environment
- reflect the developmental stage or functioning of the child

- include access to a fuller regime than is currently provided for children in separation
- work towards achievable outcomes
- involve meaningful human relationships between professionals and children
- include formal feedback from the child

## Misapplication or misunderstanding of procedure

- 3.06 The only inference that can be drawn from the HMIP report is that the system for overseeing and managing separation has been a failure in safeguarding YOIs, the YCS and Ministry of Justice (MoJ).
- 3.07 Secure settings are legally able to separate the child with delegated powers from Secretary of State, however existing guidelines and policies in the youth custody estate were clearly of little use after not being followed on the ground.
- 3.08 Current policy sets out that the immediate decision to separate is made by an Operational Head of Function in each secure setting. Decisions should not be made in isolation and their assessment should draw on the child's formulation and discussions with staff across the whole setting, including health and education, as well as the child themselves. The parents of children who are separated should be notified and it is not clear what processes were in place to do this consistently. This initial separation period should be reviewed as soon as possible by another operational lead and not routinely left to the mandatory 72-hour review point.
- 3.09 Extending a child's separation beyond an initial 72-hour period is subject to review by a local multi-disciplinary group. Decisions to extend separation beyond 21 days are submitted by a functional head at the secure setting to the Prison Group Director (PDG) in YCS HQ. After the site is given 'leave' to continue to separate the child, further reviews are undertaken every 21 days by the HQ Team if the child hasn't been returned to the standard regime. Governors are not always sighted on the status of separation cases and in some cases may not be aware that the separation period has been extended.
- 3.10 The Taskforce noted that the quality of information provided on paperwork, including application, care and management plans, was mixed and that the application of recommendations was affected by the turnover of staff. The decision-making process was not always transparent and that the source of information and discussions were not always accurately recorded. The extent to which the Governor had been sighted on the detail of individual cases was also sometimes unclear. It was, however, noted that the consistency in management at HMYOIs Werrington and Wetherby appeared to have resulted in better practice.

- 3.11 Applications submitted to HQ for extended separation were overseen by a single person, and that it was *part* of their role, not the full-time focus. Unless the child is considered to be a “complex” case there is currently no national forum to review separation application, including those that have been separated for longer than 21 days.
- 3.12 Where a child’s separation is to end they should be involved in a discussion about their reintegration. Separation would continue until this is completed, however paperwork suggested that separation continued without proper engagement.
- 3.13 The Taskforce noted that the YCS is restructuring its HQ team, and that a full-time lead for separation has been appointed. The post must have the managerial authority and influence to ensure the service achieves the desired outcome of improving governance of cases of prolonged separation and provide a greater degree of challenge to applications.

## Absence of regular training on use and impact of separation

- 3.14 Staff who are better skilled in reinforcing positive behaviour and de-escalating incidents will undoubtedly have a positive impact on the number of children who are separated. The Taskforce welcomes the introduction of new training and recruitment for new Youth Justice specialist workers in YOIs as a step in the right direction which will support the evolution of YCS staff from a custodial role into a more care-orientated role.
- 3.15 The individual needs of each child must be considered when strategies are developed to support and maintain their reintegration after a period of separation. The provision of specific training, focused on the purpose of separation and why it is used (not just how), is critical to the success this approach.

## Lack of external assessment and analysis of data returns on separation

- 3.16 Governors who are in touch with the detail on separation could test their understanding, engage with separated children and question staff with a curious, open mind to determine the case for continued separation.
- 3.17 The Taskforce noted that although Governors and staff in secure settings have access to a wide range of local data, there are few locally embedded analysts to interpret findings. In one example, the data pack presented at SMARG (Separation Monitoring Assessment Review Group) meetings at a secure setting was usually put together by a Custody Manager who did not have formal experience or qualifications to analyse it.

- 3.18 The Taskforce welcomed the YCS' work to develop a coherent separation data capture and reporting system across all YOIs, however, the absence of consistent practices and definitions across the secure estate means that data will be either unavailable or incomparable from Secure Children's Homes and Secure Training Centres or other settings such as secure mental health facilities where children may be held. This will also need to be considered for the development of data collection for the first and any subsequent Secure Schools.
- 3.19 The absence of quantitative and qualitative measures about the desired outcome of separation means that it is difficult to identify how effective any period of separation has been.

## 4. What can be done to change practice and create a system that safeguards the interests of children?

**“The minimum standard cannot be the target.”** Angus Mulready-Jones, HMIP

### Developing a new model of separation

- 4.01 HMIP called for the Secretary of State to consider development of a completely new system of separation.
- 4.02 Any period of separation should be viewed as a positive intervention for the child. To prevent a further decline in the child’s behaviour members of staff need to have the skills to understand the likely impact of separation on the child, meet their immediate needs and support progress.
- 4.03 The Taskforce wholeheartedly agrees with this ambition. At the heart of the new policy should be an evidence-based, child-first definition of separation.

**RECOMMENDATION 1:** A new overarching child-focused operational policy on separation should be developed to include all occasions when children are separated.

- 4.04 The new policy should draw on best practice from other settings to ensure consistency of purpose and intended outcome of separation across all settings where children are held. It should also reflect emerging policy and practice guidelines for Secure Schools.
- 4.05 Alongside the new policy, staff should be equipped with guidance and training to ensure that they understand the purpose of separation, strategies for reintegration and the necessary skills to improve practice and outcomes for children. This should include the impact of isolation on wellbeing and reflect all circumstances under which children are separated, including those who choose to self-isolate. It should reflect outcomes from a review to clarify the purpose of Rule 58 and promote consistency in its use.

**RECOMMENDATION 2:** A specific training module on separation for POELTs and experienced staff should be developed.

4.06 A child-first approach to separation policy for YOIs should aim to support the child rather than punish and avoid further decline in their behaviour. Developing an understanding of the reasons for the child's separation should take their circumstances and background into account – drawing from the “My Story” formulation in SECURE STAIRS and strategies developed through the *Building Bridges* positive behaviour framework – in line with the wider approach to behaviour support across the YCS.

**RECOMMENDATION 3:** The purpose of separation should be defined and support a change in culture so that it is seen and experienced as a positive intervention.

4.07 There should be research into the experience of children who have been separated to ensure that their voice will be taken into account in the development of this programme of work. This approach will support the YCS' ambition to co-create policies and procedures with children with lived experience of the youth justice system. This should recognise the different circumstances of those who are separated for reasons of Good Order or Discipline (GOoD), for their “own interest” and those who self-isolate, and the experience across different sites and settings.

**RECOMMENDATION 4:** Research into children's experiences separated for reasons of GOoD, “own interest” and those children who elect to self-isolate should be conducted, and the findings should inform new policy, procedures and practice for management and governance of separation in the Youth Custody Service.

4.08 Designing and delivering a new system-wide performance monitoring system and implementing system-wide improvement in practice should be led by senior YCS staff and draw on the expertise from all other departments and agencies, as well as staff from secure settings, and report to the YCS Prison Group Director and Head of Safeguarding.

4.09 The role of the Youth Justice Board in providing the Secretary of State with oversight of the effectiveness of the total estate is an important one and should be utilised to its fullest potential in developing the response to the recommendations in this report.



**RECOMMENDATION 5:** Accountability for the performance of the YOI sector is not transparent and needs to be remedied by MoJ and HMPPS. Reports on the progress of improvement strategies should be presented annually to the Secretary of State and regularly to the Permanent Secretary, MoJ Ministers and the Chief Executive of HMPPS.

- 4.10 Taskforce members were shocked by the conditions of the areas in which some separated children were housed. Unless considerable improvements are made to the environment, outcomes for separated children will continue to be affected.

**RECOMMENDATION 6:** Sufficient resources should be made available to meet local need for secure settings to make considerable improvements to the infrastructure and facilities in areas where separated children are located.

## Clarifying Rule 58

- 4.11 Rule 58 is used to separate children who are waiting for adjudication to take place when one is pending against them and where there are concerns around collusion or intimidation.
- 4.12 A child that is separated following a Rule 58 hearing must be signed off with proper authority including a separation screening process, which incorporates a comprehensive healthcare assessment.

## Meeting the needs of those who are self-isolating

- 4.13 HMIP identified that existing monitoring processes were not suitable for children who were isolating themselves from the mainstream custodial environment and that the experience of these children was in many ways worse than those children separated under Rule 49 or 58.
- 4.14 It is not known what factors are driving self-isolation among the population of children in YOIs, or whether self-isolating children present with more than one. Some of the examples witnessed by the Taskforce are:
- mental health issues (identified or hidden)
  - learning difficulties
  - social skills / inability to mix in groups
  - neurodisabilities such as autistic spectrum disorder (ASD) or ADHD
  - substance withdrawal

- bullying / intimidation
- new entry to the secure setting
- trying to avoid conflict (e.g. as end of sentence approaches)
- disengagement with educational offer
- lack of access to personal care (e.g. access to haircuts, skin care)

4.15 There is no legal requirement to complete paperwork for self-isolating these children, however to fulfil their safeguarding responsibilities the YCS decided that YOIs should adopt the paperwork and process used for managing children subject to Rule 49 as a practical solution until something specific or more appropriate was ready to be put in place.

4.16 The Taskforce supported this decision, although several issues with the approach were noted:

- It is unclear whether extending Rule 49 process and paperwork amounts to a breach of policy.
- The status of Rule 49 potentially “criminalises” children who have simply taken themselves outside the standard regime.
- Using a process designed to keep children apart from one another brings with it the risk that self-isolating children will be locked up when staff should be working to reintegrate them.
- Self-isolating children who are being managed under Rule 49 may mistakenly expect access to the same regime as that provided to children managed under Rule 49 for reasons of GOoD without understanding that they *are* being offered access to the full regime but have decided to take themselves out of it.
- Use of Rule 49 in this way can drive the wrong behaviours by staff and children, with the result that self-isolating children may not be offered access to activities which those managed under Rule 49 for reasons of GOoD would not have access to.
- Additional administration burden.

4.17 Working with children who have opted out of the regime requires a different approach to those whose behaviour has led to separation. Staff require comprehensive knowledge and understanding of the reasons behind self-isolation and of the individual child which should be used to develop arrangements for monitoring and reintegrating them. New policy and guidance should support members of staff in identifying and responding to children who self-isolate.

- 4.18 Staff will need to be able to identify children who self-isolate so that they recognise their characteristics and can be distinguished from children who have been separated on Rule 49 for GOoD, or for their own interest.
- 4.19 The use of child-focused terminology in this area is essential to make change. It is not appropriate to adapt policy and practice intended for the adult estate for use in secure settings where children are located. Provision should be adaptable to the changing needs and requirements over the period that children are excluding themselves.

## Reviewing and refreshing data collection and analysis

- 4.20 A new data collection system was introduced on 1 December 2019. The Taskforce has welcomed this development but recognises that it is new and that it is difficult to infer any significant findings at this early stage.

**RECOMMENDATION 7:** Secure settings and YCS HQ must help shape the data collection process to ensure it meets the needs of both.

- 4.21 To support development of a new policy framework the new data collection process should gather information about the characteristics and reason for the separation (including self-isolation and regime restriction). At the minimum, data collection should include: information about protected characteristics; data about education or health; the length of time that the child is excluded from the regime; the location of the separation; and if there is a difference in levels or frequency of periods of separation among children who are at different stages of their sentence.
- 4.22 Guidance should be developed for YOIs to ensure that separation is effectively delivered (with sufficient and robust challenge and meaningful and dynamic visits take place).
- 4.23 Performance must be analysed regularly for the purpose of improvement or “lessons learned”, and to enable managers to know how many children are separated, and for how long. The YCS Executive Director must ensure that appropriate governance and assurance is in place to enable YCS SLT to undertake oversight and assurance of local management of separation. The Governor must understand the needs of children and whether they have had meaningful and dynamic interactions with education, healthcare or other professionals they have received.
- 4.24 The leadership in each YOI from the Governor down should be centre front and accountable for ensuring separation is delivered effectively. Governors should be aware and fully accountable for any application to extend a child’s separation period beyond 21 days. Challenging a decision to employ or extend separation should be

seen as a positive response seeking focus on what they need to do to ensure a child can return rather than simply agree to a request for extension.

**RECOMMENDATION 8:** The Governor of each YOI should be responsible for ensuring that instances of separation (including self-isolation) are accurately recorded so that data returns are accurate and inform effective local management of cases. This should enable Governors and YCS SLT to undertake oversight and assurance of local management of separation.

- 4.25 Arrangements should be established to share and communicate good practice and embed consistency in application of policy and practice. Membership should include representatives from all secure custodial settings – YOIs, STCs and SCHs and Secure Schools – as well as healthcare and education providers.

**RECOMMENDATION 9:** A multi-sector National Separation Review Board should be established to improve governance and oversight of children who are separated.

## Clarifying the strategy for “bespoke” units

- 4.26 The Taskforce identified confusion among staff about the role and purpose of specialist units and other arrangements which are in place to support children who are being managed outside the normal regime in YOIs. Children might be placed in these units or on a “Regime Restriction” for a variety of reasons which may be related to their own (or others’) behaviour or vulnerabilities.
- 4.27 In different secure settings there are a range of Care and Support Units (CSUs), Enhanced Support Units (ESUs), and other specialist provision (e.g. Keppel Unit). Although the multidisciplinary Critical Casework Panel is in place to coordinate strategy in individual casework there is little coordination strategy to manage the placement or population who are located in these units and they do not benefit from the same assurance framework that is in place for ESUs and other components of the Behaviour Management Strategy.

**RECOMMENDATION 10:** A small cross-discipline group, including representation from NHSE&I, should be convened to consider strategy for the efficient use of the estate, including the role and purpose of specialist units as a national and local resource.

## Freedom to manage and lead

- 4.28 The aim should be that children on separation should have a fuller regime than they currently do while separated. An intensive, holistic and coordinated approach is vital to address the needs of the child and ensure a consistent and effective response with lasting outcomes.
- 4.29 Local Authorities have a statutory responsibility to ensure that a child's needs are being met and that the right quality of care is being provided. Questions should be addressed to the YOI if there are any concerns about the quality of care, including those who are separated.
- 4.30 The Local Authority and NHSE&I both have a legal requirement to provide support for children and young people with special educational needs through an Education, Health and Care Plan (EHCP). At present, arrangements for additional funding allocated to children with a plan in secure settings do not mirror that support when children with an EHCP are placed in a secure setting.

**RECOMMENDATION 11:** Department for Education and MoJ should discuss allocation of resources to children with EHCPs to identify how best to ensure appropriate continuation of support for the child when they are in custody.

- 4.31 Governors must be allowed the autonomy and resources to make the necessary local changes and to commission and direct use of services which meet the needs of the population in their secure setting.

**RECOMMENDATION 12:** The MoJ and HMPPS should state their expectation of the role of central leadership and accountability in managing, supporting and guiding the YOIs. In particular the added expertise leadership should provide on separation and the wider challenges identified in the thematic inspection and other reports.

- 4.32 **Education and learning** is a key component of an effective regime and is a critical element of the service provided to separated children.
- 4.33 Pilots of more flexible education delivery were ongoing when the Taskforce visited YOIs and at HMYOI Werrington this had enabled redeployment of teachers to deliver "outreach" education on the wings for children who were unable to take part in learning with their peers. This was welcomed alongside the development of a new strategy for education in the Targeted Operating Model which will frame the recommissioning of the education service in YOIs in 2021. Good practice and learning from these pilots should be analysed and implemented as quickly and widely as possible to ensure that this momentum is not lost.

**4.34 Healthcare and Children and Young People Mental Health (CYPMH) services.**

The range of services operating in YOIs hinders the coordination of services with the result that children do not always receive the treatment that they need. Contracts are not always flexible enough to enable additional interventions to be provided quickly to those who need them. The Taskforce regularly heard concerns about the speed with which children needing mental health treatment could be assessed and moved to a secure mental health facility although it is recognised that not all children will be assessed as clinically appropriate for detention under the Mental Health Act.

**4.35 Local staff recruitment.** The number of staff members trained in key areas was not always accurately documented and a clear training plan was not always available. Staff commented on the need to have more training in child trauma. While staff understood the importance of incentivising and reinforcing positive behaviour, the extent to which this was applied was less evident.

**4.36 Psychology.** Concerns about the ability to recruit sufficient numbers of specialist psychologists were noted in several settings. Input and support for any separated child from psychological services should take place at the earliest opportunity and a speedy review of any child subject to Rule 49 should take place within the statutory 72-hour period.

**RECOMMENDATION 13:** The considerable role of health, education and other services to support separated children within a multidisciplinary framework for integrated care should be clarified so they have access to the regime and services they require. Governors and service provider partners need to work in a focused and fully integrated manner to enable children to have access to a fuller regime when they are separated.

**RECOMMENDATION 14:** Governors of selected YOIs should be offered the opportunity to “test” new freedoms to direct provision of service – staff recruitment, education provision, continue to embed SECURE STAIRS and the formulation approach – as part of a system-wide programme of improvement in support of long-term cultural and business change.

## Internal assurance

4.37 All YOIs have introduced internal assurance processes to help them to understand who is being separated, why they are separated and the plans in place to reintegrate them, and staff should be supported in developing the skills to promote positive behaviour in children and young people through operational audits and inspections delivered by HMPPS OSAG or external bodies. Despite these local processes there were still instances where the practice and management of children and young people were lacking, and local managers were not aware of this.

4.38 Good practice noted by the Taskforce includes:

- An update on separation by the Safeguarding Custodial Manager at HMYOI Werrington at the daily morning meeting. A more forensic discussion about the management of the child is undertaken every other day.
- The Duty Governor at HMYOI Wetherby undertakes a daily visit to every boy subject to Rule 49 and the management of those on longer term separation is monitored at a weekly multi-disciplinary meeting.
- At Rainsbrook STC all periods of removal from association under Rule 36 are recorded and logged and local Monitors undertake a sample of assurance visits as part of their contractual oversight.
- Evidence that staff managing separation on units at HMYOI Feltham were not deferring to mandatory review periods and considering dynamic risk assessments for each child on a daily basis.
- Visits to children on the Bridge Unit at HMYOI Cookham Wood were observed as being meaningful and face-to-face (although this was not observed in the CSU).

## 5. Conclusion

- 5.01 There can be little doubt that the dramatic reduction in the numbers of children in custody over the past decade has resulted in a concentration of those with the most complex needs in YOIs, however the lack of a comprehensive analysis of need of children in YOIs hampers the ability to ensure the most appropriate services are designed and delivered to meet their needs.
- 5.02 There needs to be a deep rethink on how children are supported on separation and how Governors deploy resources within an integrated and multidisciplinary approach which is aligned with SECURE STAIRS, *Building Bridges* and the Behaviour Management Strategy.
- 5.03 The HMIP thematic outlines a catalogue of failures in the provision of the most basic service to a separated child: hygiene, human contact, specialist support or simple care – these were all at times denied to separated children.
- 5.04 Providing intensive support for children should not be a reward by the child, other children or staff. Where children are in crisis or experiencing difficulties, such as where they are separated, an intensive and enhanced level of multi professional support should be available.
- 5.05 Professionals must assess what is necessary (and achievable) in the period of separation in terms of therapy, health, education, hygiene and level of expectation placed on the child. It also requires the keeping of effective records and case notes to ensure a consistency of approach across all professional staff involved with the care of that child.
- 5.06 To ensure the mental health of a separated child is properly assessed and their needs are met, a coordinated and multi-disciplinary approach involving education, health, psychology and children's services should be developed for the provision of activities as part of their regime and during the key stages of their separation.
- 5.07 Forums should support separated children and to provide learning and constructive challenge to ensure safeguarding responsibilities are discharged. The role of embedded social workers is important.
- 5.08 The support and challenge provided to Governors of YOIs by HMPPS/MoJ needs to be considered in the light of this and similar reports on the quality of provision. To be effective this must focus on improvement, modelling best practice, building leadership and managerial skills across the YOIs and ensure accountability within YOI and between Governors and the centre is crystal clear.



- 5.09 If the recommendations in this report are implemented, improvement should follow. The recommendations provide a new focus on three areas that have been shown to be failing: the **purpose** of separation; **leadership** across YOIs and in the centre; and a sharp focus on **practice**.
- 5.10 If the focus is entirely on improvement in YOIs the systemic failings we have identified will continue to impact on the pace of improvement and the opportunity for real change will have been lost.
- 5.11 Despite the proliferation of poor reports and findings of failure, the core ingredients of a remedy to the situation exist already in the pockets of impressive practice that can be found in the secure estate and with the determination of leaders from the centre. The task of utilising this practice and using it to drive improvement cross the centre and service falls to the leadership of the MoJ and HMPPS.
- 5.12 It will require their collective willingness to take the decisions that will prioritise, over other needs, the long-awaited systemic step change in improvement necessary to put children first in a secure estate.

# Appendix 1

## Separation Taskforce immediate recommendations

1. All children placed on report will have a risk assessment completed to see if they are required to be separated on R58/R49 or they can remain on normal regime pending the adjudication.
2. Children who are signed on R49/R58 are done so with proper authority.
3. Where there is a requirement to place a child on R49/R58 on a normal residential unit, Governors should ensure they have access to the same regime and safeguarding arrangements that would be available on a dedication unit such as a Care and Separation Unit. Managers should ensure that all children subject to separation receive a decent regime including meaningful human interaction and their education entitlement.
4. All applications for separation over the 21-day period will be completed, rigorously challenged by central oversight and responded to in a timely fashion ensuring that where children are to remain separated they do so with proper authority.
5. Children who self-isolate will be identified in a manner to distinguish them from those children who are separated on R49 Good Order or discipline/Own interest. Staff require comprehensive knowledge around the rules governing R49 GOoD/Own interest and those children who are separated due to who self-isolation or who are on a restricted regime.
6. Training and guidance must be provided for all senior leaders/managers and staff who manage children who are separated to ensure they are identified at the earliest opportunity, there are appropriate Safeguarding measures and a care/re-integration plan in place.
7. Senior leaders and managers must gain assurance and understand what is being delivered on the ground to support staff in improving outcomes for separated children.
8. Documentation for children on separation should indicate clearly the reason for the separation, the support in place and any action required. Risks and concerns identified when a child is first separated should be clearly documented and accessible to all staff.

9. Living conditions in the care and separation unit and other units where children are held separately should be improved, rooms and communal areas should be kept clean, free of graffiti and well maintained.
10. Daily visits must consider the wellbeing of the children and the potential impact of continued separation may have. Observations from the visit must be accurately recorded in R49 paperwork (or other separation documentation). Where possible daily visits and other interactions must be face-to-face and meaningful.
11. All sites with small or specialist units must produce a definition of each unit's purpose to improve staff/management understanding of that unit and its appropriate use.
12. Each site will ensure a senior manager is responsible for assurance of the R49 and separation procedures and practice.
13. There will be a separation sub-committee of YCS SLT to give central oversight of separation in the Youth Secure Estate.
14. Sites will bid for additional resource from the centre to look at ways to develop and improve the regime for children who are separated (e.g. increase in partner youth workers, outreach provision or overtime/payment plus for directly employed staff, leading to additional access to regime delivery and time in the fresh air).
15. Any child removed or removing themselves from any part of the regime will be recorded, and where necessary monitored by a multi-discipline group until they have returned to a normal regime.
16. From 1 December 2019 all sites (public sector/contracted YOIs) will use the centrally developed data collection spread sheet as a shadow to current data collection processes.
17. Re-integration planning must start at the earliest opportunity when a child is separated (within 24 hours).
18. A review of R49 status will take place at the earliest opportunity but no later than the statutory 72 hours. This includes input and support from psychological services for a separated child, which should be at the earliest opportunity, however psychological consultation must start no later than the 72 hours point.

## Appendix 2



### Youth Custody Service: Separation Taskforce

#### Terms of reference

#### Purpose

In response to the HM Inspectorate of Prisons (HMIP) thematic on separation in Young Offender Institutions (YOIs), the HMPPS CEO (Jo Farrar) has commissioned a Taskforce to review the current model of separation across the youth secure estate and address the concerns raised in the report and set out in the report's recommendations. This includes consideration around a complete overhaul of approaches to separation of children in custody, as recommended by HMIP. Once completed, the Taskforce chair will submit his findings directly to the Secretary of State, the Permanent Secretary of the Ministry of Justice, as well as the CEO of HMPPS.

#### Responsibilities

The review team will be chaired by a senior member of the Youth Justice Board (YJB), to provide independent advice and challenge to the Taskforce. Additionally, it is envisaged that as part of their role, the independent chair will:

- meet as necessary with the Taskforce team to discuss progress and their developing proposals/recommendations
- visit YOIs to meet with a small staff group to discuss plans for improving segregation
- discuss with Youth Custody Service (YCS) leaders the role they play in oversight of separation, as well as the youth secure estate more widely
- present comments to the leadership of HMPPS and the Permanent Secretary, on the final report of the Taskforce

It will be led by a senior Governor from the YCS and include representation from psychology and safeguarding colleagues, as well as being informed by external partners from health and education. The Taskforce will also consider relevant internal and external

reports and reviews. It is expected that the Taskforce will make immediate recommendations for action alongside guide our medium- and long-term operational practices, policy and information gathering requirements.

## Scope

This will be a rapid, action-focused piece of work, to take place between November 2019 and January 2020 (inclusive). The Taskforce lead will be reporting directly to the Executive Director of the YCS (Helga Swidenbank). This will include monthly “stocktake” updates to the Executive Director ensuring that immediate actions can be approved.

The Taskforce will consider why separation has been considered to have failed to be effectively and safely implemented by each YOI, and the role of the YCS in overseeing the implementation and monitoring of separation policy in the youth secure estate. As such, the scope for the Taskforce is in relation to systems and processes that directly or indirectly impact separation of children and young people in the youth secure estate. In addition to considering the models for separation, the scope of the Taskforce includes (but is not limited to):

- consideration of how existing rules regarding separation are applied, including the requirements of an overhaul of approaches to separation in the youth estate
- the nature and role of small units across the estate (e.g. Wade, Keppel, ESUs)
- reintegration planning
- access to education (including physical education)
- time out of room
- oversight of processes and monitoring / recording of information
- safeguards for separated children

The Taskforce’s focus is upon ensuring that operational practice is reviewed and changed as needed, supporting establishments with implementation as required.

While not directly involved in the Taskforce itself, the YCS information team will be closely engaged to advise and take forward work in relation to data capture and processes, and how the YCS records information around separation.

## Membership

Name	Role
<b>Sir Alan Wood (Chair)</b>	Chair
<b>Pete Gormley</b>	Taskforce Lead – Deputy Director, Youth Custody Service
<b>Rob Lawman</b>	MOJ Youth Justice Policy – Policy
<b>Crystal Gilmour</b>	MOJ Youth Justice Policy – Secretariat support and Policy
<b>Lisa McDowell</b>	HMPPS OSAG – Assurance

Other associated attendees will be invited to attend as appropriate.

Name	Role
<b>Giles McCathie</b>	YCS – Directorate Psychologist
<b>Wendy Tomlinson</b>	YCS – National Head of Safeguarding
<b>Jamie Newton</b>	YCS – Performance
<b>Caroline Twitchett</b>	Health Care – Children and Young People Quality Lead, Health and Justice, NHS England and NHS Improvement
<b>Emily Nicol</b>	Health Care – Children and Young People Policy Lead, Health and Justice, NHS England and NHS Improvement

### Governance and escalation

Issues impacting the wider delivery landscape, or with significant financial or resource implications will be escalated for consideration/decision at YCS Senior Leadership Team level, as appropriate.

*To note: Diversity, inclusivity and equality are core values which underpin the YCS, as well as the paramount importance of safeguarding within the youth secure estate. All chairs / working groups should ensure they pay due attention to these requirements in terms of membership and purpose.*

27 Nov 2019 (Final)

# Appendix 3

## Suggested timeline for delivery of recommendations

### **FOR IMMEDIATE ATTENTION:**

**RECOMMENDATION 12:** The MoJ and HMPPS should state their expectation of the role of central leadership and accountability in managing, supporting and guiding the YOIs. In particular the added expertise leadership should provide on separation and the wider challenges identified in the thematic inspection and other reports.

**RECOMMENDATION 7:** Secure settings and YCS HQ must help shape the data collection process to ensure it meets the needs of both.

**RECOMMENDATION 8:** The Governor of each YOI should be responsible for ensuring that instances of separation (including self-isolation) are accurately recorded so that data returns are accurate and inform effective local management of cases. This should enable Governors and YCS SLT to undertake oversight and assurance of local management of separation.

### **MEDIUM TERM (3–6 MONTHS) ACTIVITY:**

**RECOMMENDATION 3:** The purpose of separation should be defined and support a change in culture so that it is seen and experienced as a positive intervention.

**RECOMMENDATION 9:** A multi-sector National Separation Review Board should be established to improve governance and oversight of children who are separated.

**RECOMMENDATION 10:** A small cross-discipline group, including representation from NHSE&I, should be convened to consider strategy for the efficient use of the estate, including the role and purpose of specialist units as a national and local resource.

**RECOMMENDATION 11:** Department for Education and MoJ should discuss allocation of resources to children with EHCPs to identify how best to ensure appropriate continuation of support for the child when they are in custody.

**RECOMMENDATION 13:** The considerable role of health, education and other services to support separated children within a multidisciplinary framework for integrated care should be clarified so they have access to the regime and services they require. Governors and service provider partners need to work in a focused and fully integrated manner to enable children to have access to a fuller regime when they are separated.

**RECOMMENDATION 14:** Governors of selected YOIs should be offered the opportunity to ‘test’ new freedoms to direct provision of service – staff recruitment, education provision, embedding of SECURE STAIRS and the formulation approach – as part of a system-wide programme of improvement in support of long-term cultural and business change.

**LONGER TERM (UP TO 12 MONTHS) ACTIVITY:**

**RECOMMENDATION 4:** Research into children’s experiences separated for reasons of GOoD, “own interest” and those children who elect to self-isolate should be conducted, and the findings should inform new policy, procedures and practice for management and governance of separation in the Youth Custody Service.

**RECOMMENDATION 1:** A new overarching child-focused operational policy on separation should be developed to include all occasions when children are separated.

**RECOMMENDATION 2:** A specific training module on separation for POELTs and experienced staff should be developed.

**RECOMMENDATION 5:** Accountability for the performance of the YOI sector is not transparent and needs to be remedied by MoJ and HMPPS. Reports on the progress of improvement strategies should be presented annually to the Secretary of State and regularly to the Permanent Secretary, MoJ Ministers and the Chief Executive of HMPPS.

**RECOMMENDATION 6:** Sufficient resources should be made available to meet local need for secure settings to make considerable improvements to the infrastructure and facilities in areas where separated children are located.





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