



Youth Justice Board
Bwrdd Cyfiawnder Ieuencid

26 August 2014

Alison Hewitt
Assistant Coroner Manchester West
Bolton

Dear Ms Hewitt

Regulation 28 Report to Prevent Future Deaths following the inquest of Jake Hardy who died at HMYOI Hindley on 24 January 2012.

I am writing to you to respond to the concerns raised by your investigation into the circumstances surrounding the tragic death of Jake Hardy.

The YJB takes very seriously its responsibility to act upon what it learns from deaths in custody. We are responsible for overseeing the Youth Justice System, which includes multi-agency Youth Offending Teams (YOTs) and secure accommodation, though not for its direct delivery, and so in part, our job involves identifying clearly the roles and responsibilities of those who provide services to children in custody (and elsewhere in the system). It is therefore appropriate that I draw attention to the fact that many of the issues identified in your Regulation 28 Report focus on matters of operational delivery. In the main, these issues must be dealt with by the providers of services, in line with that standards set by Government and the YJB. Our response therefore focuses on the areas we do have responsibility for and attempts to explain how we will use our role to lever the changes you seek from custody providers and others across the youth justice system.

The YJB is responsible for purchasing provision for under-18s sentenced or remanded to custody by the court. In the case of Young Offender Institutions, NOMS is the lead provider of public sector YOIs. It manages and operates all five of the public sector under-18 YOIs and is responsible for delivering services against the specifications set out by the YJB and making improvements in line with what the YJB commissions. This role for the YJB as purchaser of youth custody and the Government's current Transforming Youth Custody (TYC) Programme has presented opportunities for YOI Reform that respond to the findings of investigations, such as yours, and challenge how to more effectively deliver and support the needs of children and young people in custody.

Within the TYC Programme, a project to reform under-18 YOI provision has led to an enhanced operating specification for under-18 YOIs. This specification, developed in collaboration with NOMS, has incorporated the learning from deaths in youth custody. Where appropriate to the areas of concern highlighted in your Regulation 28 Report the corresponding expectations have been outlined.

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The placement of vulnerable children (A1)

Placement decisions

The YJB is responsible for placement decisions for children entering custody who are sentenced or remanded. We agree that ensuring the most appropriate placement for a young person's needs is vital. It is an inescapable fact that the significant fall in the numbers of children entering youth custody and the duty to consider the most efficient use of public funds has impacted on the location of places available; which at times, and unavoidably, may be some distance from home. We would stress however that we do not consider that the YOI sector is unable to support the needs of children with complex needs and we expect all commissioned establishments to provide a supportive and safe environment for the children and young people placed there. Indeed, some under-18 YOIs will make specific provision available to support those children who have complex needs, including Hindley, which has established the Willow Unit for this very purpose.

Our placement decisions are based on a range of factors, and are informed by the views of young people, professionals and families where appropriate. Though we rely heavily on the assessments and recommendations of others in this process, we are responsible for the decisions we make and will sometimes act against the recommendation of professionals, particularly if we believe that this will be in the child's best interests.

Since Jake's death we have made a number of changes to improve decision making and management oversight of initial placement decisions. This includes 100% of placement decisions now being subjected to management checks within 24 hours of placement, and running sessions with placement officers to improve their record keeping skills and to raise awareness of the concerns raised about our placements process during investigations following serious incidents and deaths in custody. We have also updated our processes for reviewing placements when concerns are raised, publicising this widely so that professionals and families know how to raise concerns about a placement with us. The new process requires a multi-agency discussion and that young people are (unless there are security concerns) involved in any decision to move them and are able to have their views heard. This year, the YJB is undertaking a major organisational restructure and we have taken this opportunity to merge our placements and safeguarding functions under one senior manager. We hope that this will further improve the quality of our decisions and practice for placing children into custody.

Furthermore, we recognise that independent scrutiny of our placements service will improve the quality of our work, and to that end are in discussions to commission Her Majesty's Inspectorate of Prisons to conduct regular independent reviews of our placements service, which we hope will be piloted later this year.

After arrival in custody

In recognition that risks are not static and the appropriate interventions to meet an individual's complex needs change, the YJB introduced the *Risk Assessment and*

Management Plan (RAM) in 2012, which offers a live dynamic assessment of risk and accompanies the young person through out their time in custody.

Ensuring that complex needs can be fully met within the YOI sector is an area considered through the YOI Reform programme. NOMS has been asked to submit proposals for meeting the needs of those young people who face significant safety or wellbeing risks, or have complex support needs who are placed outside of the dedicated complex needs unit (Keppel Unit).

The specification also requires that all young people receive a psychologically informed plan and a tailored regime based on their particular needs and assessment of risk; and that the workforce is specifically recruited to work with those who have complex needs. We have stipulated that recruitment should be supplemented by dedicated training and collaborative working with healthcare and other providers to ensure that the holistic needs of this cohort are met.

Adoption of changes across the YOI estate that respond to learning from Jake's death (A2)

NOMS directly manages the provision of the under 18 YOI estate and is expected to respond to areas for improvement and promote best practice amongst establishments to support their performance. Our role is to identify and share good practice and to use our commissioning and monitoring roles to influence change across the secure estate.

To achieve this, the YJB monitors the YOI estate alongside NOMS to jointly identify where improvement activity is most needed. Service Assurance Modules (SAMs) are a key part of this monitoring activity and were introduced as one of the key components of the new Performance Management Framework (PMF) for YOIs in late 2012. These SAMs are essentially audit workbooks that look at specific outcomes for young people in custody. Where an audit using a SAM shows that there is under delivery against a YJB requirement then the YOI is required to improve. Improvement is overseen by NOMS who report this to the YJB.

We are nearing the completion of a full set of SAMs across each of the under-18 YOI establishments; the outcome of these will be assessed and a review of overall performance against them is scheduled to take place in Autumn 2014. This review will, amongst other things, identify where there have been gaps in provision, highlight additional areas that need to be built into the SAMs from any learning that has been acquired since they were first developed and respond to any key risks identified. Included within this is the learning taken from investigations into deaths in youth custody and we will use the review as an opportunity to ensure that SAMs are providing us with the right information to assure ourselves that services are being delivered in line with our expectations, and are therefore keeping children safe,

Recognising that continuous improvement is vital to safe and effective custody the YOI reform specification has also required NOMS to identify how they will build in processes to take action against learning from the review of all serious or significant incidents and ensure a loop of continuous improvement activity is used to prevent future incidents.

Across the wider secure estate for children and indeed YOTs in the community, we have identified a number of learning points both from your investigation and from others, and our safeguarding team is tasked with ensuring that the lessons, and any guidance or good practice which supports improvement is shared appropriately in a number of formal and informal ways. This work is taking place in conjunction with our contracts teams for the secure estate who will seek and monitor assurances that actions have been taken as necessary against the lessons we have highlighted.

Staff development and suitability (B1)

The YJB has always advocated a child centred approach to youth custody and our desire for a bespoke secure estate for children and young people. As commissioner of the youth estate we have been able to specify that capability and willingness to work with young people is essential for staff working in the young person's estate. This is reflected in our Service Level Agreement with NOMS, and is contained in the Prison Service Instruction for the Care and Management of Young People.

Given that it is recognised that recruiting staff specifically trained and willing to work with young people is the most effective way of working with young people in custody we have worked with NOMS and HAVAS (the NOMS recruitment agent) to design new recruitment material which specifically targets staff to work within the young people's estate. This campaign has included specific communications (posters/ paper and radio adverts) which began in December 2013. This was followed by a further online campaign which was initiated in Mid March 2014.

Recent recruitment has also allowed NOMS to assess the suitability and motivation of individuals to work with children and young people through the recruitment process; both for new entrants to the Prison Service, and also upon transfer or promotion within the wider Prison Service.

Specific mandatory training to prepare prison officers for working with children and young people is also delivered in the form of the Working with Young People in Custody programme (introduced in 2012) and includes modules on, adolescent development, child protection and safeguarding, emotional and mental wellbeing and speech language and communication needs.

Within the YOI reform specification these actions are being built on; NOMS has been asked to develop models for staff supervision of the approach to working with children and young people and to measure and support how individual officers continue to demonstrate these skills. In addition work has been initiated to commission Skills for Justice to develop a Professional Qualifications Framework for those working in the YOI estate.

We believe that the work we have described above will be supported and reinforced by the recent appointment of a dedicated Deputy Director for Young People in NOMS, which brings further senior level accountability and assurance for bespoke and distinct services for young people in custody.

Personal Officer (B2)

We recognise that the Personal Officer scheme is not delivering the desired outcome and meeting the support needs of children and young people in all establishments. Other models of individual level support for children in custody are shown to be more effective and so the Personal Officer scheme is an area that will be looked at as part of the improvement work scheduled for later in 2014 (as mentioned above) but has also been addressed within the reform specification. The specification has set an expectation that YOIs offer a more bespoke support role for young people in custody and has been directly informed by our learning from both Jake's case and others where failings in personal officer schemes have been identified.

The specification outlines expectations around purposeful relationships and the need for staff to understand and fully relate to young people. We do not require a 'Personal Officer' but require that within 24 hours of entering custody a young person has a mentor assigned to them from residential support staff (RSS), and that arrangements are in place to ensure that a young person knows who they can turn to. We have specified that every young person has frequent, purposeful contact with their staff mentor, with whom they can establish caring, professional relationships. We have also set out clear expectations about what services RSS should provide young people with. This includes that they must:

- Assist and signpost young people to resolve everyday issues;
- Support pastoral care and life-skills;
- Provide behavioural management, sentence planning and monitoring; and
- Contribute to behaviour-informed sentence or remand planning.

The current roll-out across the youth estate of the Minimising and Managing Physical Restraint (MMPR) model has also sought to promote meaningful interactions between discipline staff and young people. Within this there is a requirement that staff know young people sufficiently well to understand an individual young person's triggers and that learning is taken and properly shared amongst staff.

Infrastructure – cell design, wing layout (B3/B4)

Historically the YJB has made significant investment into the physical environment of the secure estate it inherited; this has included funding the introduction of safer cells, cubicular showers and CCTV as part of previous capital works programmes. In more recent years we have continued to operate a budget for capital investment in safeguarding which allows for establishments, NOMS and the YJB to consider where capital investment would be beneficial in supporting the safety and well being of young people. We are currently developing our programme of work for 2014/15, which will consider investments to reduce ligature points in bedrooms across the estate including HMYOI Hindley.

The YJB recently contributed funding to enhance the building specification and better meet the needs of young people during capital development at HMYOI Cookham Wood. The development provides modern accommodation with in-cell showers and in-cell telephony in all rooms. The design incorporates safer cells¹, corian furniture² and there is an emphasis on space and light and associated wing based facilities, such as medical/ treatment rooms. The development also provides significantly improved education and training facilities.

With the Government's focus on the Transforming Youth Custody programme the custodial environment has also been considered carefully. This has included specific design principles that have built in learning from recommendations received following the tragic deaths of children and young people in youth custody. These have informed capital investments into the current estate and have been incorporated into the design requirements for constructors of the new secure college³ (being undertaken as part of the Transforming Youth Custody Programme).

Those principles relevant to the issues raised in your regulation 28 report are:

- Bedrooms should be positioned so that they are not opposite others in order to reduce shouting across and intimidating others
- All rooms should conform to NOMS safer cell standards in order to reduce ligature risks
- Units should be positioned so that one does not overlook the bedrooms/association/group rooms/education in another.

Whilst design alone can not guarantee safety or eradicate instances of shouting out or bullying, design combined with local management will always be an integral element in ensuring that steps towards this can be made.

The reform specification emphasises this by setting expectations for establishments to have in place robust anti-bullying policies that are developed and implemented with young people, and regularly reviewed. Shouting out is also expected to be challenged and opportunities for this behaviour minimised as an imbedded response to the management of bullying and harassment within an establishment.

Family contact and support networks (B5)

It is the YJB's expectation as a commissioner of custody for young people that young people are supported to maintain contact with their families and support networks as a positive factor to their wellbeing. Family involvement in review meetings is encouraged and families are offered financial support through the assisted visits scheme to facilitate regular visiting.

¹ To NOMS 2012 Safer cell specification

² Corian is a solid form material used for its durability

³ Procurement of the constructor (who will design and build the secure college) started in January 2014.

Work is in progress with the preferred constructor to refine the design of the college, with construction to start in early 2015.

Where there is need for additional contact to help support and protect young people in custody who are showing signs of distress you will be aware that the YJB expects that this should be recorded as part of the ACCT Caremap, and facilitated by establishments. The reform specification has taken this expectation further and outlined a particular requirement that establishments design a Family Support Service to help young people where they are in particular difficulties in maintaining ties. NOMS' response to this, as well as any learning for the YOI sector coming from the in-cell provision now available at HMYOI Cookham Wood will support further action in this area.

Information sharing – between Senior Officers and at shift changes (B6)

Appropriately sharing information is recognised as a key factor in supporting the safety and wellbeing of children and young people. We believe that the specific detail about how information sharing is undertaken is a matter for local management, especially at the points you have identified: at shift changes and in relation to the passing of information between responsible senior officers.

Within the YOI reform specification clear expectations are set for establishments to develop processes to ensure that the relevant and appropriate information about individual young people is collated and shared, both within the establishment and with other agencies and stakeholders.

When a young person is identified as at risk of suicide and self harm, the importance of information sharing becomes even more relevant, particularly where key events have occurred that may impact on these risks and are followed by key staff changes (shift changes). An expectation that processes are in place to manage this type of information sharing more effectively has been included with in the YOI reform specification alongside the expectation that those at risk of suicide and self harm should be managed consistently with a key individual being responsible for co-ordinating the information and appropriate interventions that contribute to managing the risks for that young person.

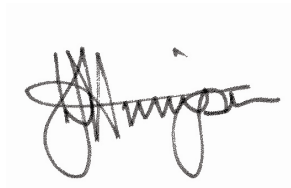
All the expectations we have outlined in the YOI reform specification will be supported by the development of a bespoke operating manual for the young person's estate and a revised workforce development strategy. These additional elements intend to support the changes to be introduced and ensure their sustainability over the long term and set a culture of expectation around them.

The reform specification is with the NOMS Young People's Group, who are preparing a full, costed response, to address how NOMS propose to approach the requirements and how they will deliver against them. This response is to be submitted and evaluated in Autumn 2014.

The delivery of these reforms is scheduled to begin before the end of 2014. The implementation process will take account of the capability and capacity of each YOI site and as a result business change plans will be establishment specific to ensure that the right changes are made and that they are effectively, and most importantly, safely implemented. This means that timescales for full delivery have not yet been agreed.

I hope that the information provided offers assurances that the findings of your investigations and the areas you have highlighted for the prevention of future deaths have prompted action and been the focus of our continuing commitment to improving the secure estate for children.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lin Hinnigan', is centered on a light-colored rectangular background.

Lin Hinnigan
Chief Executive
Youth Justice Board for England and Wales