

## Medway Improvement Board: Departmental response to recommendations

Recommendation	Response
<p>1. The Board recommends that a new Vision is developed for STCs, or any arrangement that replaces STCs, that clearly articulates the purpose of these establishments, their focus on education and rehabilitation, and cultural values that promote a nurturing and safe environment. The operationalisation of this vision must be set out in a strategic plan.</p>	<p>Accept.</p> <p>The overarching aims for STCs is set out in the STC Rules and within that legislative framework each STC then sets out their own vision for how those aims will be achieved in their statement of purpose.</p> <p>We will work with each STC to make sure that their statement of purpose appropriately reflects the principles of education and safety on which foundations for a rehabilitative and nurturing environment are built.</p> <p>We will focus on Medway in the immediate term but will roll this out to other STCs. This vision will be reflected in a strategic plan for each STC which will include actions to ensure that staff are aware of the statement of purpose and to ensure that any and all STC activity is aligned accordingly.</p> <p>Governing bodies (referred to in recommendation 2) will review whether STCs are adhering to the principles in the statements of purpose.</p> <p>In the longer term, the on-going Youth Justice Review by Charlie Taylor is considering the vision for future models of youth custody and at its centre will be a focus on education and rehabilitation of young people within a safe environment.</p>
<p>2. The Board recommends that MoJ commissions an independent governing body, similar to the Board of Governors in a school, to</p>	<p>Accept.</p> <p>We will establish Governing Bodies to form an integral part of the</p>

<p>provide oversight and scrutiny for safeguarding for all STCs. The GB should be appointed on a basis similar to the Improvement Board, with authorisation to visit all parts of the institutions and speak to staff and young people, and should consist of individuals with varied background and expertise. They should not be bound by the inspecting and monitoring frameworks of other inspecting bodies. They should act as a point of reference for other bodies involved with the STC, and their regular reports to the Secretary of State should include any recommendations for change or improvement that they feel should be made for any of the organisations involved with safeguarding children at the STCs. The GB should have a budget to commission research or analysis if they feel it is necessary to improve safeguarding.</p>	<p>wider system of scrutiny for STCs. We will appoint these Governing Bodies using the same legal powers as those used to appoint the Improvement Board.</p> <p>The Governing Bodies will scrutinise the strategic plans for the STCs and the leadership capability to deliver that plan. They will make an assessment of the culture and ethos which is instilled by leadership within the centre. They will have free access to the site and be able to speak with children and staff. They will observe practice and delivery within the centre, forming a judgement on the relationships and boundaries which exist between children and staff.</p> <p>The Governing Bodies will provide explicit opportunities for representations to be made to them by young people, in order for them to raise any issues they wish in relation to their care and experiences within the centre.</p>
<p>3. The Board recommends that a new leadership and governance structure is developed for STCs with unambiguous lines of accountability and a strong leader who is held to account for delivering the vision and strategic plan.</p>	<p>Accept.</p> <p>We agree that all STCs should be run by a strong leader who is held to account for delivering the vision and strategic plan. The current leadership of a Director (for privately contracted STCs) is provided for in legislation and we will work with providers within the terms of the existing contracts to ensure lines of accountability are unambiguous.</p> <p>NOMS will develop an appropriate leadership and governance structure for Medway with unambiguous lines of accountability.</p> <p>In the longer term, the Youth Justice Review is considering new models for secure custody and we will work to develop new leadership and governance structures for any such models in line with the Board's recommendations.</p>
<p>4. The new governance structure should redefine lines of responsibility for all managers and include:</p>	<p>Accept.</p>

<p>a. formal mechanisms to improve day to day communication between those involved in security, education and pastoral functions;</p> <p>b. stronger appraisal and supervision arrangements so that the work of all staff members is rigorously supervised, particularly those in middle management positions (i.e. those currently in DOM, RSM and Team Leader positions) and that these staff members benefit from relevant ongoing training and continued professional development in childcare, behavioural management and supervision.</p>	<p>The proposed interim governing bodies will support and challenge the management and leadership of all providers.</p> <p>In Medway, NOMS will operate a daily Multi-Disciplinary meeting to improve day to day communication and sharing of information alongside a review of the current communications strategy.</p> <p>NOMS has an established annual staff appraisal system in place and is working with the YJB to develop a professional qualifications framework for staff working with young people.</p>
<p>5. The person responsible for leading the new structure (the 'Director' in the current structure) must report regularly to the Governing Body, who can hold them to account for safeguarding of children at the STC.</p>	<p>Accept.</p> <p>The Governing Body will work with the Director/Governor to assess current performance management arrangements to make sure that that it is effective in holding staff members to account and therefore improving safeguarding of trainees in the STC.</p> <p>The terms of the contracts require that the Directors are held to account by the contract manager (the YJB) and to the Secretary of State, and the Governor of an STC directly managed by NOMS would be held to account by NOMS senior managers, the YJB and ultimately the Secretary of State. The Governing Bodies will therefore form part of a wider framework in which the heads of the STCs are held to account. This may require contract amendments for contracted out STCs to provide for regular engagement between the Governing Body and the contractor. They will have unfettered access to the STC, and will advise the Secretary of State and with the YJB, who have the necessary powers to intervene to address any potential failings.</p> <p>The mechanisms and structures through which STCs are held to account will be reviewed, and corrective action taken where necessary, to simplify the current complex arrangements and to make</p>

	<p>sure that all parties are absolutely clear who is responsible for what.</p>
<p>6. The Board recommends that, as part of the wider review of youth justice, a cross-departmental working group is set up to address inconsistencies the Board has identified around the treatment and placement of children across YOIs/STCs and SCHs. As part of its terms of reference, this group should consider:</p> <ul style="list-style-type: none"> <li>a. the place of the secure estate within the broader spectrum of provision for vulnerable children and how to ensure that vulnerable children sent to STCs, or their equivalent, receive protection and care comparable to those in other types of care;</li> <li>b. Whether current legislative and policy provision is sufficient to make sure children who are sentenced to custody are adequately protected under the umbrella of the Special Education Needs and Disability (SEND) framework, or whether additional measures need to be put in place to facilitate regular multi-disciplinary reviews for these children and young people, with regard to their education, health and care needs.</li> </ul>	<p>Accept.</p> <p>The MoJ will set up a cross-government working group which will include DfE, DH and NOMS amongst others, to consider how best to address the specific issues related to the treatment and placement of children in the current system, as identified by the Improvement Board.</p> <p>Charlie Taylor's interim review identified inconsistencies in rules, resources, and inspection frameworks across YOIs, STCs and SCHs.</p> <p>The review is already working closely with DfE, NOMS, health, youth offending services and children's services to develop Charlie Taylor's vision for youth custody. This new model will see youth prisons reconceived as secure schools and staffed by teachers to create a culture focused on educational attainment and providing a safe and therapeutic environment for improving rehabilitation.</p>
<p>7. In order to improve the balance of security, rehabilitation and education, focus must be moved from the number of hours spent in Education to identifying and delivering individual educational needs of each child.</p>	<p>Accept.</p> <p>We are clear that the 25 hours offered to children must fully reflect their needs and that the definition of education can be applied widely so as to include activity that attends to their offence-related issues, their health issues which may impact learning and factors relating to special educational needs.</p> <p>The new education offer being introduced at Rainsbrook and Medway is designed with this more flexible individualised approach at its heart and work is underway to consider suitable changes at Oakhill.</p>

<b>Safety of young people in custody at Medway STC</b>	
<p>8. The Board recommends that the terms of STC contracts that refer to Suicide and self-harm (SASH) policies are reviewed to make sure that they support the overall safety of young people rather than focus on imposing penalties on the contractor (e.g. a penalty for allowing the young person to have something that could cause self-harm but not for actual self-harm) that distract from the safety and wellbeing of the child.</p>	<p>Accept.</p> <p>The safety and wellbeing of young people in the custodial estate is our priority. The contract performance mechanisms are designed to incentivise providers to follow the policies and procedures in place for children who self-harm, so as to ensure they are properly cared for. The Board indicates that some of the policies themselves are too heavily weighted in favour of reducing the likelihood of a child harming themselves without paying sufficient attention to the wider impact on the child of removing items from their possession. Whilst recognising that contractual penalties for self-harm and robust risk assessment procedures are still required to ensure the safety of detainees, we will work with all STC providers to ensure policies in relation to suicide and self-harm procedures form the right balance between safety and dignity. NOMS will review these policies at Medway once the transition takes place.</p>
<p>9. Formal mechanisms needs to be set up to enable the young person's voice to be heard, both within the STC (e.g. a council) and by outside agencies (e.g. via the governing body). A charter needs to set out how these mechanisms operate and what protections are to be put in place to ensure that children are supported to speak out when needed.</p>	<p>Accept.</p> <p>Each STC has a Trainee Council with representatives from the children held at the centre meeting with staff to raise concerns and discuss issues. The terms of reference for these councils will be reviewed to ensure they meet the intention of this recommendation. A Governing Body will be established for each STC that will develop mechanisms to hear the views of children and consider their concerns. The YJB will review the advocacy service to ensure it is fit for purpose for the environment in which it operates.</p>
<p>10. Policy for whistleblowing and acting on information received from whistle-blowers needs to be redeveloped in both YJB and within the STC and it must ensure that whistle-blowers feel supported and listened to.</p>	<p>Accept.</p> <p>The YJB last reviewed its whistleblowing policy in August 2014. The YJB will review the process and update in line with best practice. The YJB will require all STC providers to update and submit their</p>

	whistleblowing policies.
11. All whistleblowing communication must be made available to the Governing Board on a monthly basis.	<p>Accept.</p> <p>The YJB will explore how whistleblowing information from all sources can be collated and made available to Governing Bodies for review within current legislative frameworks and will consider whether contractual changes are needed to require STC providers to supply whistleblowing information.</p>
12. The role of the Barnardo's advocate needs to be re-examined as the Board feels it is currently not fit for purpose.	<p>Accept.</p> <p>The YJB is reviewing the role of advocacy in STCs. The current service delivered by Barnardo's operates in line with National Standards for Children's Advocacy Services but the YJB will work with Barnardo's to consider if these standards remain the most appropriate model for the STC environment and what changes should be made to the service.</p>
<b>Behaviour management and use of restraint</b>	
13. The Board recommends that MoJ commissions a cross-departmental review of behaviour management policy and practice in STCs, across the wider youth justice system and beyond to other sectors. The purpose of the review should be to produce a coherent policy on risk, restraint and behaviour management across government that proactively drives the best interest of the child and promote interventions that are proportionate to the risks presented by the behaviour rather than the setting in which the behaviour occurs.	<p>Accept.</p> <p>The review of the youth secure estate provides an opportunity to consider whether a more consistent approach to behaviour management policy and practice can be taken across the system to take into account learning from other sectors. MoJ will also work with the Youth Justice Board and others, including DfE, NOMS and DoH, to consider how good practice from other establishments (e.g. schools) might best be shared with practitioners and to review whether a cross-sector approach is needed to support and cascade changes to practitioners for the 'Managing and Minimising Physical Restraint' system. We will also look to ensure that behavioural management policies are being implemented appropriately.</p>

<b>Role of contract management and monitoring</b>	
<p>14. There needs to be a formal separation of the often conflicting YJB monitoring functions of ensuring contractual compliance and monitoring safeguarding. For there to be a qualitative impact, both functions need to be carried out on a daily basis by separate individuals who have the necessary experience and expertise for the roles, and have enough seniority to challenge senior staff at the STC and other organisations involved with the institution.</p>	<p>Accept.</p> <p>The YJB proposes a revised approach to monitoring which will move away from reliance on a single on-site monitor to a wider system of scrutiny that will draw on a range of independent people who can bring expertise into the centre, particularly in the area of child protection, to provide additional scrutiny and challenge. The role and key characteristics of the on-site monitor will be reviewed as part of these wider changes. It is important to bear in mind that STC contracts specify that the provider must deliver a safe environment for the children in its care, so contract compliance and safeguarding should not be at odds and ensuring contract compliance should contribute to safeguarding. However, we agree that it is important to guard against a system in which the focus becomes contract compliance at the expense of safeguarding. These responsibilities will be clarified in the new model.</p> <p>The YJB and MoJ will review any contract provisions which may prevent the delivery of a safe environment and ensure these obstacles are removed.</p>
<p>15. The Safeguarding function needs to report to the Governing Body on a regular basis and must be accountable to them for providing assurance of safeguarding in STCs.</p>	<p><b>See response to recommendation 5.</b></p>
<p><b>G4S Improvement Plan</b></p>	<p>We will work through all of the recommendations made by the MIB with regard to the improvement plan with G4S. These will be taken forward with G4S and NOMS as part of the forthcoming transition of Medway.</p>
<p>16. G4S must clarify to MoJ their timeframe for implementation of the</p>	

<p>improvement plan, particularly if the contract is to be transferred. This clarification should set out what the plan is seeking to achieve, what outcomes it is intended to deliver and who is responsible for overseeing implementation of the plan.</p>	
<p>17. The Improvement Plan should include information on who in G4S is responsible for ensuring effective handover of the document to the new management of the STC and a timetable for handover if new management takes over running the centre.</p>	
<p>18. Any new management that takes over the running of the STC over the twelve months following the submission of this report must continue to deliver the improvements set out in the Improvement Plan so that the actions it contains are delivered and the safety of young people at the STC is improved.</p>	
<p>19. The Improvement Plan should include G4S's analysis of what went wrong with organisational culture at Medway to enable staff to feel they could act as they did towards children and how they propose to address this.</p>	
<p>20. Although it is acknowledged that the current emphasis may be because of the wording of the Improvement Notice, the Board recommends that the <i>Vision</i> (as set out on page 6 of the document) needs to be developed and amended so that the emphasis is more on trainees than the staff.</p>	
<p>21. The plan must clarify what staff the training described is geared towards and must set out specifically how they intend to address the Improvement Board's concern about safeguarding training for DOMs rather than 'middle managers and senior managers'.</p>	
<p>22. Action on appraisal, as set out on page 12, needs to be strengthened to make sure there is ongoing oversight of performance management to ensure compliance with performance objectives and</p>	



that staff receive reflective supervision.	
23. Feedback from focus groups that G4S has already received must be incorporated into the Improvement Plan.	
24. Under the heading 'Continuous Staff Development', the section on improving supervision needs to be clarified, particularly on whether it refers specifically to the context of clinical supervision and how many staff are being trained to provide this.	
25. G4S must clarify their recommendation to YJB (page 20) that STC rules need to be revisited around Good Order and Discipline (GOAD) as the Board did not come across any evidence on this being a particular issue when they visited Medway STC and spoke to staff.	