

Action Plan Submitted: 1st November 2022

A Response to: A Thematic Review of Outcomes for Girls in Custody (HMI Prisons)

Report Published: 21st September 2022

INTRODUCTION

HM Inspectorate of Prisons (HMIP) and HM Inspectorate of Probation for England and Wales are independent inspectorates which provide scrutiny of the conditions for, and treatment of prisoners and offenders. They report their findings for prisons, Young Offender Institutions, and effectiveness of the work of probation, and youth offending services across England and Wales to Ministry of Justice (MoJ) and His Majesty's Prison and Probation Service (HMPPS). In response to the report HMPPS / MoJ are required to draft a robust and timely action plan to address the priority and key concerns. Action plans provide specific steps and actions to address the priority and key concerns, that are clear, outcome focussed, measurable, achievable, and relevant with the owner and timescale of each step clearly identified. Action plans are sent to HMIP and published on the GOV.UK website. Progress against the implementation and delivery of the action plans will also be monitored and reported on.



ACTION PLAN: Thematic Report – Outcomes for girls in custody

1. Concerns No	2. Concerns	3. Response Action Taken/Planned	4. Responsible Owner	5. Target Date
1	A lack of alternative provision and intervention meant that custody was not always justified or used as a last resort. We saw examples of girls being remanded to custody because there were no other available options. In other cases, a lack of appropriate early intervention in the community led to girls' behaviour escalating until they received a custodial sentence.	 MoJ recognise the importance of suitable placement options in the community to prevent vulnerable children from coming into contact with the criminal justice system. Whilst Local Authorities have statutory duties to ensure sufficient appropriate accommodation for children in their area, we recognize that LAs sometimes find it difficult accessing the most appropriate accommodation, particularly for children with the most complex needs. The Government is taking significant action to support LAs to fulfil their statutory duties. The Chancellor announced £259m in capital funding over the Spending Review period (to 2025) to support Local Authorities to expand the number of open and secure children's homes. To drive up the quality and consistency of accommodation, the DfE are introducing mandatory national standards. Ofsted registration and inspection requirements will be required for supported accommodation for looked after children and care leavers aged 16 and 17. The DfE intends to lay regulations in early 2023 with providers then able to apply for Ofsted registration from Spring 2023. The <i>Independent Review for Children's Social Care</i>, a manifesto commitment, took a fundamental look at what is needed to make a real difference to the needs, experiences and outcomes of those supported by children's social care. We are rapidly working up an ambitious and comprehensive implementation strategy in response to the review. 	Looked After Children's Division, Department for Education	December 2025 April 2023 Early 2023
		The MoJ recognises that custodial remand should be a last resort and, through the Police, Crime, Sentencing and Courts Act 2022 further tightened the tests that the courts must meet in order to remand a child to custody. Those changes came into effect in June 2022; MoJ will internally review their impact in January 2023.	MoJ – Youth Justice and Offender Policy	Review- January 2023

Those changes were a key part of the <u>MoJ review of youth custodial</u> <u>remand</u> . Following its publication in January 2022, the department has established a working group, which includes Department of Education (DfE), Youth Justice Board (YJB), Association of Directors of Children's Services (ADCS), Local Government Association (LGA), Youth Custody Service (YCS), and others, to take forward its recommendations. The group will look at ways to improve the availability of bail and Remand to Local Authority Accommodation. MoJ recognise that it can be a challenge to ensure that community accommodation is suitable and will ensure that the needs of girls are considered by the working group. The group will also review the current remand grant and consider how this funding can support the availability of community accommodation.	MoJ – Youth Justice and Offender Policy	February 2023
The MoJ is making a change to the Bail Act (through the draft Mental Health Bill) to end children being remanded to prison for their "own welfare" (when the court is concerned for their mental health).	MoJ – Youth Justice and Offender Policy	End of 2023
It is important that local areas consider the needs of all children. In 2022- 23 YJB required Youth Offending Teams (YOTs) to submit content on their services' understanding of use of remand and custody more broadly. This information is being analysed and assurance will be sought from local services through routine oversight of action to tackle any issues including with reference to girls.	Youth Justice Board	January 2023
In Wales, the Welsh Government (WG) has funded a pilot to provide a safe bed at the Rosedale Residential Home in Newport for children on remand, to better understand the complex needs of the children and young people involved and the potential level of support required.	Social Services Division, WG	Completed
A number of recommendations have been identified from the pilot, and these will be taken forward through a Secure Accommodation Project Board in Wales which will be established in December 2022, with the recommendations delivered by end of 2025.	Social Services Division, WG	Commence- December 2022
A workstream on 'Prevention' has been established, as part of the Youth Justice Blueprint, to collaboratively develop a practical framework for preventative services in Wales. This will maximise the value of early	Youth Justice Blueprints project board, WG	May 2023

intervention and ensure the best use of resources to prevent girls coming into custody.		
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2	The national system for caring for girls in custody did not function well; often girls with the highest level of need were placed into the institution with the least resources.	Although the number of girls in the secure estate remains small, the proportion of girls with complex needs has over the years increased. Many of the girls under Youth Custody Service (YCS) care present as high-risk, high-harm and highly vulnerable. To ensure the distinct needs of the girls' cohort are recognised and	YCS Quality	Completed
	There were two different types of institution in England and Wales for fewer than 20 girls. Legislation (see glossary) required secure children's homes to refuse to provide placements for a girl if they could not meet	addressed, the YCS has convened a Board to draw together strands of work around the improvement of processes surrounding, and outcomes for, girls in custody. The Board will oversee YCS' Girls Delivery Plan which will incorporate activity aligned to the response to this thematic.	Development Team	Completed
	their needs. The consequence of this was that girls with the highest level of need were held in Wetherby Young Offender Institution, which had fewer resources to meet their needs.	The YCS Critical Case Pathway provides a YCS wide approach to supporting sites on the care and management of the most challenging and complex children in YCS care. The pathway is set for review in 2022 to ensure that sites continue to get the support (and where appropriate, resources) they require.	YCS Placements, Casework & Operational Contract Management	December 2022
		The YCS are working closely with Secure Children's Home (SCH) Registered Managers to improve the operating models in SCHs and provide packages of support for the management of the most challenging girls.	Team	Completed
		The YCS are considering future provision for all children (including girls) via an internal assessment of the role and purpose of each sector to ensure sufficient capacity and suitable environments. This will inform the longer-term, strategic direction of provision for children in the YCS including girls.	YCS Strategy & Commissioning Team	March 2023
		The Quality Development Team will review effectiveness of provision for girls at Wetherby YOI in early 2023. The YCS have already agreed an uplift in staff for the Girls Unit at Wetherby, which reflects the staffing levels achieved in Enhanced Support Units. Recruitment for the increased number of staff is currently underway locally.	YCS Operations Team YCS Quality Development Team	June 2023

harm and to their t While	Girls were far more likely than boys to harm themselves, experience restraint and to be involved in violence during heir time in custody. While there are occasions when staff have to	The YCS have commissioned the Centre for Mental Health to help create an Effective Practice Briefing for frontline staff specifically in the area of girls and self-harm. The development of the briefing will include clinical expertise input from the NHSE Managed Clinical Advisory Group (MCAG) and engagement with girls currently placed in the secure estate.	YCS Quality Development Team	March 2023
	use restraint to prevent girls harming themselves, we saw examples of girls being restrained multiple times in a short period	The YCS psychology team will review the use of restraint on girls at Wetherby, which will inform our programme of work moving forwards.	HMPPS YCS Psychology Team	Completed
	with little support offered after the incident to address the underlying cause of self-harm.	YCS will also develop a Safeguarding Strategy and Policy so that staff working in the secure estate, with both boys and girls, are clear about child protection responsibilities.	YCS Safeguarding Team	January 2023
		The YCS are undertaking a training needs analysis for staff at Wetherby YOI looking at the training needs required for managing both girls and boys in their care. Further support will be provided to staff at Wetherby to recognise and respond to the distinct needs of girls.	HMPPS YCS Psychology Team	March 2023
		A joint learning approach over and above the local quality assurance by the establishment's Minimising and Managing Physical Restraint (MMPR) Co-Ordinators has been introduced at Wetherby; restraints involving girls are collaboratively scrutinised by Wetherby's Safeguarding Team and YCS specialists within the fields of Use of Force, Restraint, Integrated Care and Psychology.	YCS Operations Team	Completed
		Additional assurances are in place at Wetherby regarding the development of MMPR handling plans for all girls to provide consistency and continuity within the decision-making process prior to and during restraint.	YCS Operations Team	Completed
4	Girls who needed tier 4 mental health beds waited too long for transfer to hospital. During this delay, very unwell girls were held in institutions unable to meet their needs.	From 2018 – 2019 to 2021 – 2022, three girls transferred to a secure hospital under the Mental Health Act 1983 Part III from the Children & Young People Secure Estate. Most children transfer to a secure hospital in a timely way. There are a small number of cases where the child either has a complicated presentation that requires an extended assessment period; the right type of bed is not available or where the child does not fit the criteria for admission and/or detention. For example, access to extra care areas, gender specific services or services for children and young people with a learning disability can all affect bed suitability. Additionally,		

		during this time period, there was an unprecedented pressure on inpatient placements linked to the COVID-19 response. NHS England Specialised Commissioning has invested capital funding from 2021 to 2023 for environmental changes to ensure the right provision is available to meet the needs of all children who require assessment and treatment under the Mental Health Act 1983.	NHS England	December 2023
		The revised procedure for the transfer or remission of children under the Mental Health Act 1983 Part III for the Children and Young People Secure Estate was published in November 2021. The revised procedure is designed to support staff to work well with colleagues to ensure that the established transfer process works smoothly and that there are no unacceptable delays in providing a child with inpatient mental health care if that is what they need. Children who await transfer to a mental health bed may require enhanced observation during this period. In YOIs this is delivered by YCS and funded by NHS England. In SCHs additional provision is provided by NHS England if appropriate, though in some cases additional care staff may be required as agreed with YCS. The contracted healthcare provider in each setting would continue to provide additional oversight and support as needed.	NHS England and Youth Custody Service	Completed
		Centre for Mental Health have been commissioned by NHS England and the Youth Custody Service to conduct a review of current evidence, policy, and practice on enhanced observations. The final report, including recommendations to improve policy is due to be presented to NHS England and the towards the end of the year.	NHS England and Youth Custody Service	December 2022
5	Transition plans had little impact on the day-to-day experience of young women when they were transferred to the adult estate. Cases we examined showed 18-year-olds were often overwhelmed by the transition	In April 2022, YCS published the 'Transition of young people from youth to adult custody' policy framework which sets clear requirements for both youth and adult custodial settings and is expected to be implemented by March 2023.	YCS Placements, Casework & Operational Contract Management Team	March 2023
	and did not know how to adjust to life in adult establishments.	Operational guidance for young adult women in prison has now been developed. Women's prisons will be required to develop a local response	Women's Directorate	March 2023

		to key elements of the guidance to ensure they meet the needs of girls transitioning from the youth estate.		
		Women's team are piloting a bespoke residential approach to better support young adult women in custody, including girls who are transitioning from YCS provision. The unit/s will provide a trauma responsive, multi-disciplinary and more individualised and therapeutic approach to working with young women. This will include an enhanced staffing model, more effective key work and other services, such as social care, trauma interventions and additional psychology and health provision.	Women's Directorate	March 2023
		A local prison lead/case manager for each girl being transitioned from YCS will be identified in advance via the Women's Estate Case Advice and Support Panel (WECASP) system. A visit or video call will be organised for girls to meet the identified staff prior to arrival in the establishment. Post-transition meeting to be held for all girls to review the transition process and receive girls' feedback.	Women's Directorate	March 2023
6	Suitable accommodation was not secured early enough before release. This prevented effective planning for health care and education, training and employment. When accommodation was arranged it was not always suitable.	The MoJ recognises the importance of suitable and timely accommodation arrangements for constructive resettlement journeys out of custody. To support YOTs to develop robust and effective processes in relation to arranging accommodation, MoJ has established a new 'key performance indicator (KPI)' focused on the suitability and timeliness of accommodation arrangements for children (this is being introduced alongside a number of new YOT KPIs which will be launched in April 2023).	Youth Justice Board	April 2023
		Whilst local authorities (LAs) have statutory duties to ensure sufficient appropriate accommodation for children in their area, we recognize that some LAs sometimes find it difficult accessing the most appropriate accommodation, including for girls in the justice system. The lack of available and suitable placements for the most vulnerable children is something this Government takes seriously, and we are taking significant steps to support LAs to fulfil their statutory duties, as set out above in <i>Concern 1</i> .	Looked After Children's Division, Department for Education	December 2022 to December 2025

In Wales, the Youth Justice Blueprint Resettlement and Transitions workstream has ensured that the Welsh youth justice workforce has received training in Constructive Resettlement (CR) and Identity Shift. Relevant guidance and resources are available on the Youth Justice Board Resource Hub.	Youth Justice Blueprints project board, WG	Completed
The workstream has commissioned, at the request of YOT Managers Cymru (YMC) and key stakeholders, a CR guidance document for Wales, this is currently in the drafting process.	Youth Justice Blueprints project board, WG	March 2023