

Rt Hon Damian Hinds
Minister of State for Justice (Minister for Prisons and Probation)
102 Petty France
London
SW1H 9AJ

24 July 2023

Dear Minister

SAFETY AND REGIME IN THE YOUTH ESTATE

I write to you on behalf of Independent Monitoring Boards (IMBs) of all young offender institutions holding under 18s in England.

For some years, many IMBs in the youth estate have reported on their concerns about frequently restricted and unpredictable regimes, limited time out of room, the lack of purposeful activity and spikes in violence. These concerns have now considerably heightened and appear to be endemic across all YOIs in England.

This letter sets out IMBs' current findings across the youth estate in England for your attention. It also refers to longer-standing findings from IMBs' most recent annual reports.

IMBs reported that:

- Many children and young people experienced very little time out of their room and those separated could spend over 23 hours a day in their rooms. Children and young people also experienced a limited and unpredictable regime, and a lack of education and other purposeful activity.
- Efforts to manage increasing levels of violence and poor behaviour, assaults and weapon carrying resulted in the introduction of keep-aparts (keeping children in conflict with each other apart through different regimes) and increased use of separation.
- In some establishments there are shortfalls in care and support for an increasing cohort of children and young people with complex needs.
- Staff faced workplace-related stress, sickness and low morale, which exacerbated existing staffing shortages.

Time out of room and regime restrictions

Time out of room remained poor for most children and young people, particularly during evenings and weekends.

At Wetherby children and young people receive three to five hours out of room per day on average, which reduces to two to three hours for the entire weekend. The IMB have described this as 'inhumane'. In April 2023, Wetherby IMB received 51 applications from children and young people regarding the restricted regime and its negative impact on their mental and physical health. Similarly at Werrington children and young people receive between three to five hours out of their room each day and, on average, only receive six hours out of their room on a weekday once a month. Feltham IMB has been told that the aim is for children and young people to receive five hours out of room, but the IMB is not confident this is being achieved.

Since HM Chief Inspector of Prisons' urgent notification was issued in April 2023, time out of room has increased at Cookham Wood to over six hours on weekdays and three hours at weekends, but this remains inadequate.

All four IMBs were also concerned about the lack of time out of room and limited regime that separated children and young people received. For example, in April at Cookham Wood, boys who were separated could be held in their rooms for up to 23 hours a day or even longer, a situation the Board described as 'positively inhumane'. At Feltham A, at times boys self-isolating in the separation unit only received one-and-a-half hours out of their room each day due to keep-aparts and staff having to run up to nine different regimes. At Wetherby, boys on the separation unit received two hours out of their room in May on average.

IMBs reported that the limited time out of room and regime restrictions were mostly caused or exacerbated by:

- Staffing shortages. All four IMBs were concerned about staffing shortages, which had either caused or exacerbated restrictions to time out of room, regime or purposeful activity. In mid-April 2023, due to staff absences Wetherby moved to a 'meals and medication only' regime for a day before a basic regime was gradually re-introduced. Most children and young people were unable to access exercise, showers or education for five days.
- Cycles of violence and poor behaviour. All four IMBs reported that children and young people were unsettled and frustrated by regime restrictions and that this appeared to be the trigger for violence and poor behaviour. Responses to incidents usually led to all children being subject to additional regime restrictions, which in turn intensified their frustration. This was a particular concern at Feltham A.
- Attempts to manage violence by keeping children and young people apart from those they were likely to have conflict with and the different regimes needed to accommodate this which takes up staff time. This is a particular issue at Cookham Wood, Feltham A and Wetherby. At Feltham A a single unit sometimes required up to four different regimes due to keep-aparts. Under this arrangement, unit staff struggled to deliver basic regime requirements,

such as facilitating access to showers, exercise and legal visits. During one week in May, staff had to run 11 different regimes on the induction unit.

Lack of purposeful activity and education

IMBs at Feltham, Cookham Wood and Wetherby noted frequent disruptions and cancellations to education and other purposeful activity due to violence and poor behaviour, unpredictable regimes and staff shortages.

At Cookham Wood a shortage of education staff had led to shortfalls in provision. A floor of the education block, where most of the vocational classrooms are, had been temporarily closed due to low staff numbers. At Feltham A education staff shortages meant some activities were not run. Operational prison staff were trying to plug the gaps, but this was not always possible. At Werrington some education courses were not being delivered, leading to frustration and discontent for both staff and children and young people.

The IMB at Cookham Wood noted that the limited time out of room severely impacted the running of offending behaviour programmes.

IMBs at Cookham Wood and Feltham were also concerned about separated boys' access to education. The IMB at Feltham noted that although there had been some improvements in education provision on the separation unit, it was sporadic and dependent on the availability of education staff.

Violence and poor behaviour

All four IMBs reported concerns on levels of violence across the youth estate in England. IMBs at Feltham A, Werrington and Wetherby cited increased violence in their most recent annual reports.

Some children and young people who are in custody have committed serious and violent crimes. IMBs reported that a small number of children and young people in custody caused most of the instability, as they remained violent, habitually made and carried weapons, and were gang members. This had a damaging impact on the safety and wellbeing of other children and young people.

Concerns have also been raised over high levels of violence from children and young people with extremely complex needs; this issue was escalated to the Governor by the IMB at Feltham.

Furthermore, following a recent Youth Custody Service (YCS) decision, over-18s can now be held in the youth estate due to population pressures in adult prisons. At Wetherby there could be as many as 40 young men over the age of 18 at any one time (an average of 23% of the total population). The IMB reported that staff felt their presence contributed to the lack of stability within the establishment.

Preventing assaults remained difficult despite the considerable resource put into enforcing keep-aparts. In some YOIs, serious injuries resulted from such assaults.

A notable proportion of children and young people felt constantly afraid, unsafe and unprotected. Children and young people told members they felt the establishment they were in was out of control and they needed to protect themselves by either self-isolating or carrying weapons. For example, Cookham Wood IMB noted in April that many children and young people had lost trust in the staff's ability to keep them safe and were therefore carrying weapons because they feared attack.

Due to staff shortages and the need to prioritise the safety of children and young people, the overall approach to managing increasing levels of violence across the youth estate has largely been to attempt to contain it through introducing keep-aparts and increasing the use of separation.

There had been some focus on reducing violence in other ways, but this had mixed results. At Cookham Wood a new strategy to reduce weapons had been produced. Staff at Feltham had received additional training on understanding the triggers of violence and the use of de-escalation techniques. Effective searching had also increased the level of weapon finds.

Interventions such as weapon amnesties had taken place, but Wetherby IMB found that they did not act as a deterrent. In April staff at Feltham had less time to run conflict resolution sessions with children and young people due to the number of keep-aparts.

Separation and self-isolation

Most IMBs had concerns about the increasing numbers of children and young people who were either self-isolating or held in the separation unit. This increase consisted of:

- Children and young people who were at risk or scared and were therefore separated by staff under Rule 49 (own protection), or had themselves decided to self-isolate although staff considered it safe for them to mix with others.
- Those who were separated by staff for violence and conflict under Rule 49 (good order and discipline), or Rule 58 (pending adjudication).

The IMBs at Wetherby and Feltham noted that the number of children and young people self-isolating or in separation had increased. At Cookham Wood in April approximately a quarter of the population was held separately from others (under Rule 49 for their own protection or for disciplinary reasons, and those self-isolating). At Feltham A, all available spaces in the separation unit were being used in April 2023, with some separated children and young people being held on the induction wing and others self-isolating on residential wings away from staff who were experienced in constructively engaging those who were separated. These increases were largely due to children and young people's fear of assault and the rising levels of violence.

IMBs were also concerned about the support available for those who needed high levels of care. At Feltham A, despite their best efforts, separation unit staff struggled to care for the children and young people housed there due to the high levels of need. During a monitoring visit in late April, a Board member observed one young person on a four-officer unlock and another on a three-officer unlock, with other children and young people repeatedly damaging their rooms. At Werrington and Feltham, staff struggled to re-integrate those who had self-isolated. Staff's daily contact with separated boys at Cookham Wood could be perfunctory.

Shortfalls in care and support

Children and young people in custody are often vulnerable and those with exceptionally complex needs, such as histories of trauma and neurodiversity, can require additional care and support or specialist interventions. Some IMBs noted there was an increasing cohort of those with higher levels of need, whose needs were often not met.

Looked after children

There was no designated social worker at Feltham A for five months in early 2023. This absence, coupled with rising numbers of 'looked after' children (those in local authority care), meant that social workers could not carry out the in-depth work needed.

Mental healthcare

Children and young people with mental health needs struggled to access support largely due to the restricted regime. All four establishments experienced large numbers of children and young people who were unable to attend mental health appointments due to low staffing levels. Complaints were received by the IMB at Wetherby about cancelled mental health appointments and sometimes children and young people could only speak to mental health staff at their room door, also due to the restricted regime.

Therapeutic units

Therapeutic units across the estate were either full or not being fully utilised. At Cookham Wood, the Phoenix centre, which supports boys with complex needs, and was referred to as transformative by the IMB, has either been closed, or only opened 2-3 days a week due to staff shortages. There have, however, been some improvements to this, particularly since the urgent notification was issued. The enhanced support unit (ESU) at Feltham, which provides specialist accommodation for those with exceptionally complex needs, was very busy in April with staff feeling overstretched. Pressures on staff in the ESU were worsened by keep-aparts. In early June only two out of four children and young people housed on the ESU were mixing, meaning three regimes had to be delivered. Feltham IMB reported that often the placement of a new young person with challenging behaviour can undermine the effective running of the whole unit.

Some IMBs also had concerns about the safety, regime and support offered on therapeutic units. For example, in early June at Feltham A children and young people on the ESU only received between one-and-a-half to three hours out of room. The IMB at Wetherby reported that they were 'unsure of the purpose' of the Keppel Unit, which holds vulnerable young people, as there were increasing levels of violence on the unit. Children and young people on the ESU at Feltham A were not receiving sufficient psychology support due to staff shortages in the psychology team. Feltham IMB highlighted two young people with complex needs who had only received psychological support in the month prior to their release.

Staff at all four establishments had daily meetings to review care for those who had enhanced support or complex needs. However, Wetherby IMB noted that enhanced support team meetings were poorly attended by operational staff, and that frequently there was no one able to report back on the progress of the young person in question. In addition, there were often no staff members available to escort the young person in question to the meeting.

Relationships with staff

Relationships with staff are important for all children and young people but varied across the estate. The IMB at Cookham Wood seldom observed landing officers taking the opportunity to have meaningful conversations with boys during exercise and association, whereas at Feltham observed interactions with children and young people were considered to be excellent, although staff were frustrated that daily pressures often prevented them from investing time in more meaningful engagements.

There was a lack of formal support at most establishments. Custody support plan (CUSP) sessions, the youth estate equivalent of key work, were limited at all four establishments. At Werrington and Cookham Wood, CUSP sessions are only available to boys with additional needs, or those who were receiving enhanced support. At Wetherby children and young people told members they would like to be able to talk with staff more. In its annual report, Wetherby IMB stated their belief that more CUSP sessions could have reduced incidents of self-harm. Feltham IMB reported that staff shortages meant CUSP sessions were negatively impacted at two units.

Staffing shortages

Staffing shortages were not only the result of recruitment and retention difficulties but were also caused by high levels of staff absence. Sickness often appeared to be stress related and Feltham IMB observed high levels of staff stress, which members escalated to the Governor.

Staff morale was low in most establishments. IMBs found this was mainly due to:

- Staff absences which placed additional pressure on those who were present. These absences included large groups of new staff who were required to be

on training courses. The general staff non-effective rate was running at over 30% at Feltham A.

- The inexperience and low confidence of relatively new officers also placed pressure on more experienced staff.
- Feeling cheated and dissatisfied about the reality of the role. IMBs at Cookham Wood, Feltham A and Wetherby reported that some newer officers felt they had been misled by inaccurate job descriptions and were disappointed that the 'youth work' advertised had never materialised.

Despite these challenging circumstances, many staff members worked extremely hard and demonstrated high capability. At Feltham the IMB noted that operational staff were highly skilled in de-escalation techniques and the work of officers on the separation unit was also commended.

This letter focuses on the four YOIs holding under 18s in England. The IMB at Parc in Wales, however, consistently reports more positively. It is currently reporting that children and young people are receiving up to 14 hours out of room and violence is being effectively managed despite low staffing numbers. Parc is a small unit, and may offer some learning on how to provide positive and supportive regimes for children and young people.

I have noted some improvements at Cookham Wood since the urgent notification was issued, but the time out of room provided for children and young people is still inadequate. Action is needed to reinforce and replicate these early signs of progress across the estate and to make sure the renewed focus on improving outcomes for children and young people continues.

Yours sincerely



Elisabeth Davies – IMB National Chair

Copy to:

Wendy Sinclair-Gieben, Chair-Designate, UK National Preventative Mechanism
Charlie Taylor, HM Chief Inspector of Prisons
Dame Rachel de Souza, Children's Commissioner for England
Sir Bob Neill MP, Chair, Justice Select Committee