

Written evidence submitted by the Prisons and Probation Ombudsman

I am grateful for the opportunity to provide comments on this inquiry into Children and Young Adults in the Secure Estate.

My Role

The Prisons and Probation Ombudsman (PPO) carries out investigations into deaths and complaints in custody in England and Wales. Our roles and responsibilities are set out in our Terms of Reference.¹

Our remit includes investigating complaints made by young people detained in Young Offender Institutions (YOIs) and Secure Training Centres (STCs). We do not investigate complaints made by those in Secure Children's Homes or the Secure School.

My submission to the inquiry

My submission to the inquiry is based on issues we have seen whilst investigating complaints from young people and from our work liaising with the YOIs and Oakhill STC to ensure young people understand the complaints process and the role of the PPO. I have also highlighted my considerations from the PPO's investigation into Medomsley Detention Centre which we are hopeful will lead to improvements in the safeguarding of young people.

Question 8: What are the key drivers of the high levels of violence, self-harm and the use of restraint/force in the children and young adults secure estate and what immediate and long-term actions are required to ensure a safe environment?

We feel that a key cause for the high level of restraint/force in the children and young adults secure estate is that much of the child centred approach, which is spoken about in policies for young people, does not happen in practice. We also feel that conflict resolution and de-escalation is not prioritised. In most establishments, staff default to separating young people rather than addressing the underlying issues. Large buildings with small populations make it easier for establishments to manage conflict simply by splitting the young people up. This results in heightening tensions instead of resolving them. By contrast, smaller physical environments force staff to find constructive ways for young people to mix safely (as seen in Parc). We have concerns whether all staff working with young people are suited to the challenging needs of the role. At Parc, for example, the Head of Young People can test whether someone is well suited to working on the unit for young people. If not, Parc is able to transfer the staff member to work with the adult estate. We find that some staff are overly punitive towards young people and other staff are afraid of them. To reduce the level of violence, it is important that the right staff are recruited. We are also

¹ PPO Terms of Reference

concerned that the Level 4 qualification on working with children and young people in custody is not mandatory for those working in YOIs.

To reduce the levels of restraint/force, we think there needs to be a greater focus on conflict resolution and de-escalation. Whilst policies for the youth estate highlights the importance of this, in reality, in most establishments, staff feel that they must be firm with the young people. A greater number of staff should be using motivational interviewing, restorative approaches and trauma-informed child first approaches and there should be more training to equip staff with these skills. In Werrington, we were impressed to find conflict resolution staff were on the wings and were not only acting reactively once informed about issues. We also found that young people who had completed conflict resolution programmes were celebrated. This approach should be mirrored in other establishments. In the long term, smaller more therapeutic environments are necessary. We also think the approach to recruiting staff working with young people needs to change to ensure a more rigorous approach to selecting the staff working in these establishments.

Question 10. Is the current staff training adequate to ensure staff are competent in de-escalation and only use restraint as a last resort, for the minimum duration and without excessive force?

Based on what we observe through our investigations, staff training does not appear to be adequate. While there are national frameworks intended to ensure staff are trained in de-escalation and safety techniques, such as the Minimising and Managing Physical Restraint (MMPR), it appears that there is a gap between the training framework and day-to-day practice. Despite de-escalation being at the forefront of policies, we see that staff are not consistently trying to de-escalate at every point.

We recently investigated a complaint from a young person about a planned removal from his cell to the CSU. We found that the young person was not given reasonable time to respond to instructions before officers opened his door. We also found a lack of professionalism from staff, including swearing at the young person and handling his property in a belittling manner. We found staff did not do enough to test compliance and instead held the young person in a head hold for the entire move. Concerningly, the MMPR co-ordinator (who is meant to be present for planned uses of force to de-escalate) did not communicate this at the time.

Question 11. How effective are safeguarding and complaints mechanisms in the secure estate?

Establishments will review safeguarding concerns internally through a local investigation. If there is evidence that the young person has suffered harm or serious harm it will be referred to the Local Authority Designated Officer (LADO). The LADO will determine whether an individual is responsible for harm and if not, the matter is returned as 'No Further Action' (NFA). We are concerned whether establishments

are resolving underlying issues where issues do not meet the threshold or where LADOs return them as NFAs.

In some cases we have reviewed (for example, use of force cases), there were clear indicators that although the incident did not meet the formal safeguarding threshold, it nonetheless raised issues that should have been addressed through local complaints, staff practice reviews, or general safety management. Concerningly safeguarding practitioners were reliant on operational staff informing them of whether their practices were policy compliant and safe.

We continue to see inconsistency in how complaints are handled, both within and between establishments when related to safeguarding concerns. It is unclear to us what:

- Internally, (within establishments) meets the threshold for significant harm to trigger a safeguarding investigation.
- Externally, whether local authorities are offering consistent safeguarding responses for children in custody. Often there does not appear to be uniformity in thresholds, processes or expectations.

The interaction between safeguarding and complaints is an area where we believe the estate currently lacks clarity and coordination. Safeguarding concerns and complaints frequently overlap, yet establishments do not always triage complaints to identify underlying safeguarding issues. It is important that establishments properly manage issues that fall below the safeguarding threshold. Inconsistency undermines young people's confidence in the complaints system and raises concerns about whether issues are being resolved effectively or escalated appropriately.

From our investigation into Medomsley Detention Centre, I have suggested that the government consider adopting a more proactive approach to child welfare in prisons. The complaints process for children and young people remains the same as it was when Medomsley was in operation (between 1961 to 1987). There is also still not an independent body that actively asks children about their custodial experience through a safeguarding lens.² In response to our report, the government has set up a Safeguarding Review Panel which will examine the current safeguarding arrangements to help prevent abuse of children from staff in the Children and Young People Secure Estate. We look forward to the findings of the review.

Question 16. How effective is the planning and support for the transition of young people (aged 18+) into the adult prison system and are their complex needs adequately transferred and maintained?

² PPO publish investigation report into abuse of young men at Medomsley Detention Centre – Prisons and Probation Ombudsman

We have concerns about the process of transitioning young people into the adult estate. Meetings to discuss the placement of a young person are meant to be multi-disciplinary but often this is not the case. There is no formal engagement with the young person during the early transition process, and typically only one transition meeting is held, in which the young person's views are only accounted for through professionals. Parents/carers are also often not sufficiently involved in processes. This is concerning especially considering the vulnerability of a young person who is moving into the adult estate, it is important that this process is handled properly. Failures to involve the young person can also cause them distress and lead to behavioural issues. We also find that the offender flows document (which sets out where prisoners should be located) is used as binding policy instead as guidance as intended. We have investigated complaints where alternative establishments are not considered for the young person, despite parents or the young person themselves highlighting concerns. We are aware of cases where placing an 18-year-old amongst an older, calmer population has had positive effects on the young person. The decision to place a young person is one that should be considered carefully.

Question 18. In what ways does treating offenders aged 18-25 as a separate cohort improve outcomes compared to their inclusion in the general adult prison population?

In our experience, we do not see 18–25 year-olds being treated differently from the general adult prison population. We have not seen evidence that they are managed as a separate cohort in a meaningful way. From our experience, we find that offenders aged 18-25 mix freely amongst the adult population. In YOIs, parents are referred to in policy and it is acknowledged that parents and carers should be involved in decision making processes related to the young person. Where a young person moves into the adult estate, this involvement is no longer continued. To support young adults, it is important that establishments recognise the importance of including parents and carers in decisions relating to young adults.

I hope that this is helpful. Please contact me if you require any additional information.

Yours sincerely,

Adrian Usher

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