

Response to Ofsted's proposed revisions to the framework for inspecting Secure Training Centres

Introduction

The Prisons and Probation Ombudsman (PPO) carries out independent investigations into deaths and complaints in custody. The detailed role and responsibilities of the PPO are set out in his office's Terms of Reference. The PPO has two main duties:

- to investigate complaints made by prisoners, young people in detention (young offender institutions and secure training centres), offenders under probation supervision and immigration detainees
- to investigate deaths of prisoners, young people in detention (including residents in secure children's homes), approved premises' residents and immigration detainees due to any cause, including any apparent suicides and natural causes.

The purpose of these investigations is to understand what happened, to correct injustices and to identify learning for the organisations whose actions we oversee so that the PPO makes a significant contribution to safer, fairer custody and offender supervision. Details of the PPO's Terms of Reference can be found at: <http://www.ppo.gov.uk/about/vision-and-values/terms-of-reference/>

The relationship between the PPO and Secure Training Centres

We have investigated two self-inflicted deaths at Secure Training Centres (STC), Hassockfield in 2004 and Hindley in 2005. The reports from these investigations are available on our website.

The PPO gained jurisdiction over complaints from STCs in 2013. To date, the PPO has received five complaints from young people at STCs, of which four were eligible for investigation. All four related to serious allegations of assault or restraint. However, they were very historic in nature and while all were at least partially upheld, it is difficult to draw any relevant learning from these investigations. We hope that Ofsted engages with the PPO on any recommendations emerging from future complaints.

Earlier this year, the PPO published *Learning from PPO Investigations: why do women and young people not make formal complaints?* which set out the findings of a project undertaken to establish whether groups under-represented in the PPO caseload are sufficiently able to access the PPO's services. Focus groups were held in Secure Training Centres, Youth Offender Institutions (YOI) and women's prisons to understand how participants dealt with problems or complaints.

The project found that:

- there was a widespread mistrust of the internal complaints system and a belief that formal complaints were a waste of time, as they would not be dealt with or would be tampered with by staff;
- very few women and young people had made a complaint to the PPO and while some had made a complaint to the prison, very few had appealed against the decision or used the second stage of the process;
- many had made verbal complaints or dealt with the issue on their own;
- some had taken their problem to the Independent Monitoring Board (IMB) or Barnardo's advocates; and
- some had good support from prison staff and were able to turn to them when problems arose and were therefore less likely to need the PPO.

The PPO is currently responding to this research by providing more information to prisons, YOIs and STCs about how to make an eligible complaint and considering the accessibility of our promotional literature for those with learning disabilities and non-native English speakers.

Consultation

The PPO welcome the opportunity to comment on Ofsted's proposals for revisions to the framework for inspecting secure training centres. It is disappointing that we only found about the consultation via the Government's central consultation hub mailing list. We would be grateful if Ofsted could add the PPO to the list of stakeholders and include the PPO in any relevant future consultations.

We appreciate the commitment by Ofsted to give consideration to the UN Convention of the Rights of the Child while undertaking inspections and the reference made to the UN Convention against Torture in the introduction to the consultation. A rights based approach to inspection should serve to strengthen human rights protection within STCs.

However, it is of concern that, despite this human rights commitment at paragraph 9, there is no further reference to human rights within the inspection framework and only one reference to equality. It is unclear how, for example, an inspection framework can judge the safety of young people, particularly the use of force and restraint, without a consideration of the right to life and prohibition on torture and inhuman or degrading treatment. We encourage Ofsted to clearly articulate the commitment to a rights based approach to inspection by directly referencing human rights and equality throughout the inspection framework.

At paragraph 15, Ofsted proposes to align the revised inspection framework, and the terminology and judgements used, with other Ofsted inspection

frameworks. This consistency should improve the efficiency of inspections and the layperson's understanding the framework used by Ofsted.

We have set out our substantive responses to the consultation below, broadly referencing the questions provided.

Proposal 1: that the evaluation criteria clearly describe the characteristics of good and outstanding judgements

Considerations of overall effectiveness

As noted above, there is a need to include a reference to human rights and equality in the judgement criteria. For example, to the sentence "Young people....are treated with dignity and respect", Ofsted should consider adding "and without discrimination."

To the consideration that the "centre's rule are clear, fair and understood by young people", we advocate adding "and are provided in an accessible format", which should take into account the challenges, for some young people, of language, literacy and disability.

To the consideration about health needs, we advocate the addition of the need for young people to receive healthcare at least equal to that available in the community.

Finally, in relation to staffing, the consideration should also include the need for staff to be provided with adequate support, and learning and development opportunities.

Considerations of the safety of young people

To the consideration that young people know how to complain, the framework should also include a requirement for a STC to display PPO literature and enable unfettered access to our services.

To ensure good practice and ongoing learning both within an STC and by Ofsted, it would be useful to add a requirement for STCs to show evidence that they are undertaking good quality record keeping and regular, multi-disciplinary reviews in areas such as the safeguarding concerns, the searching of young people, and incidents of discrimination. We note that the need to identify and analyse trends in self-harming behaviour is included within the considerations and advocate the expansion of this practice.

Considerations of promoting positive behaviour

As we highlighted in our response (available on our website) to the Care Quality Commission's recent consultation on changes to their inspection framework, we have concerns about the role of healthcare staff during the

use of force, particularly the level of their independence in scrutinising and intervening (if necessary) during a restraint. Our experience has shown that healthcare staff often lack the understanding and confidence to perform the role properly, and will incorrectly defer to prison staff. Further, a constant complaint from prison staff is that they do not have the necessary information about a prisoner's medical conditions that they would ideally have when carrying out a restraint, for example, that the prisoner has a heart condition. The prisoner has assumed that this information has been given to prison staff by healthcare but often it has not been because of data protection issues. It is important to get the balance right between releasing medical information to help prison staff deal with prisoners and keeping it confidential. We advocate that scrutiny of the interaction of healthcare staff and the use of restraint and force on young people at STC should form part of the judgement used by Ofsted.

To the consideration on the use of separation, the STC should also show that the reintegration of the young person forms an integral part of the use of this technique.

Considerations of the care of young people

To the consideration of the impact on young people of living away from home and the need to maintain good relationships, we would like to see the inclusion of the specific requirements of young people who may also be parents.

Considerations of the effectiveness of leaders and managers

To the consideration that no individuals or groups of young people are adversely affected on account of their age etc, a reference to those with caring responsibilities should also be included.

Proposal 2: that the judgment structure is revised to include separate judgements on the health of young people and the effectiveness of leaders and managers.

We welcome the revision to the judgement structure.

Proposal 3: that a judgement of 'inadequate' for 'the safety of young people' will always limit the overall effectiveness judgement to 'inadequate' and that a judgement of 'inadequate' in other judgements is likely to limit the overall effectiveness judgement to 'inadequate' and in all instances to no more than 'requires improvement'.

We agree with this proposal.

Proposal 4: that the inspection framework will include the scope to visit at weekends, as necessary, to ensure a secure evidence base of young people's experiences throughout the week

We agree that inspectors should be able to visit a STC over the weekend, as well as the usual seven working days spread over two consecutive weeks. Any significant differentiation in staffing or service provision at the weekends should also be considered as part of the inspection.

What did you think of this consultation? One of the commitments in our strategic plan is to monitor whether our consultations are easily available to those wishing to take part. Please tell us what you thought of this consultation so that we can make necessary improvements to how we consult.

	Agree	Neither agree nor disagree	Disagree	Don't know
I found the consultation information clear and easy to understand.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I found the consultation easy to find on the Ofsted website.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I had enough information about the consultation topic.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would take part in a future Ofsted consultation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

How did you hear about this consultation?

- ☐ Ofsted website
- ☐ Ofsted News
- ☐ Ofsted's email alert service
- ☐ @ofstednews (Twitter)
- ☐ Ofsted conference
- ☐ Another organisation (please specify, if known)
- ☒ Other (please specify) Central Government consultation email service