



HM INSPECTORATE OF PRISONS

3rd Floor
10 South Colonnade
Canary Wharf
London E14 4PU

Tel: 020 3334 0353

E-mail: barbara.buchanan@hmiprisons.gov.uk

**HM Chief Inspector of Prisons
PETER CLARKE CVO OBE QPM**

Date: 22 July 2019

The Rt Hon David Gauke MP
Justice Secretary
Ministry of Justice
9th floor
102 Petty France
London SW1H 9AJ

Dear Secretary of State

Urgent Notification: HMYOI Feltham A

Summary

In accordance with the Protocol between HM Chief Inspector of Prisons and the Ministry of Justice (MoJ), I am writing to you to invoke the Urgent Notification (UN) process in respect of HMYOI Feltham A.

An announced inspection of HMP/YOI Feltham took place between 4 July and 19 July 2019. I decided to return to Feltham so soon after the last inspection of the young offender institution, in January 2019, in response to deeply concerning information received by HM Inspectorate of Prisons from a number of sources. Our inspection last week identified a dramatic decline across many aspects of the YOI's performance, and numerous significant concerns about the treatment and conditions of children being held in the establishment. My decision to invoke the UN process relates solely to the young offender institution (Feltham A) and not to the prison holding young adults (Feltham B).

As required by the Protocol, in this letter I set out the key evidence underpinning my decision to invoke the UN process and the rationale for why I believe it is necessary. In addition, I attach a summary note which details all the main judgements from the inspection. The summary note is drawn from a similar document provided to the Governor at the end of the inspection last week. The Governor, the Executive Director of the Youth

Custody Service and officials of the MoJ have been informed of my intention to invoke the UN process. I shall, as usual, publish a full inspection report in due course.

What the UN process requires of HM Chief Inspector of Prisons

A decision to invoke the UN process is determined by my judgement, informed by relevant factors during the inspection that, as set out in the Protocol between HM Chief Inspector and the MoJ, may include:

- poor healthy prison test assessments (HMI Prisons' inspection methodology is outlined in the HMI Prisons Inspection Framework);
- the pattern of the healthy prison test judgements;
- repeated poor assessments;
- the type of prison and the risks presented;
- the vulnerability of those detained;
- the failure to achieve recommendations;
- the Inspectorate's confidence in the prison's capacity for change and improvement.

The Protocol sets out that this letter will be placed in the public domain, and that the Secretary of State commits to respond publicly to the concerns raised within 28 calendar days. The response will explain how outcomes for prisoners in the institution will be improved in both the immediate and longer term.

Inspections of HMYOI Feltham A since 2014

Young offender institutions are inspected more frequently than adult prisons because of the risks and vulnerabilities associated with the detention of children. We have inspected HMYOI Feltham A six times since August 2014.

Healthy prison assessments since 2014¹				
	Safety	Care	Purposeful activity	Resettlement
August 2014	2	3	2	3
July 2015	2	4	2	3
January 2017	1	3	1	3
January 2018	3	3	2	3
January 2019	2	2	2	3
July 2019	1	1	1	2

¹ Under each healthy prison test, we make an assessment of outcomes for children and therefore of the establishment's overall performance against the test. There are four possible judgements: outcomes for children are good against this healthy prison test (4), outcomes for children are reasonably good against this healthy prison test (3), outcomes for children are not sufficiently good against this healthy prison test (2) and outcomes for children are poor against this healthy prison test (1). For further information on our healthy prison tests and judgements, please see our Inspection Framework at <https://www.justiceinspectorates.gov.uk/hmiprison/about-our-inspections/>.

Feltham A has for many years been recognised as a challenging and complicated establishment. The variety of scores awarded by HMI Prisons over the years is perhaps a reflection of this. However, in the context of this Urgent Notification, I would like to draw your attention in particular to inspection findings since January 2017.

In January 2017, we found that Safety and Purposeful Activity had declined to our lowest grading of poor – a clearly unacceptable finding in an institution holding children. In the introduction to the report of that inspection, I wrote:

“I understand very well that staff should be able to work in a safe environment, and not be in constant fear of being assaulted. The current approach is failing to deliver that reasonable expectation and, from the evidence available to us, is actually making it worse. The focus on keeping people apart rather than trying to change their behaviour has not worked. Feltham A is, quite simply, not safe for either staff or boys.”

When we next inspected in January 2018 there had been a marked improvement. For the first time since 2011, we were able to report that safety was of an acceptable standard, and had improved by two grades in our scores. However, I also warned that:

“... the progress could easily prove to be fragile if investment falls away or leadership loses its focus.”

Sadly, when we next inspected in January 2019, we found there had been a marked decline in standards:

“In light of the clear warning in our last report, it was disappointing to be told that since our last visit, there had been an interregnum when Feltham had been left without a governor for a period of five months. A new governor was now in post and beginning to stabilise the establishment, but it was evident to us that there had been a degree of drift resulting in deteriorating outcomes, notably in safety and care.”

By the time of that inspection, a new governor had been in post for some three months, and we hoped that the prison could now stabilise and improve after the decision to leave it without a governor for so long in 2018. However, in the months since our January 2019 inspection, I received information from a number of sources which suggested that Feltham A was struggling to deliver safe or decent conditions for the children being held there. I therefore decided that we should not wait until the next scheduled inspection in December 2019, but should make an announced full inspection as soon as practicable.

The findings of this announced inspection were such that I believe it essential to bring them directly to your attention through the UN process. We found that in the six months since the last inspection there had been what can only be described as a collapse in performance and outcomes for the children being held in Feltham A. There had been a decline in each of our tests, and in three of them our grades were now at the lowest possible level. The speed of this decline has been extraordinary, and is particularly

disturbing when one takes into account the overall scale of deterioration in the 18 months since the January 2018 inspection. I believe that such a severe fall in standards is especially concerning given the young age of those being held at Feltham A.

What this decline means for the treatment and conditions of children detained

My concerns are set out in broad terms in the attached debrief summary document, but the key findings are as follows:

Safety

- The scale of the problems in safety had overwhelmed the systems designed to safeguard children. In our survey, 40% of children said they had felt unsafe at some point during their stay at Feltham A. Nearly half of the children reported victimisation by their peers. Around two-thirds of children said they had been victimised by staff, with more children reporting verbal abuse or physical assault by staff than at similar establishments. The number of violent incidents had risen by 45% since our previous inspection just six months ago. During this period, the number of children held at Feltham A had also reduced – meaning the increase in the rate of violence was actually even higher.
- Violence against staff had continued to rise dramatically. The number of assaults against staff, some of which were very serious, had risen by around 150% since January.
- The levels of violence between children was higher than at similar establishments.
- The YOI’s systems and policies to manage behaviour were implemented neither on residential units nor in education. We saw members of staff failing to manage persistent poor behaviour, and as a result the number of adjudications dealt with by managers had risen sharply.
- Levels of self-harm had tripled since the previous inspection. Levels of self-harm were now 14 times higher than they were in January 2017.

Inspection date	Number of self-harm incidents in the previous six months	Rate of increase since the previous inspection
January 2017	17	N/A
January 2018	34	100%
January 2019	76	124%
July 2019	242	218%

- We assessed that a key cause of this increase was frustration with the poor and unpredictable regime. Many children spent long periods of time locked in their cells with little to occupy them. Our health care inspectors judged that this had a

negative impact on their well-being. Efforts by managers to understand and address the increase in self-harm were undermined by inaccurate data.

- Despite the increase in self-harm, only 25% of children told us that their emergency cell bell was normally answered within five minutes. Inspectors also found a member of night staff working during the inspection without keys and, contrary to national HMPPS policy, the establishment did not immediately call an ambulance in response to emergency codes.
- Use of force had risen to very high levels. Seventy-four per cent of children reported they had been physically restrained at Feltham A. There had been over 700 incidents in the last six months. Governance of this area was overwhelmed: nearly 300 incidents had not been reviewed by specialist staff and over 900 use of force reports were outstanding at the time of the inspection. These failings had led to significant delays in the initiation of child protection investigations, and it was not possible for managers to be sure that force was always used legitimately.
- Managers had separated more than 80 children to maintain good order and discipline over the previous six months. For much of this period the separation of children pending adjudication was not recorded, meaning the total number of separated children was actually higher. The longest period of separation was 89 days. In most cases these children spent more than 22 hours in their cell without any meaningful interaction with staff or peers. Key management safeguards, including daily welfare checks by nurses and managers, were often late or did not happen.

Care

- Relationships between staff and children had deteriorated and were poor. In our survey, fewer than one in five children felt cared for by staff, less than half felt most staff treated them with respect, and only 45% reported there was a member of staff they could turn to for help.
- The environment was such that it was difficult to build the effective relationships needed to manage poor behaviour, violence and self-harm. Frontline staff were working in an extremely challenging environment and were frequently victims of antisocial behaviour and violence. Children were also often the victims of violence. The regime was so poor that it could not guarantee them access to basic entitlements such as showers and phone calls. We saw some staff acting inappropriately, including swearing at or in front of children.
- Records showed that, on average, children were out of their cells for just 4.2 hours on weekdays in June. This was an average, so some were out for longer, and some, therefore, for less time. In our survey, a third of children said they were out of their cells for fewer than two hours during the week. At the weekend this figure rose to nearly three-quarters.

- The poor regime and delays in moving children around the establishment disrupted life at Feltham A. Resources were being wasted as health care staff, education facilities and resettlement intervention services stood idle waiting for children to arrive. These had all been contracted and paid for.
- For instance, health care services were undermined by the fact that children did not attend or were late for more than half of GP and dentist appointments. Several children did not receive medication at the right time. We found examples of antibiotics or medication for epilepsy administered up to six hours late. Inspectors saw two health care professionals waiting to administer medicines, but only two out of the scheduled 15 patients attended in a period of an hour-and-a-half.

Purposeful activity

- Children are entitled to receive 27 hours of education and three hours of physical education (PE) each week. At Feltham A the amount actually received by children had gone down each month since January 2019, and by June had slumped to just eight hours and 18 minutes. During the same period, attendance had fallen from 64% to 37% – an unacceptably low level. There was no plan in place to improve this.
- Outreach education delivered to small groups of children on the wings was also wasted. In the last four weeks, education managers had planned 796.5 hours of outreach education but only 250 hours were actually delivered. The remaining 546.5 hours were cancelled by prison managers for ‘operational reasons’.
- Language used by some managers, teachers and officers was inappropriate, disrespectful or too informal. Children also demonstrated poor behaviour and they were not being helped to understand that their behaviour was unacceptable. In the vast majority of sessions, inappropriate behaviour such as swearing and derogatory language was not challenged by teachers. Behaviour was poorly managed to such an extent that a teacher left the site halfway through a lesson without telling either the children or colleagues what he was doing.
- As a result of the multiple failings, outcomes had declined in most subjects and Ofsted judged the education provision to be ‘inadequate’ in all areas.

Resettlement

- The poor regime impeded work to resettle children back into the community. Caseworkers and other professionals were often unable to gain access to children and had to communicate through a locked door.
- Many children were being released from Feltham A without stable accommodation, without education, training or employment being in place, and without support from family or friends. The establishment’s own data showed that in the past six months only one child had been released to and subsequently attended an education, training or employment placement on release.

- Family visits were regularly cancelled. Only one of the monthly family days had actually gone ahead since January, and this was attended by only one child. Fewer children than at other YOIs told us they had been helped to maintain contact with family or friends, and only just over a quarter reported being able to make a phone call each day.

Conclusion

I do not for one moment underestimate the challenges facing the leaders and staff at HMYOI Feltham A. During recent months they have often faced violence, some of it very serious. The atmosphere feels tense, and I could sense that many staff were anxious. Some were clearly frustrated about the situation in which they found themselves. They wanted to do their best for the children in their care, but were prevented from doing so because of the reasons I set out in this letter. Meanwhile, the fabric of the buildings is deteriorating, and significant investment will be required to bring them back to an acceptable condition.

As HM Inspectorate of Prisons has reported in the past, the overriding issue behind the extraordinary decline in performance over the past 18 months is the approach to dealing with violence and managing the behaviour of children. Of course, there is a need to keep children safe from each other, and for staff themselves to be safe in their workplace. However, the response at Feltham A, for many years, has been to focus too heavily on containing the problems rather than addressing them. As a result, ‘keep apart’ policies – developed so that children from rival gangs, or who for other reasons are likely to be violent to each other, are kept separate – have come to dominate. This has led to a collapse of any reasonable regime, prevented many children from getting to education or training, delayed their access to health care, isolated them from meaningful human interaction and frustrated them to the point where violence and self-harm have become the means to express themselves or gain attention. There clearly needs to be a new approach which looks fundamentally to change behaviour and goes beyond merely trying to contain violence through ever more restrictive security and separation. This has been needed at Feltham A for many years, has been encouraged by HM Inspectorate of Prisons and others, but has never been successfully implemented.

I have decided to invoke the UN process because the treatment and conditions currently experienced by the children held in Feltham A are, I believe, totally unacceptable. There has been an accelerating decline in the past 18 months, the speed and scale of which has overwhelmed the processes and procedures intended to allow children to serve their sentences constructively, safely and in such a way as to re-join their communities less likely to reoffend.

I believe that the leadership and staff at Feltham A do want to change and to improve conditions for the children in their care. I was invited to moderate my response to what inspectors found at Feltham A on the basis of some very recent improvements, which had apparently taken place since this latest inspection was announced a few weeks ago. I could

not do so: the pattern and level of our healthy prison test judgements, together with the vulnerability of those detained, demand decisive action. The Urgent Notification process was developed precisely for this kind of situation, where the personal authority of the Secretary of State can be brought to bear and strategic intervention can be provided to support a failing establishment. The problems at Feltham A are deep-seated, and to recover from the current appalling situation I believe that significant and enduring support from HMPPS and the Youth Custody Service will be needed.

Yours sincerely

A handwritten signature in black ink that reads "Peter Clarke". The signature is written in a cursive style with a horizontal line underneath the name.

PETER CLARKE