

Carolyne Willow, Director, Article 39
Frances Crook, Chief Executive, Howard League for Penal Reform
Deb Coles, Co-Director, INQUEST

By email: carolyne.willow@article39.org.uk

24 November 2015

Dear Caroline, Frances and Deb,

Subject: Article 39 Letter – Rainsbrook Secure Training Centre (STC) 5 November 2015

I am responding on behalf of the YJB to your recent letter addressed to Lord McNally about MTCnovo and the new contract for Rainsbrook STC. I can assure you that the safety and wellbeing of the vulnerable children and young people in the care of secure establishments is the YJB's highest priority.

The tendering exercise for the contract for Rainsbrook STC was run by the Ministry of Justice (MoJ) and details regarding how the competition was run are shown in the Annex accompanying this letter. In addition to that, I have set out below the arrangements for mobilising the new contract and how this will be overseen by the YJB. We will closely monitor the impact of mobilisation and the operation of new services on the safety and effectiveness of the site.

Mobilisation

Mobilisation of the new contract has now commenced. The YJB and the MoJ are extremely mindful that the transfer and change of services at any site can be destabilising and a cause of uncertainty and anxiety to young people, their families and to staff. MTCnovo has appointed a team to lead and manage the mobilisation and transformation of the site, including managers with significant experience of working with young people in custody in the UK. In addition to the enhanced YJB monitoring of Rainsbrook STC, which will remain in place after new services have commenced, YJB site implementation managers (SIMs) will work alongside MTCnovo and G4S at Rainsbrook to help facilitate mobilisation and transformation of services. The SIM and YJB monitor at each site will liaise closely and they will continue to be supported by YJB managers to monitor any risks to a safe and successful mobilisation. Robust contract management arrangements will continue to be overseen by the MoJ.

At Rainsbrook, the YJB has commissioned 87 beds, as now, including three Mother and Baby Unit places. The YJB keeps demand under review and if appropriate during the life of the contract that number of places could change.

Contractual requirements relating to management, staffing and notification to LSCBs

Our specification allowed bidders to propose an appropriate management structure in line with their proposals for running an STC. As part of this, our contract requires that the site's senior management team holds, between them, experience and qualifications as follows: social work qualification; business or management qualification or experience; teaching or education qualification; secure residential management experience or any related qualifications. The senior management team must also be able to demonstrate the skills and knowledge contained in the Youth Skills and Knowledge Matrix and National

Occupational Standards (resources produced by the YJB and sector skills councils setting out the desired skills and knowledge for all youth justice workers across the community and secure sectors).

The specification also sets out minimum requirements for staff training: whilst this does not prescribe qualifications, it covers a range of subject areas that we require staff working in the STC to be trained in, as appropriate to their role, including child protection and safeguarding, the security and operational functions of the STC, communication and engagement with young people, child and adolescent development, restorative practices, self-harm and suicide prevention, attachment and trauma theory, managing and minimising physical restraint, fire safety and first aid.

It is a contractual requirement that new contractors' safeguarding policies be approved by the Local Safeguarding Children Board and that contractors build strong relationships with the Board and involve it fully in scrutinising practice and offering support to provide improvements. It is intended that there will be positive engagement between the two organisations, to include independent oversight and scrutiny of policies and practice so that improvements in safeguarding and child protection are made throughout the term of the contract. There is a contractual duty to report any safeguarding incidents and allegations to the Local Authority's child protection team and/or to the Local Authority's Designated Officer and to the YJB whenever a child protection concern is raised. There is also a contractual requirement to report all incidents, including incidents of restraint and self-harm, and full searches, to the YJB monitor.

Access for interest groups

STCs are accessible to a range of organisations involved in the welfare of young people and oversight of the sites. This includes YJB monitors, independent advocates for young people, their legal representatives, Youth Offending Team caseworkers, Ofsted, HMI Prisons, the Care Quality Commission, the Office of the Children's Commissioner and the Prisons and Probation Ombudsmen and we also support and encourage visits from families and carers. There is also a need for the young people to be able to conduct their lives on site, including accessing education and other services, without unnecessary interruption and so while we support other visits where there is a clear purpose or benefit to young people or the operation of the youth justice system, visits need to be balanced with maintaining a stable learning and caring environment.

Freedom of information requests

The Freedom of Information Act 2000 does not apply to STC contractors. They do report a range of performance and other information to the YJB, though, which we endeavour to make accessible to others. In addition, STC contractors are contractually required to assist the MoJ and the YJB in responding to information requests.

The STC contractors are required to comply with the Data Protection Act 1998 so individuals are entitled to request information held relating to themselves.

Performance management

In terms of performance management and termination, the contract contains detailed service requirements, including requirements relating to the wellbeing and safeguarding of young people and relating to the services provided to them. There is a robust performance management regime within the contract which provides for regular monitoring of performance, notification of performance issues to allow for early resolution and allows the MoJ to require the contractor to put in place improvement and rectification plans to address performance issues. There are also financial remedies for poor performance.

The contract can be terminated if performance levels reach certain trigger points, if there is a breach of contract which adversely affects the provision of custodial services, or if the contractor fails to submit or complete rectification plans.

I hope you are reassured by the provisions set out above. Rainsbrook STC provides much needed secure accommodation in the STC sector, and through the retender we have sought to enable contractors to innovate to provide services to safeguard and meet the needs of young people. This is a high priority for the YJB and the MoJ and we will continue to support and monitor mobilisation of new services closely.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lin Hinnigan', with a stylized flourish at the end.

Lin Hinnigan
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Secure Training Centre Retendering

The contract for Rainsbrook STC was awarded to MTCnovo after a rigorous and legally compliant tendering exercise run by the Ministry of Justice (MoJ). The competition sought to attract a range of bidders with the relevant capabilities for running STCs. Some details about the competition are shown below.

MTCnovo

MTCnovo is a joint venture between Management Training Corporation (MTC) and Novo Community Ltd, owned by Amey. They will be supported in delivering the STC contract by Novus (formerly known as The Manchester College), as a sub-contractor. MTCnovo runs two probation services contracts in the UK.

MTC's relevant experience is in social rehabilitation and justice services. MTC has been educating and training vulnerable, at-risk young people through the U.S. Job Corps program since the company was set-up in 1981. MTC is the largest operator of Job Corps with 23 centres across the U.S.A. 14,000 students are trained annually at their Job Corps centres which are 24-hour/7-day-a-week facilities. This includes provision of academic and technical skills, independent living skills and career readiness training. MTC also operates over 26 correctional facilities in the USA delivering all security, education, therapeutic services and offender rehabilitation programmes (including substance abuse and mental health services).

Novus (formerly The Manchester College) is experienced in delivering higher education. They have previously delivered education in STCs and currently hold contracts to deliver education to young people in the under-18 young offender institution estate.

Amey provides facilities management services and has experience of delivering facilities management, catering, energy and waste management, and IT to primary and secondary schools in the UK.

Pre-qualification assessment

All bidders who expressed an interest in the STC retender were subject to a robust assessment of matters at the pre-qualification stage of the competition. As part of this, bidders were required to demonstrate their capability, including experience of performing and managing services relevant or related to STC services (for example custodial, rehabilitation and educational services in custodial estates) and experience of working with children and young people.

Bidders were also required to provide details relating to their equalities and diversity policies and practices and to state whether, in the last three years, their organisation (including any partners and significant sub-contractors) has been found to have breached human rights or equality legislation.

MTCnovo's response was fully assessed and met the MoJ's requirements in relation to capability and human rights and equalities. Throughout the tender process, there was a requirement on all bidders to notify the MoJ of any changes in the information supplied in their response providing full details of the change.

Bid stage

Five bidders were shortlisted following the pre-qualification stage and taken through to the next stage of the competition. They each took part in a series of meetings with the YJB and MoJ to help them

understand the requirements for the STC service before submitting their bids. The requirements include minimum requirements for the service set out in the specification as well as compliance with the STC Rules.

Bidders were encouraged to use their experience and expertise to propose how they would each deliver the full range of services. For Rainsbrook, the evaluation of the quality of bids covered 62 questions grouped into the following areas:

- Custodial Services: Service Elements – including safeguarding of children and young people, education delivery, interventions to address offending behaviour or other behaviours that cause young people or others distress or harm, promoting positive behaviour, how the STC contractor will work with the NHS-commissioned health care provider, Mother and Baby Unit.
- Custodial Services: Operational Resources - including incident management and the experience and qualifications of those involved in developing the bidder's resource plans.
- Custodial Services: Whole Centre Approach – including resettlement, safety and security, workforce, engagement and participation of children and young people.
- Property and Facilities Management.
- ICT and Information Assurance – including young people's use of ICT.
- Mobilisation, Transition and Transformation of new services.
- Legal, Commercial and Financial compliance.

The evaluation process was robust and comprehensive and involved a range of experts across the MoJ and YJB. The evaluation demonstrated that MTCnovo's bid met the requirements and proposed appropriate staffing and other resource to deliver the service at Rainsbrook STC, in line with their proposals for delivering services to young people and for safeguarding them. MTCnovo will communicate their proposals to staff on site during the mobilisation and transformation period.