

Open letter to **Edward Argar MP**
Parliamentary Under Secretary of State at the Ministry of Justice &
Nadhim Zahawi MP
Parliamentary Under Secretary of State for Children and Families
Department for Education

By email

5 February 2019

Dear Ministers,

MEDWAY SECURE TRAINING CENTRE / SECURE SCHOOL

We were appalled to read of the litany of failures to protect children in Medway secure training centre, set out in the serious case review recently published by Medway Safeguarding Children Board.

The information contained within the serious case review, together with other very serious matters left out of scope (including sexual abuse allegations), categorically shows that this institution is irredeemable. Moreover, the report makes clear that it was not just G4S that failed to protect children but local agencies and the Local Safeguarding Children Board (LSCB) responsible for ensuring effective child protection and safeguarding arrangements.

In addition, three years after a BBC Panorama programme showed children being subjected to physical and emotional abuse, an Ofsted inspection report last week stated that pain-inducing restraint is still being used in the centre for non-compliance. This is a breach of children's right to protection from inhuman and degrading treatment or punishment, under Article 3 of the European Convention on Human Rights.

The legacy of failure within the centre, and among national and local systems meant to protect children there, means it is not safe for the Government to continue with plans to make it an experimental secure school.

Other Ministers before you have failed to take robust action to protect vulnerable children in custody. We urge you to close down this institution and move children to settings where they will receive safe and skilled care.

Fifteen years ago, two boys – Gareth Myatt and Adam Rickwood – died following physical restraint in secure training centres, and their inquests exposed a catalogue of failures to protect. Many children's lives were found to have been endangered. Coroners recommended a total of 44 actions following these children's deaths. Subsequently, in 2012, the High Court found there had been systemic unlawful restraint in each of the four secure training centres, from when they first opened, for at least a decade.

The serious case review on Medway secure training centre lays bare fundamental failings by external agencies, including the LSCB, the local authority, Kent Police, Medway NHS Foundation Trust and Barnardo's. The Independent Chair of the LSCB, John Drew, has

concluded:

“This was a failure not of one specific individual or agency but of the whole system that sets out to keep children in custody safe from maltreatment.”¹

This is an honest and terrible admission. Children in custody are extremely vulnerable. With access to parents tightly regulated and being unable to leave the place of their abuse, they depend on “the whole system” to competently protect them. This did not happen.

We acknowledge that John Drew’s statement and the serious case review refer to significant improvements and changes since the BBC Panorama exposé. But even action taken after the BBC Panorama programme was woefully inadequate.

Following the death by restraint of 15-year-old Gareth Myatt in another G4S-run secure training centre, the coroner undertaking his inquest recommended that children’s views be elicited after each use of restraint. This was in 2007 and led the Youth Justice Board to commission independent advocates to (among other things) assist children in restraint debriefs. It transpires from this serious case review that when children have already been restrained, advocates do “not have to be physically present to offer advocacy”.

This arrangement started in July 2017 and is presented as a positive development in the serious case review, because it “has significantly increased the amount of time that advocates are available for other forms of advocacy work that have had a higher take up by young people”.²

The implication is that many children are going without independent support before and during restraint debriefs. Rather than weakening this vital safeguard, a robust child protection response would have been to find out from children why they had not been taking up the offer of advocacy and to make the necessary improvements. The Restraint Advisory Board (2012) and its successor body, the Independent Restraint Advisory Panel (2014), each recommended action to ensure the child’s perspective is properly considered after every incident of restraint.

It similarly took 18 months for wording to be removed from Barnardo’s contract which “expressly did not allow” the charity to report child protection concerns to the local authority (as they are duty-bound to do).

Last week’s Ofsted report, following an inspection in December 2018, concluded the centre continues to ‘require improvement’ in how it helps and protects children. Its internal child protection procedures are out-of-date; pain-inducing restraint is being used unlawfully; there were 90 restraint incidents in the three months before the inspection which had not been quality assured; and strip-searching records were not always adequate. Three years after the BBC Panorama programme, and 15 years after the deaths of two children, this points to an institution and local safeguarding systems which are incapable of reform to properly protect children. We call on the Government to recognise this, close this institution and move children to settings where they will receive the safe and skilled care to which they are entitled.

¹ Taken from John Drew’s statement which is published on the Medway Safeguarding Children Board website.

² This is an extract from the independent management review conducted for Barnardo’s.

All good wishes

Carolyne Willow, Director, Article 39

Barry Anderson, Vice-President, National Association for Youth Justice

Maggie Atkinson, Children's Commissioner for England 2010-2015

Brenda Campbell QC, Garden Court Chambers

Deborah Coles, Executive Director, INQUEST

Dr Ian Cummins, Senior Lecturer in Social Work, University of Salford

Liz Davies, Emeritus Professor of Social Work, London Metropolitan University

Dr Enys Delmage, Consultant in Adolescent Forensic Psychiatry and Assistant Professor at the University of Nottingham

Ian Dickson, Care experienced retired social worker & inspector with direct experience of the juvenile secure estate

Nora Duckett, Social Work Subject Course Lead, University of Suffolk

Kathy Evans, Chief Executive, Children England

Jon Fayle and Paul Smart, Co-Chairs, National Association of Independent Reviewing Officers

Natasha Finlayson, Chief Executive, Become

Richard Garside, Director, Centre for Crime and Justice Studies

Anna Gupta, Co-Chair, Association of Professors of Social Work

Jameel Hadi, Social Work Lecturer, University of Salford

Dr Di Hart

Pam Hibbert OBE

Clare Hyde MBE, Founder Director, Foundation for Families

Delma Hughes, Founder CEO, Siblings Together

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Sukhchandani Pal Kaur, Chair, Nagalro, Professional Association of Children's Guardians, Family Court Advisers and Independent Social Workers

Ross Little, Chair, National Association for Youth Justice

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Dr Donna Peach, Lecturer in Social Work, Independent consultant

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Dr Jo Staines, Senior Lecturer, School for Policy Studies, University of Bristol

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