

## JUSTICE COMMITTEE

### SECURE CARE PLACES FOR CHILDREN AND YOUNG PEOPLE IN SCOTLAND

#### SUBMISSION FROM THE CARE INSPECTORATE

The Care Inspectorate is the official body responsible for inspecting standards of care in Scotland. That means we regulate and inspect care services to make sure they meet the right standards and help them improve if needed. We also carry out joint inspections with other scrutiny bodies to check how well different organisations in local areas are working to support adults and children. We help ensure social work, including criminal justice social work, meets high standards.

Across all our work, we provide independent assurance and protection for people who experience care, their families and carers and the wider public. In addition, we play a significant role in supporting improvements in the quality of care, and reducing health and social inequalities, in Scotland. As the scrutiny and improvement body for social care and social work, we have a strong interest in this area and are happy to provide a professional perspective drawn on evidence we hold. We regulate, inspect and support improvement in a wide range of care services for children, adults and older people, and also work with all local authorities, community planning partnerships, health and social care partnerships, and with community justice partners.

- **What is the current provision of secure accommodation in Scotland?** Based on the service list as at 31 March 2019, there are 5 secure accommodation services registered with the Care Inspectorate.
- **What is the current level of cross-border placements in secure care units?** We do not hold this level of information. However, from our most recent Annual Return in December 2018, we can see that all five services have cross border agreements in place.
- **What are your views on the structure, funding and sustainability of the secure care units in Scotland?** We are aware that secure accommodation services are expressing that they feel pressures with regards to competing priorities and placements, and that there is a changing profile of the needs of young people who are placed in secure accommodation services.
- **What are your views on the development of services and training at HMP&YOI Polmont?** The Care Inspectorate do not regulate these services and as such have no further comment.
- **How does HMP&YOI Polmont interact with secure care units in Scotland in terms of the transfer of young people in custody?** We published admissions guidance in 2018 to support services when considering placements for children and young people, including secure accommodation services that considered managing transitions appropriately.

The Secure Care Standards which are currently in final draft form also make reference to professional teams around young people and their families communicating, informing, supporting and working with them to ensure that children feel fully prepared and are supported and reassured throughout the transition to a stay in secure care; that children are supported to make transitions by people they know and trust; and that secure accommodation services work alongside young people, families and those supporting them to ensure that the arrival and reception experience is well planned and supported, and young people and others feel safe.

- **How has the NHS/Scottish Prison Service developed youth mental health and wellbeing strategy in secure care units or in prison custody?** No comment.
- **How are Scotland's international human rights obligations under the UN Convention on the Rights of the Child being met in relation secure care units and HMP&YOI Polmont?** Our scrutiny activity is underpinned by the Health and Social Care Standards which were designed from a human rights perspective. The Secure Care Standards which are currently in final draft form were designed to ensure the rights and improve experiences and outcomes for children who are in and on the edges of secure care in Scotland.

The Care Inspectorate is a member of the [National Preventive Mechanism \(NPM\)](#), a group of organisations designated to monitor the treatment and conditions of those people who have been deprived of their liberty. This includes children and young people in Secure Care

The NPM was established pursuant to [the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(OPCAT\)](#). OPCAT is an international human rights treaty designed to strengthen the protection of people deprived of their liberty, including requiring each state party to set up a national level body (known as a National Preventive Mechanism) that can support efforts to prevent their ill treatment. The aim of an NPM is to prevent torture and other cruel, inhuman or degrading treatment or punishment from taking place.

Central to OPCAT is the idea that a system of regular, independent visits to places of detention can serve as an important safeguard against abuses and prevent torture and ill-treatment in places that by their very nature fall outside the public gaze.

### **Specific requirements of an NPM**

To comply with OPCAT, members of the National Preventive Mechanism, such as the Care Inspectorate, must have certain powers. These include the power to:

- inspect all places of detention
- access all information relating to detainees
- interview detainees in private
- choose where to visit and who to speak to
- make recommendations based on human rights norms to relevant authorities
- make proposals and observations on existing or draft legislation.

The Care Inspectorate has these powers in respect of secure care for children and young people. We also work closely with HM Inspectorate of Prisons in Scotland and support some of their inspections.

### **The UK's National Preventive Mechanism**

The UK ratified OPCAT in 2003, expressing its commitment to prevent torture and ill-treatment in places of detention.

The UK's National Preventive Mechanism was formally designated in 2009 and is now made up of 21 member organisations whose official functions include monitoring and inspecting places of detention.

Across the UK, different detention settings are visited or inspected by different NPM members. The UK NPM is coordinated by HM Inspectorate of Prisons and decision-making is guided by a steering group, which is made up of representatives from NPM members in the four nations.

Each NPM member has a different mandate, powers and geographical remit, and sets its own priorities for detention monitoring as well as contributing to joint NPM priorities.

The Care Inspectorate is actively involved in the UK NPM work, including involvement in three of its four sub-groups:

- Mental Health Network
- Children and Young People's sub-group
- Scottish sub-group.

### **Scotland**

**The Scottish members of NPM are:**

- Care Inspectorate
- [Her Majesty's Inspectorate of Constabulary in Scotland](#)
- [Her Majesty's Inspectorate of Prisons for Scotland](#)
- [Independent Custody Visitors Scotland](#)
- [Mental Welfare Commission for Scotland](#)
- [Scottish Human Rights Commission](#)

The Scottish sub-group coordinates NPM activities in Scotland, provides support to NPM members, raises the profile of the work of the NPM and improves liaison with the Scottish Government. It is chaired by the Scottish member of the Steering Group, currently the Mental Welfare Commission for Scotland.

- **What are your views on the work of the expert review of mental health and wellbeing for younger people in custody?** We were invited onto the expert review of mental health and wellbeing for younger people in custody at a later stage. This review has offered an opportunity to review current practice, build on examples of

good practice, and create more consistency across the country. We also have attendance on the Children and Young People's Health Support Group, which has advised on the shape and content of the Child and Adolescent Health and Wellbeing Action Plan.

- **Any other issues you may wish to comment on in relation to mental health care provision and secure care and HMP&YOI Polmont?** The Secure Care Standards which are currently in final draft form were designed to support with consistency across the sector e.g. with the provision of mental health services. They identify that mental health care should follow young people when they move between placements, ensuring continuity of helper relationships, and that a fundamental culture and practice shift is required so that children and young people's mental and emotional health care is delivered holistically and in line with trauma informed principles. Wider mental health provision across communities should also be considered as of relevance, and this is similarly noted within the Secure Care Standards e.g. where a young person is regarded as being 'on the edges of secure care', this should lead to a specialist, integrated response in relation to an assessment of - and treatment and care for - their physical, mental and emotional wellbeing through co-located health and care teams.