

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

### CRIMINAL JUSTICE AND COURTS BILL

*Seventh Sitting*

*Thursday 20 March 2014*

*(Morning)*

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CLAUSE 18 agreed to.

SCHEDULE 4 under consideration when the Committee adjourned till this day at Two o'clock.

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**The Committee consisted of the following Members:**

*Chairs:* † SIR ROGER GALE, MR DAVID CRAUSBY

Bray, Angie (*Ealing Central and Acton*) (Con)  
 † Buckland, Mr Robert (*South Swindon*) (Con)  
 † Champion, Sarah (*Rotherham*) (Lab)  
 † Evennett, Mr David (*Lord Commissioner of Her Majesty's Treasury*)  
 † Hilling, Julie (*Bolton West*) (Lab)  
 † Huppert, Dr Julian (*Cambridge*) (LD)  
 † Jarvis, Dan (*Barnsley Central*) (Lab)  
 † Kane, Mike (*Wythenshawe and Sale East*) (Lab)  
 † Metcalfe, Stephen (*South Basildon and East Thurrock*) (Con)  
 † Neill, Robert (*Bromley and Chislehurst*) (Con)  
 † Opperman, Guy (*Hexham*) (Con)  
 Paisley, Ian (*North Antrim*) (DUP)

Qureshi, Yasmin (*Bolton South East*) (Lab)  
 † Scott, Mr Lee (*Iford North*) (Con)  
 † Slaughter, Mr Andy (*Hammersmith*) (Lab)  
 † Smith, Sir Robert (*West Aberdeenshire and Kincardine*) (LD)  
 † Vara, Mr Shailesh (*Parliamentary Under-Secretary of State for Justice*)  
 † Vaz, Valerie (*Walsall South*) (Lab)  
 † Wright, Jeremy (*Parliamentary Under-Secretary of State for Justice*)

Georgina Holmes-Skelton, Matthew Hamlyn,  
*Committee Clerks*

† **attended the Committee**

## Public Bill Committee

Thursday 20 March 2014

(Morning)

[SIR ROGER GALE *in the Chair*]

### Criminal Justice and Courts Bill

#### Clause 18

##### CONTRACTING OUT SECURE COLLEGES

11.30 am

*Question proposed*, That the clause stand part of the Bill.

**Dan Jarvis** (Barnsley Central) (Lab): It is a pleasure to serve under your chairmanship again, Sir Roger. For the benefit of the Committee, let me introduce clause 18. It links to schedule 4 and introduces provisions relating to secure colleges, including the contracting out of secure colleges; the certification of secure college custody officers; the contracting out of other functions at directly managed secure colleges; and other important details and definitions that will shape how secure colleges are run. In short, this clause and clause 17 will allow for the creation of secure colleges. This new policy has not been tried before and I know that the Committee will want to take the opportunity to ensure that it is scrutinised thoroughly.

First, let me say one important thing: the Committee will remember that the Opposition did not oppose clause 17 at the end of proceedings on Tuesday, but that should in no way be taken as meaning that we agree with the proposals for secure colleges as they stand. As I said in my opening remarks on Tuesday morning, we are ready to work with the Government to improve the legislation. We would therefore like to provide the Minister with a further opportunity to bring forward changes to improve the proposals.

Make no mistake, there is a lot in the Bill that can and needs to be improved. There are a great many gaps, concerns and uncertainties about the secure college plans. It is not clear how the colleges will be distinct from other, existing forms of youth custody. No real detail has been provided about how education will be delivered and there is a general lack of supporting evidence about why we need to create an entirely new type of facility. That lack of information has been reflected in how the secure college proposals have been received since the Government announced them.

**The Parliamentary Under-Secretary of State for Justice (Jeremy Wright)**: I understand the case the hon. Gentleman is setting out, but can I ask him to help the Committee with something? He said that he has not heard a convincing case for secure colleges as a new method for providing detention for young people. Does he believe that young offenders institutions are doing a good job at the moment in providing education?

**Dan Jarvis**: There are undoubtedly young offenders institutions that are doing a good job, but we agree that progress can be made. It is right to look carefully at how education is delivered to young people in custody, and the Committee offers a constructive and useful opportunity to have that debate. Although the secure college model may have merit, we should take every opportunity, given that we are talking about the rehabilitation of some of the most vulnerable people in our society, to tease out the detail to ensure that the legislation is in the best possible shape it can be. The Minister makes a reasonable point; the way in which education is provided at the moment could be improved. The question for us to discuss, understand and formulate policy on is: how do we best do that? It is fair to say that the case for secure colleges has not yet been made. That is why it is important to take the opportunity to have that useful debate. We are providing the Government with an opportunity to define their case as the Bill proceeds.

Before the intervention, I was reflecting on the fact that it is worrying that not one organisation that gave evidence before the Committee last week offered any real praise or support for the secure college concept. That underlines our concerns about the proposals. Of course we wholeheartedly support improving the education of young offenders—one would be hard-pressed to find anyone who did not think that a laudable aim. The question that we are discussing today and will continue to discuss in the future is precisely how we do that and whether a credible case has been presented that such an improvement will be achieved. On the face of it, further detail of the proposals is still required to make that case conclusively.

We believe that a number of specific areas need to be rethought, redrafted, backed up with greater detail, or removed altogether. Let me list the five specific areas about which we have concerns. First and foremost, this model of youth custody has not been tried before. The Government's own impact assessment accepts that the secure college model is untried, stating that

"The Secure College model has never previously been tested. There is, therefore, some uncertainty over the level of operating costs we would expect to achieve through a competition."

We therefore do not know how the contracting arrangements under the clause will work.

That brings me to my second concern: costs. It is not yet clear where the £85 million cost of the first, pathfinder college will come from in the Department's budget. One witness who gave evidence to the Committee even questioned whether that would adequately cover the cost of building a 320-place detention facility. The Committee will remember the evidence we heard from Juliet Lyon, director of the Prison Reform Trust. When asked whether she thought that £85 million was a realistic estimate, she gave a clear answer: "We would doubt it." The reality is that the Government have not yet provided any evidence to prove otherwise.

In a written answer to a parliamentary question that I received from the Minister this week, he confirmed that he could not go further than what had been published in the impact assessment. He said:

"To avoid prejudicing the effectiveness of the design and build competition for the Secure College, the Ministry of Justice will not be able to publish a breakdown of the budget until the competition has been completed."—[*Official Report*, 17 March 2014; Vol. 577, c. 438W.]

I understanding the reasoning behind that statement, but the Minister will understand that it puts the Committee in a somewhat difficult position, because the Government have also yet to reveal what the rolling annual cost of a place in a secure college will be. All we have been told so far is that it will be less than the average cost of a place in youth custody, which is £100,000 a year. Again, there are doubts about how realistic that is.

When the Government announced the changes, the Secretary of State for Justice said in the Ministry of Justice's press release:

"Some youth custodial places cost £200,000, five times the cost of sending a child to a top private school."

The Secretary of State was clearly referring to secure children's homes, which we debated under amendments 32 and 33 on Tuesday. I must say at this point that I am not clear on whether the Justice Secretary has ever visited a secure children's home; I am still waiting for a reply to a parliamentary question that I tabled about that. However, if the Secretary of State has visited a secure children's home, he will know that the £200,000 cost is chiefly down to the number of highly trained, specialist staff that those homes have. It is the Government's position that a secure college would be able to provide a similarly high level of service. What is not clear is how it will be able to do that and still achieve economies of scale, especially when the impact assessment's justification for a secure college offering 320 places is that it would be a similar size to other youth custody facilities. I would be grateful for any further explanation that the Minister can offer on that point, as I am sure that we will keep returning to it.

The question of cost brings me to my third concern. If the aim is to improve the delivery of education to young offenders, many will question why it is necessary to create an entirely new type of institution to achieve that. For example, much of the £85 million could instead be ploughed into improving education provision in existing secure training centres and young offender institutions. The Government's impact assessment clearly states that another key strand of their policy is to increase the quality and quantity of education offered in young offender institutions. It says that there will be "reforms to the leadership, staffing and regime in YOIs",

including changes to the commissioning of education in custody. Will the Minister tell us how much those specific improvements in YOIs will cost? Has his Department assessed the possibility of investing the funding that is due to go to secure colleges in existing YOIs and STCs? If it has, why did the Government choose not to proceed with that option?

The fourth issue I want to raise is the significant lack of detail about how education will be delivered in secure colleges. The Justice Committee has questioned how much education can realistically be provided in a youth custody setting. In its March 2013 report, "Youth Justice", the Committee observed that the average time in custody is only 79 days, casting doubt over whether most young offenders would be in custody long enough to improve their basic skills. The issue is compounded by the lack of detail to date on how the colleges will operate in practice and what training or qualifications their staff will have. Happily, we will have an opportunity to explore that in detail later, under amendment 61, tabled by my hon. Friend the Member for Rotherham, but may I ask the Minister now whether he will go a

little further in outlining what he thinks education in a secure college might look like? For example, what would a typical school day be like in a secure college as opposed to a YOI or a secure training centre?

Fifthly, as we discussed on Tuesday, there are concerns about whether secure colleges will be suitable accommodation for girls and very young children. The issue is exacerbated by the uncertainty over the future of secure children's homes, which cater for many of those vulnerable young offenders. I listened carefully to the Minister in the previous sitting, but I have yet to hear definitively whether young girls will be accommodated in secure colleges and what safeguarding arrangements will be in place. We also have concerns about wider health and well-being provision and how provisions for the use of reasonable force have been drafted, which we will discuss under amendments 34 and 36.

Overall, the plans are untried and uncosted. As they stand, they create great uncertainty about the future rehabilitation of young offenders in custody. As I said at the beginning of my remarks, the Opposition are genuinely ready to work with the Government. We do not intend to vote against the clause, just as we did not oppose clause 17, but I hope that the Minister listens to the points we make and will take them away and propose improvements, so that we will be able to support the plans. If he does not, we reserve our right to oppose the creation of secure colleges at a later date. Any assurances he is able to offer now regarding my points will be most welcome.

**The Chair:** Order. Before we proceed any further, let me say that, due to the intertwined nature of the clause and schedule 4, I have no deep objection to debating whether schedule 4 should be the fourth schedule to the Bill alongside this debate, on the understanding that there will not be a separate stand part debate on the schedule later. This is not a free-for-all, free-range debate covering all the things we will debate under specific amendments, but if hon. Members wish to make general comments on the schedule now, I am more than happy to permit that.

**Mr Andy Slaughter (Hammersmith) (Lab):** It is a pleasure to serve under your chairmanship this morning, Sir Roger. Thank you for that indication. I know that we will deal with some of the details of the contracting out process in schedule 4, but now may be the appropriate time to make some general comments and to outline some general concerns that we have about how the Government are going about this.

11.45 am

The clause and schedule 4 show that the Government are going hell for leather to ensure that the secure college programme will be the future of the youth estate unless something about the pathfinder programme proves to be unsustainable—we extracted that from the Minister on Tuesday. Clearly, therefore, that estate will be in the private sector. I just say to the Minister that, in the light of experience, it would be as well to pause and then review carefully both the Government's relationship with the leading private contractors and whether that narrow market of large companies is fit to play such a vital role in the criminal justice system. We are potentially dealing with the entire youth estate, and analysis over a

long time shows that the young people who get into the criminal justice system at an early age and are not well served by it become the most persistent and regular offenders, who continue to offend and then go into adult prisons. The stakes could not be higher, yet the market consists primarily of companies such as Serco and G4S. I will deal with those companies, although these comments could easily apply to others.

We often hear, particularly from the Justice Secretary, rhetoric about small and local businesses playing a larger part in the system—we heard that in relation to the probation contract—but we end up with complex, long contracts with giant corporations such as Serco, G4S and Capita. Last year, Serco's former boss, Jeremy Stafford, left to pursue other opportunities and its chief executive, Christopher Hyman, decided to step down. This week, the *Financial Times* reported that the finance director is also set to quit the company, citing the scandal involving overcharging as the main reason. That company has had two profit warnings in the past six months and 30% has been wiped off its share price in the past year. That is not a company in a good state. When Mr Hyman said that he would step down for the good of the company, he said:

“I have always put the interests of Serco first.”

I wonder whether we want that attitude when dealing with a contract of such grave significance to the wider public.

When Ministers come to sign such contracts, they must make a judgment about whether they are signing them with appropriate companies, but the Minister for the Cabinet Office and Paymaster General remarked that he wanted Serco and G4S

“to emerge renewed and stronger”

from the current investigation on Government contracts. He said:

“My mission is to save taxpayers money, improve public services, and boost growth.”

However, he wants to do so with the partners who have failed in every capacity so far.

When the claims emerged against Serco last year, it agreed to co-operate fully with a forensic audit and said that it did not believe that anything dishonest had taken place. Notwithstanding that, the Government quite properly referred the tagging contract to the Serious Fraud Office and a criminal investigation was launched. It is also right that Serco and G4S have been prevented from signing any new contracts for the time being. I wonder, however, whether the Minister agrees with these comments:

“Whether it's IT contracts, infrastructure construction or military munitions, we can all think of far too many examples of missed deadlines and overrun budgets. The firms responsible must take the brunt of the blame the first time it happens—but if they keep winning more contracts even after such failures, then it's those running the commissioning process who are at fault. The remarkable thing about the ban on G4S applying for contracts isn't that they were banned across government—it's that anyone should need telling that it is unwise to hire a company which has so grievously let you down before. That suggests we need a better standard of service from those tendering contracts out on our behalf. Sad to say, some of them seem far too comfortable with a simple life in which contracts are almost always handed to the same firms—sometimes to the extent that the relationship resembles a form of corporate welfare.”

Those are the comments of the executive editor of *ConservativeHome*, whom I would not think is necessarily critical of the contracting-out process, but that shows

where we have got to. Perhaps the comments of the shadow Justice Secretary are more familiar. He said that it showed the true scale of the wrongdoing:

“It is a fraction of the amount of money the company gets in various multi-million pound contracts with the public sector. This, in addition to its poor performance on a number of other contracts, has led to huge damage to the public's confidence in our criminal justice system. However, it is not for G4S to feel it can just wipe the slate clean. The Serious Fraud Office is still investigating, and G4S should be treated in just the same way as any member of the public would, with no special cosy deals between the Tory-led government and big business.”

**Guy Opperman (Hexham) (Con):** I am not here to stand up for individual companies, but the previous Government employed both G4S and Serco to take over various prisons. Does the hon. Gentleman at the very least accept that there are outstanding examples—we could go through the process of naming each and every one—of their turning around prisons very successfully?

**Mr Slaughter:** That helpfully brings me to my next point: Oakwood—

**Guy Opperman:** You're not going to answer the question, then.

**Mr Slaughter:** I think this exactly answers the hon. Gentleman's question. After I describe the Oakwood precedent, let us see whether he stands by his comments and his support for his party's favourite companies.

**Guy Opperman:** Will the hon. Gentleman please address the questions that I raised? Did the Labour Government, of which he was a part, employ those companies and, more important, does he agree that they have had great success in turning round individual prisons? Parc prison in Bridgend is an outstanding example of successful work, as is Doncaster.

**Mr Slaughter:** One would think it is 2010 and that nothing has happened in the past four years. Nothing that I have said suggests that the private sector should not be involved in the criminal justice system, but we must learn from the past four years. There has been a massive expansion in the role, not of the private sector per se, but of the companies that I am talking about, which are the only candidates to run the secure college—unless the Minister can tell us, “No, we have half a dozen others waiting in the wings.” Why do we focus on those companies? Because they are the only game in town, but that game has been proved to be everything from incompetent to corrupt. That is the difficulty and that is the problem that the Government have to deal with.

Let me remind the hon. Member for Hexham of Oakwood. The chief inspector of prisons confirmed that drug use at the 1,600-place privately run “supersized” jail—the adult sector's equivalent to what the Minister proposes for the youth sector—that opened in April 2012 was more than twice the rate of similar jails. Inmates found it difficult to get hold of clean prison clothing, basic toiletries and cleaning materials, and one in seven inmates reported having developed a drug problem while inside Oakwood. In Oakwood's first official inspection report, the chief inspector of prisons

said that a retrieval plan for the prison was urgently needed—after a year, a retrieval plan was urgently needed—and there were real risks if matters were allowed to drift. Such a situation is bad enough in adult prisons. Do we really want to risk that with young, vulnerable people?

**Jeremy Wright:** If there were a similarly bad report for a prison in the public sector, would the hon. Gentleman argue that we should withdraw from public sector prisons?

**Mr Slaughter:** If the Minister reflects on that for a moment, he will realise what a silly question that is. The public sector is the public sector. The Minister might wish to pass the buck on to private companies so that he can then distance himself from them, but he has direct responsibility in the public sector. If there are problems, they are directly addressed by the public sector, of which he, whether he likes it or not, is a part.

**Jeremy Wright:** Let me try to help the hon. Gentleman. That was not the point I was making. The logical extension of his argument is that because things have gone wrong in Oakwood, it is wrong for the Government to continue to have any involvement with the private sector in the provision of prisons. Logically, the same must surely apply to a very bad report for a prison in the public sector, must it not?

**Mr Slaughter:** I know that the Minister does not want to hear this inconvenient truth, but I repeat what I just said to the hon. Member for Hexham. I have not said that private sector involvement in the public sector is wrong. That would clearly be nonsense; it goes across the piece, and has done not just under this Government and the last Government but for as long as the public sector has existed. I do say, however, that there are concerns about having a small number of organisations involved and that particular concerns have come to the fore over the past year or two in relation to some, if not all, of those organisations. That is the problem that the Minister must deal with.

**Julie Hilling (Bolton West) (Lab):** Does my hon. Friend agree that there is an additional problem? If something is being done that is quite experimental, but somebody is tied into a contract that measures results in order to get funding or similar, it adds another layer of complication. On the other hand, if the new provision is being run by the state and the experiment is with the state, the state can then make the changes, rather than having to enter into contractual changes with a third party.

**Mr Slaughter:** I think that is right. A lot of time and money goes into designing contracts that will be sufficiently robust financially but sufficiently flexible operationally to ensure that. I can only repeat the quote that I gave earlier from Mr Hyman:

“I have always put the interests of Serco first.”

When companies look at a contract, they see how much money they can make for how little effort. That is what their shareholders expect. That does not mean that it is wrong to enter the contract; it means that it is a difficult and complex task. If something is wrong—it could be

anything from the example that I gave on Tuesday about getting it wrong at the design stage and having a building that is not fit for purpose to staffing levels or education standards, which is one of the issues that we are talking about—there is much less flexibility within the contract to get it right.

I agree with my hon. Friend, but I think that we are talking about something even more fundamental. According to the report I cited earlier, at Oakwood, the use of force to restrain inmates was twice as high as at similar jails, with 241 incidents in the first six months of the year. We will come to reasonable force in a moment, but that is a serious matter. The inspectors also identified weaknesses in the reception processes at the jail, stating

“One prisoner had been noted in his secondary screening on arrival as having ‘no disabilities’. In reality, he was unable to walk without a Zimmer frame and was partially sighted and deaf.”

These are not my views; they are the views of the chief inspector of prisons, who said:

“There is a lot to do before Oakwood is operating anywhere near effectively... We found a management and staff team that were working hard and seemed keen to do the right thing.”

Of course we are not condemning the staff members who work there; we are considering the system and the operation of the company. The of the chief inspector of prisons continued:

“But the prison urgently needed a plan to retrieve the situation and there were real risks if matters were allowed to drift. Prisoner frustration needed to be addressed. Systems that delivered basic services had to be made to work.”

We got the reminder of sad news today, with the announcement from the Crown Prosecution Service that three G4S guards are being charged with manslaughter following the death of Jimmy Mubenga, a tragic case. A decision has been made—I suspect from reading the press coverage that it was a relatively minor decision—that there will be no prosecution of G4S for corporate manslaughter in that case, but after a review of the evidence, it was decided that the individuals will be prosecuted.

Such organisations are not new now. I have previously given examples in debates of times when I was in practice when the process was just starting—perhaps 10 years ago—when it was clear that such companies were employing people who were untrained or unsuitable for the roles that they were performing, and unfortunately, a number of deaths in custody and other problems occurred at that time. An effort was put in by both the companies and the Ministry and its predecessors to ensure that some of those problems were tackled. That was part of the process. The fact that it is still happening and that there are instances of such seriousness, as well as the systemic failures that we have talked about at Oakwood, means that the Minister should be extremely cautious about the way the tendering processes operate.

12 noon

I hope that the Minister is familiar with the comments of the Chair of the Public Accounts Committee, who said:

“Private provision of public services has become big business, with half of all public spending on goods and services going to private providers of contracted-out services. We believe Government needs to urgently get its house in order so that this expenditure is properly open to public scrutiny, and that measures are put in place which will improve services and secure a better deal for the taxpayer.

Recent scandals illustrate the failure of some contractors to live up to expected standards. These include the astonishing news that G4S and Serco had been overcharging the Ministry of Justice on their electronic tagging contracts for eight years, including claiming for ex-offenders who had actually died – and the complete hash that G4S made of supplying security guards for the Olympics.

These failures have also exposed serious weaknesses in the Government's ability to negotiate and manage contracts with private companies on our behalf” –

which is my point. The Chair said that the Committee “looked at Serco's misreporting of the performance of its out-of-hours GP services in Cornwall, where the contract was so poorly written that not only did Serco not lose the contract, but they continued to receive bonus payments. When Capita failed to fulfil its contract to provide court translation services it was fined a mere £2,200—despite the substantial extra costs to the criminal justice system of delayed trials.”

If that is the standard of sanction available, is it because of incompetent drafting of contracts or because the Government are now so reliant on the companies in question that they dare not sanction them, because if they walk away the Government will be left in a hole? The Minister is looking at me in a curious way.

**Jeremy Wright:** I am looking a little concerned because I am not sure that the hon. Gentleman has recalled, in alleging that the Government are scared to do anything about private contractors' misbehaviour, what happened with the electronic monitoring contracts. We discovered what appeared to be abuse of the contracts and reported the relevant companies to the Serious Fraud Office, following which we obtained a substantial amount of money back. Has he forgotten all that?

**Mr Slaughter:** I have not forgotten it. If the Minister listened to my comments he would know that I am trying to be even-handed; I said that the Government had taken those steps. Equally, the Minister cannot be proud of the fact that having discovered massive fraud in the Department he took appropriate steps to deal with it. Yes, the Labour Government let the contract in the first place; that is my point—that the relationship between the administrative arm of Government and the contracts has been turned on its head. Effectively the contractor now operates the role of both client and contractor. It is not just in the Ministry of Justice—it goes on in other Departments as well—but it is particularly significant there because it is so reliant on the companies in question for so many contracts.

That is the difficulty. For all sorts of reasons, which I suspect are partly to do with cuts in its own staffing budgets and the availability of staff to manage the contracts, the Department is now the prisoner of the organisations in question, and it could not sanction and control them, even if it wanted to and set out properly to do it.

As the Chair of the PAC said,

“There is a lack of transparency and openness around Government's contracts with private providers, with ‘commercial confidentiality’ frequently invoked as an excuse to withhold information.”

I shall not go over Tuesday's debate about freedom of information, but the issue of transparency is clearly intimately linked to the drafting of the contracts.

**Dr Julian Huppert (Cambridge) (LD):** I realise that the hon. Gentleman does not want to talk about what was said about freedom of information, but does he at least acknowledge that on Tuesday the Minister of

State, Ministry of Justice, my right hon. Friend the Member for Bermondsey and Old Southwark (Simon Hughes) said:

“We intend to extend it further as soon as is practical...we intend to publish a revised code of practice to make sure that private companies that carry out public functions have freedom of information requirements in their contracts and go further than that. We hope that that will be in place by the end of this year.”—[*Official Report*, 18 March 2014; Vol. 577, c. 638.]

Does not that address all the issues that we talked about on Tuesday?

**Mr Slaughter:** Absolutely not. I hope that the hon. Gentleman has read the article about Jago the rabbit that my hon. Friend the Member for Barnsley Central (Dan Jarvis) and I wrote for *The Independent* yesterday, which dealt with what should be done, which is to bring these companies within the ambit of FOI, and what the Minister of State did—with his usual skill, shall we say?—at Justice questions on Tuesday. He implied that that was what was going to happen, whereas in fact he was doing nothing more than putting round the line that the Cabinet Office has already indicated.

If I am wrong about that, I will give way in a moment and the hon. Gentleman can come back to me, but my understanding is that the Government—both parts of it, as long as they are just about coalescing—are of the view that the contracts that are drawn up should include this notional transparency. That is to say that they will encourage public authorities to encourage private companies to put clauses into contracts that will expose as much as possible, within the realms of commercial confidentiality. So the contracts will be open, with publication on websites and so forth of as much information about the contract as the two parties think fit. What we will not have is a duty on those private companies—in so far as they are carrying out public functions—to comply with the terms of the Freedom of Information Act, as would be the case in the public sector.

I accept that they are two sides of the same coin. On the one hand, of course it is a good idea that the information is made available voluntarily, but if it is not—either because the company does not choose to do so or because the contract is not drafted sufficiently well to ensure that it must—the citizen must have the right, through FOI, to require that information to be made available. As far as I am concerned, that is not what was said on Tuesday. I know that there is consultation going on, but if it is the intention of the Government—at least the Liberal Democrat part of the Government—to follow the line taken by my right hon. Friend the Member for Tooting (Sadiq Khan), the shadow Lord Chancellor, which he has repeated often in recent months, and require all those private companies performing public functions to come within the requirements of the Freedom of the Information Act, I would be pleased if the hon. Gentleman said so now.

**Dr Huppert:** I read out the quote from someone who has made the position clear when it comes to private companies carrying out public functions. Indeed, the code of practice has exactly the wording used in amendment 11, which the hon. Gentleman supported when we debated it on Tuesday. I do not want to take up too much of the Chairman's kindness to discuss an issue that was rejected at that point, but it is happening as we wanted.

**Mr Slaughter:** I take from that comment that even the hon. Gentleman does not understand what the Minister of State, Ministry of Justice, the right hon. Member for Bermondsey and Old Southwark, says, so opaque is it. If nobody, including the Minister, is going to answer my question, the answer will no doubt come out in the wash on a later occasion. However, it seems to me that that is not what is being promised. If it were, the Minister would be jumping up and claiming credit for it, but he is not. Therefore, I assume that that is not the case.

The significance of that is that those four companies about which I have just raised doubts—G4S, Serco, Capita, and we can safely add Atos—all told the Public Accounts Committee that they were prepared to accept the measures that the Committee proposed. It therefore appears that the main barrier to greater transparency lies within Government.

That is where we are. Even the companies that want to put themselves and the interests of their shareholders first are more keen on transparency and on answering the legitimate questions that are being asked by everyone—from ourselves to the chief inspector of prisons—than this Government are.

I say that because if we are to take this further leap down that path, it is only right that the Government do not just challenge, as the Minister has said, acknowledged frauds, but look at the entire performance behaviour, as well as the number of available companies that could step into the breach and deal with these matters.

What we must conclude from the conjunction of clauses 17 and 18 is that, first, the Government are prepared to take this leap in the dark, in terms of the reconfiguration of the youth estate and, secondly, that they are prepared to leave that entirely in the hands of the people who failed so many times in so many contracts, not least in running parts of the adult prison service.

**Mike Kane** (Wythenshawe and Sale East) (Lab): It is a pleasure to serve under your chairmanship, Sir Roger. As a new parliamentarian, I am reminded of the old story of two politicians shouting across the room at one another. One says, "You're lying!" And the other shouts back, "I know, but hear me out!" I will get used to it, I am sure. I was looking up what an omnibus Bill was the other day. It is a proposed law that covers a number of unrelated topics, and this Bill certainly has a bit of everything. As a new parliamentarian, it strikes me that there are clearly two large, unrelated elephants in the room. One is the review of the judicial review system, which I raised with the Minister at Justice questions, and the second is the issue of secure colleges before us now. I agree with some of what the Lord Chancellor and Secretary of State for Justice has said:

"We must do more to help young offenders back on to the straight and narrow and ready for adult life, and high-quality education is a key part of that."—[*Official Report*, 24 February 2014; Vol. 576, c. 51.]

The Government are however embarking on a huge risk with the construction of a 300-bed, £85 million, so-called pathfinder, and I would like to point out some of those risks.

Of the three clear risks, the first is size. The secure college will have a large number of children between 12 and 17 years of age. The Secretary of State hopes to achieve economies of scale, but most expert witness evidence we received pointed out that large institutions are generally very wrong for children. They have poor track records on education because the necessary relationships cannot be built. Most custodial sentences of this nature are for fewer than 80 days. Ofsted once deemed me an outstanding and inspirational schoolteacher, and I know why that was: the school year usually lasted 38 weeks—about 190 days a year—and a practising schoolteacher can build up relationships with not only the children, but the parents, and those relationships matter. Even the ablest educator could not build such a relationship in fewer than 80 days. I remain to be convinced about the quality of the educational outcomes we will get from establishing such a college.

**Jeremy Wright:** Will the hon. Gentleman give way?

**Mike Kane:** This is the first time I have ever given way. It is a privilege for the Minister.

**Jeremy Wright:** I am honoured, Sir Roger. I will try to live up to the hon. Gentleman's expectations but I am not promising anything. In relation to the point he just made, is his contention that we should extend the time that young people serve in custody so that we can do more with them or that we should not bother?

**Mike Kane:** It is not a binary situation. It is obvious that the Minister has not spent a lot of time in a classroom. Whether the Government go forward with secure colleges or not, 79 days is not enough time to establish a relationship to get the required outcomes.

**Guy Opperman:** Will the hon. Gentleman give way?

**Julie Hilling:** Let him finish his point.

**Mike Kane:** That is my point. The proposals will not work due to the time. The hon. Gentleman is only my second intervention.

**Guy Opperman:** I know. No offence to the Minister, but I will try to make a better intervention. Instead of the suggestion that we should have longer sentences, the serious point is that if the hon. Gentleman, as a schoolteacher, only had 80 days, which is obviously limited, would he prefer the option of a first-school approach with relatively limited teachers, infrastructure, approach and ability, or a middle or upper-school approach with many more teachers? Would not the latter proposition give him a greater ability to make an impact in those 80 days?

**Mike Kane:** It is interesting to see that there is no love lost between the Minister and the hon. Member for Hexham. What you have in a school situation in a proper educational environment is proper handovers. Not only did I have 190 days as a schoolteacher, I had the handover from the teacher before who had 190 days. You will not build relationships in 80 days—it cannot happen.

12.15 pm

The Lord Chancellor also stated on 24 February that the expertise that we wish to see in these colleges is educational expertise. He went on to say:

“That skill does not exist within the public sector, and we need to bring it in from those who have real expertise in education and training.”—[*Official Report*, 24 February 2014; Vol. 576, c. 74.]

—that is, the private sector. I hope the Secretary of State at the time had a word with the Secretary of State for Education. The Government have quite a bit of skill in this. I will quote another Latin phrase—*cui bono?* Who benefits from building this institution? We will go on to that when we debate the amendments.

My second point is that safety should be paramount in any such facility. I know that in the case of Jamie Bulger, Thompson and Venables, the perpetrators of that crime, were taught individually, one-on-one. Yet the Government now propose to put some of the most disturbed young people in our society into one massive institution. As Liberty points out, the proposed size of the secure college and the spend per inmate will likely work against the central objectives of reducing offending and improving the life chances of the children in custody.

We know that private firms that currently provide detention services do not have full public confidence. That is not to say that I am against having private firms in this sphere, but we do not delegate the responsibility, we only contract out the service. The Minister needs to build public confidence and reassure this Committee that, with a contract of this scale, we can be confident of the outcomes of the proposed secure college.

My final point is about leadership in these colleges. Leadership is paramount in any educational establishment, prison, or service that we provide. The effective traits of any leadership when I teach the subject are vision, guts and gravitas. As this type of secure college has not been tried before, its leader will have to have those three qualities in abundance. They will have to manage the inevitable tensions that will arise from managing such a facility. They will have to place human needs before organisational needs, which in a politicised environment can be very difficult. As I mentioned earlier, they will have to do this within very tight time constraints. Finally, they will need to have a real sense of moral purpose for this to succeed and to tolerate the spotlight that will inevitably fall on them if this pathfinder goes ahead.

**Jeremy Wright:** I thank all those who contributed to this debate and will try to respond to their contributions in reverse order. The hon. Member for Wythenshawe and Sale East makes some fair points. It is undoubtedly right that in a short space of time it will be very challenging for anyone providing education to make the sorts of connections he has described with those whom they are teaching. However, we have a population of students who are with us for that period of time. As I perhaps slightly light-heartedly put to him, we have to accept that if we do not want to lengthen the sentences of those young people or simply give up on the whole idea of educating them, we have to take on that challenge. Difficult though it may be, we have to seek those who are prepared to provide that education and engagement.

The hon. Gentleman is also right that in relation to secure colleges—as in the case of schools and other institutions—leadership is crucial. We will look to find those who are prepared to give that leadership to secure colleges in just the way he has described it.

**Julie Hilling:** I wonder whether the Minister has considered the fact that if children and young people are travelling from different parts of the country to a secure college, it will become much harder to for education to continue when the child leaves the institution. Would it not be better to consider how that young person can be brought into education near their place of home, which would not be possible with a secure college perhaps hundreds of miles away?

**Jeremy Wright:** The hon. Lady is absolutely right that continuity is vital. Even if we do an absolutely spectacular job with the young people for 78, 79 or 80 days on average, all that effort will be wasted if we do not maintain that progress afterwards. She is absolutely right about that. The point she makes about distance from home is of course an issue we face now. She knows that, as a result of the very welcome fall in the young offender population, there simply are not large numbers of young offender institutions and secure training centres, so some young people are already some distance from home. As part of our wider reforms, it is absolutely right that we have continuity for young people when they leave custody to ensure that their education is continued.

However, it is important not to minimise the significance of what can be a very rare period of stability in many young people’s lives. A period of custody, though undesirable for all sorts of reasons, at least has the merit of giving some stability to a young person’s life, and we should not waste the opportunity of that period of stability to engage in some work—not just educational but other work, too.

**Mr Slaughter:** That is an important point. A secure college will receive a young person and may know nothing about the perhaps very poor quality of education they received up to that point. Let us say it does its best over the 80 days. What is the mechanism for ensuring that that then continues? The Minister’s point about stability was not quite as daft as the hon. Member for Hexham said. It has been said that longer sentences in some cases will provide the opportunity for rehabilitation. I do not think we will go down that route, either on cost grounds or because it is not desirable, but how can we ensure that that educative process, if it is good in the secure college—let’s say it is—will continue elsewhere? What is the handover process?

**Jeremy Wright:** As the hon. Gentleman will appreciate, there is a great deal of work yet to be done on exactly how the processes will be completed, but I can give him one example of great significance with this cohort: those with special educational needs will have an education, health and care plan going into custody. It is vital that the home local authority does not lose track of those young people while they serve what might be a relatively short period in custody. It must stay in touch and start to make preparations immediately for what will happen on that young person’s release.

The hon. Members for Hammersmith and for Bolton West are right that continuity is crucial, but we must have that in any event, whether we have young offender institutions, secure training centres, secure colleges, or a mix of all those things. It is not specifically about what we are discussing in the Bill at the moment.

**Sarah Champion** (Rotherham) (Lab): I am sure the Minister is aware of this, but about three quarters of children with special educational needs have a statement in place. It is therefore unlikely that they will have a holistic care plan to follow them. I hope that the Minister will make provision so that the children without a statement still get the same level of support.

**Jeremy Wright:** The hon. Lady is right that we cannot talk about continuity in the context of those with special educational needs, but the Children and Families Act 2014 effectively makes education, health and care plans the new statements. That is perfectly sensible, because there are more than simply educational needs at work, as she well understands. I take the point about continuity, but I do not think that the proposed secure college model is inconsistent with the need to follow up on that continuity.

I will turn to the points made by the hon. Member for Hammersmith—

**Mr Slaughter:** Will the Minister give way?

**Jeremy Wright:** Unless he wants to add to them.

**Mr Slaughter:** On special educational needs, the hon. Member for South Swindon tabled an amendment, but it has not been selected. Does the Minister accept that that is not adequately catered for at the moment? That is the view of Ofsted. I do not know whether he has had a chance to look at the Prisoners Education Trust briefing for the Committee, but it stated:

“Young people who are identified with special educational needs rarely come to us with their statements.”

It appears to be a comprehensive failure at the moment.

**Jeremy Wright:** Indeed, and I think that is something that the Children and Families Act was designed to address. To deal with the hon. Gentleman's exact point, specific changes were made in relation to those who have served periods in custody, as my hon. Friend the Member for South Swindon, who I think served on that Bill Committee, will confirm. I would not gainsay what anyone has said about the need for continuity. It is extremely important, but we believe that it can be done with secure colleges, as it should with other institutions.

I will come on to the rest of the hon. Member for Hammersmith's diatribe against private sector involvement in the justice system. I do try, as he knows, to find points of agreement with what Opposition Members say. He does not make it easy for me, but I think I have managed it in at least a couple of respects.

First, I of course agree that a broader range of suppliers is desirable, and we very much want to see that happen. We think that the secure college model will give us the opportunity to broaden the range of suppliers, because we will be looking particularly for those with expertise in education and other things that we believe that that population will need. We think there is a chance that we can therefore broaden the range of suppliers, as the hon. Gentleman wishes us to do.

I also agree that contract management is important; a point that others in this debate have also made. If we are going to engage private sector suppliers, which will

be done on a contractual basis, then of course it is right that the Government manage those contracts effectively. It is apparent that Governments of both political colours did not manage such contracts as effectively as they should have, but learning those lessons is what we are engaged in doing just at the moment. Changing how contract management is done in the Ministry of Justice—and undoubtedly other parts of Government—will strengthen our ability to manage such contracts effectively in the future. While it is right that contract management is important, it is not a reason not to engage with the private sector.

Again, I am not entirely clear from the hon. Gentleman's argument whether he believes that the private sector should have no involvement at all in the justice system. If he is making that argument, he will again have to have a quiet word with the shadow Chancellor, who may not take the same view. The hon. Gentleman should also recall that, specifically in relation to the involvement of the private sector in the youth justice sector, it was the Labour Government who negotiated contracts to run secure training centres with private sector firms—two in particular: G4S and Serco.

The hon. Gentleman cannot have it all ways. Either it is sensible to engage the private sector, and contract management is important, where he and I would be entirely at one; or the involvement of the private sector is not appropriate at all, in which case I am afraid I do not agree with him, and neither does his record.

**Mr Slaughter:** I will not reply to that point, because I have made it clear on about three occasions, partly in response to interventions, exactly what I said. The Minister may look in *Hansard* for that. He is wrong to characterise anyone in the Opposition as saying that the private sector should not be involved.

I have one question for the Minister. I am sure that he has seen the excellent film, “The Servant”, with Dirk Bogarde. If we use that as a template for how he deals with Serco and G4S, unfortunately the servant has become the master in many aspects. I accept that he may well intend try to reform that, but the matter is urgent and we have gone so far down the route. I think he is putting the cart before the horse now; he is setting up more opportunities for those companies to take control before he has put the necessary safeguards in place.

**Jeremy Wright:** I assure the hon. Gentleman that the work to improve contract management is under way. We will want to be satisfied that it has been done properly before we engage in any further contracts along the lines we are discussing.

I am grateful for the hon. Gentleman's clarification that he does not have a principled objection to the involvement of the private sector in the provision of youth custodial accommodation; that is helpful. In that case, perhaps we can get on to discuss some of the specifics regarding secure colleges.

Let me come to the points raised by the hon. Member for Barnsley Central. First, he said that the policy had not been tried before. He is right about that, but very few new ideas have. It is important that, if one comes up with a new idea, we ensure that it works, which is exactly why what we are talking about here is a pathfinder,

[Jeremy Wright]

so that we have an opportunity to see whether that is the right way to deliver youth custody. We think that it is a promising way to deliver the sorts of improvements that I think everyone in the Committee is interested in achieving.

I have made it clear, as the hon. Member for Hammersmith said earlier, that if the policy turns out to be a successful way of delivering youth custody, then of course we wish to do it across the country. Of course, that does not mean that it is the right place to accommodate each and every single young person in custody. As I made clear in our discussions on Tuesday, places will still be available in secure children's homes for those who need them.

Secondly, the hon. Member for Barnsley Central asked me about cost. The capital cost for the building of the secure college will come from the Department's capital budget. We have made that clear in the past. To reassure the hon. Gentleman, the outline business case has been approved by the Treasury—and it does not do that lightly. So I am confident that the outline business case is sound.

There will be a process of competition, of course, to determine who should build the secure college. As the hon. Gentleman will understand, it is not sensible to go too far into cost estimates, for fear of prejudicing the best deal that we can get for the taxpayer from the competition process.

12.30 pm

**Valerie Vaz** (Walsall South) (Lab): The Minister answered a question on Tuesday about which budget the money would come out of. I am still not clear about whether it is committed expenditure, or about which year's it is.

Also, there is a lot of talk about education. Has the Minister had discussions with the Department for Education about whether it, too, will provide some of the money?

**Jeremy Wright:** The education that will be brought into the secure college will be the responsibility of various different people. I will come back to the hon. Lady on the exact way the budgetary allocations for that will break down.

As to capital budgets, she will appreciate that we expect the secure college to be operational by 2017; so the likelihood is that the money from the capital budgets will be spread over more than one year. Again, I shall come back to the hon. Lady with some specifics.

**Sarah Champion:** In the previous sitting the Minister was generous and described the Disneyesque environment that would be built, with little cottages.

**Jeremy Wright:** I do not think that is quite what I said.

**Sarah Champion:** I am just getting into the flow of my remarks. The Minister reassured us that a lot of the issues that we were raising could be dealt with through architectural design. I am somewhat confused, because there is planning permission for the site that has been allocated, and the Minister has a specific budget of £84 million or £85 million, which must have been costed from something. He says that the secure college will be up and running in three years.

I have built buildings before, and I know that three years for a project of the size in question is very tight when the plans are known exactly. Does the Minister know exactly what he will build?

**Jeremy Wright:** First, I should make it clear that I never said there would be anything Disneyesque. That is not at all what we talked about on Tuesday. The hon. Lady and I agreed then that design is important; however, she will appreciate that at the moment not every design decision has been made. She would not expect that, from her experience of such projects.

We have given a clear indication of what we expect the budget to be. There are further negotiations to be had about the precise figure, as I suggested to the hon. Member for Barnsley Central. It would not be sensible, in the best interests of the taxpayer, for us to go too far into that detail, and he will understand why. I can therefore be of limited help on that point at present.

The hon. Lady has my assurance that the design of the building will be important. As she heard me say on Tuesday, if we end up with something that looks and feels exactly like a young offenders institution, we shall not have succeeded.

**Valerie Vaz:** The Minister has picked Leicestershire, when the greatest need, as set out in the impact assessment, is in London. Will he elaborate on the relevant considerations that he took into account, when he decided to put the institution in Leicestershire?

**Jeremy Wright:** The advantage of the Glen Parva site is that planning permission is, as the hon. Member for Rotherham has said, already available, and it is on land to which the Ministry of Justice already has access. Those are significant advantages. Also, we need places in the east of England and the east midlands, and the site is not too far away from there.

The hon. Lady is right that there is a continuing demand in London. As she knows, we are considering the feasibility of developing a large new adult male prison for the London area, where there is significant demand; but there is also potential to put a new youth detention facility on the same site. We shall certainly also consider demand in London.

**Dan Jarvis:** I am grateful to the Minister for giving way; he is being generous with his time. As usual, he is making his case in a reasonable and measured fashion. However, it is important that we work together to ensure that the committal of a significant amount of resource—£85 million—is done in the most effective way. Has his Department considered spending £85 million differently? For example, instead of building the secure college, that money could have been invested in the existing infrastructure. Will he tell the Committee whether he has considered that, and if not, why not?

**Jeremy Wright:** As luck would have it, I was coming to that. I have been frequently interrupted in my progress towards the point that the hon. Gentleman is making.

It is important to remember that, because the secure college that we intend to build first in Leicestershire will be a pathfinder, there will be a period in which a secure college operates alongside a number of young offender

institutions, so it is important not to forget about what we need to do at those institutions as well. That is why, as the hon. Gentleman knows, I have spoken already about the need to improve the educational offering at young offender institutions and not just to focus on the secure college.

The purpose of pursuing the secure college model is that, for reasons of design and other things that we have discussed already, a new environment is a good way to go, to demonstrate that we want to do things differently. As I said on Tuesday, there is a fundamental difference between the secure college and a young offender institution, and it can be summed up best by saying that we are after an educational institution with detention, rather than a detention institution with education.

**Mike Kane** *rose*—

**Jeremy Wright:** I accept that there are challenges, as I am sure that the hon. Gentleman is about to remind me. None the less, that is the objective. We do not think that it is easy to deliver that new approach in the same kind of environment as can be found at a young offender institution. The hon. Member for Barnsley Central and I have both visited them. He knows what they are like. We are looking for a different feel to the new institution and a different approach to what it does. Although I do not seek to disinvest in young offender institutions—certainly, I seek to improve the education offered there—this is a new approach, and deliberately so. We therefore want to do it in a new place.

**Mike Kane:** I believe in the Augustinian notion of the world as it is and the world as it should be. If we get to the world as it should be—a secure college—that is what we will have to face and the tension now is trying to get there. Minister, forgive me: what do we have planning permission for on the site in Leicestershire at the moment?

**Jeremy Wright:** We have planning permission for a facility of a certain size, but, as I have explained, the design aspects are yet to be worked through. That is as it should be.

**Julie Hilling:** Will the Minister give way?

**Jeremy Wright:** Just one more time, because we need to make some progress.

**Julie Hilling:** Rather than going for a “large is beautiful” approach, has the Minister considered the example of Scandinavian countries, which have gone more for a “small is beautiful” approach? Those countries are looking at much smaller institutions, with perhaps five or 10 people, and they are much closer to the ground within the community, where young people can be better treated, educated and reintegrated, with their offending behaviour really being tackled at grass-roots level.

**Jeremy Wright:** The hon. Lady missed our discussions on Tuesday, and we missed her, but had we had the benefit of her input, she would have heard my responses on those things.

Many would argue that the best way to do this is to put everyone in a secure children’s home—a smaller unit—and have more of those closer to home. However, there are two substantial problems with that approach.

First, there is the cost; it is substantially more expensive than any other kind of provision for young offenders. Secondly, I hope that the hon. Lady will accept that accommodation in a secure children’s home is simply not suitable for some of those in young offender institutions.

I think that the hon. Lady knows that closeness to home is already an issue, but I am afraid that the approach that she suggests is not practical for the two reasons that I have mentioned. If she would like more detail, I am sure that she will read the *Hansard* report of Tuesday’s debates.

Let me pick up on the other points made by the hon. Member for Barnsley Central. He said that the period in custody is short and that, in that time, it would be difficult to deal with the improvements in education that we should all wish to see. I am certainly not misty-eyed about the prospects of turning around very difficult and troubled young people’s educational performance in a very short period. As I have already said to the hon. Member for Wythenshawe and Sale East, I do not think it follows from that that we should give up and agree that we should do nothing about those young people’s educational achievement. That is why a new approach is needed.

As for who provides the service and how they provide it, we are interested in innovative approaches that we think will do a better job of delivering education and other forms of support to these often very troubled young people than we are doing at the moment. To some extent, I cannot give details at the moment, because I am interested in hearing people’s good ideas about how they will do it. The process that we will now engage in to see who will provide that education and other support will give us, I hope, that innovation. I should make it clear that we have made no final decisions on whether this should be a public or private sector institution. In debating the schedule—perhaps, if we are lucky, we will get to it one day—we can talk about what can be done to make provision for a situation where it was decided to contract out this provision. However, we have not yet made the decision to do so.

Finally, the hon. Member for Barnsley Central mentioned girls and younger children and the use of reasonable force. I hope that he will forgive me if I do not cover those points. We have already covered the first two points, and we are about to address the third.

*Question put and agreed to.*

*Clause 18 accordingly ordered to stand part of the Bill.*

#### Schedule 4

##### CONTRACTING OUT SECURE COLLEGES

**The Chair:** We now come to schedule 4 and amendment 38, which has already been debated. Mr Jarvis to move formally?

**Dan Jarvis** *indicated assent.*

**The Chair:** The Question is that the amendment be made. As many as are of that opinion say, “Aye”.

To the contrary, “No”.

**Hon. Members:** No.

**The Chair:** The Opposition indicated that they wished to put this to a Division.

**Sarah Champion:** On a point of order, Sir Roger. I apologise; I thought that we had clause 19 to move before we came to the schedule, which is why we hesitated. We did not believe that we had reached that point.

**The Chair:** If the hon. Lady looks at the selection list, she will find that clauses 19 to 23 come after schedule 4.

**Sarah Champion:** I apologise, Sir Roger.

**The Chair:** You do not need to apologise. The way in which these items are grouped may be arcane and archaic, but it is designed to accommodate subject matter. Sometimes, things do not entirely appear in the sequence that might be expected. Given that this is a bit of a learning curve for some people, let me try again. It is a learning curve for me, as well.

*Amendment proposed:* 38, in schedule 4, page 73, line 25, at end insert—

‘(1A) Where the Secretary of State enters into a contract with another person under paragraph 1(1), and that person is not a public authority for the purposes of section 3 of the Freedom of Information Act 2000, that person shall be designated by the Secretary of State as a public authority for the purposes of that section in relation to that contract.’—(*Dan Jarvis.*)

*The Committee divided:* Ayes 6, Noes 10.

#### Division No. 2]

#### AYES

Champion, Sarah	Kane, Mike
Hilling, Julie	Slaughter, Mr Andy
Jarvis, Dan	Vaz, Valerie

#### NOES

Buckland, Mr Robert	Opperman, Guy
Evennett, Mr David	Scott, Mr Lee
Huppert, Dr Julian	Smith, Sir Robert
Metcalfe, Stephen	Vara, Mr Shailesh
Neill, Robert	Wright, Jeremy

*Question accordingly negatived.*

12.45 pm

**Sarah Champion:** I beg to move amendment 61, in schedule 4, page 74, line 17, at end insert—

*‘Staff*

4A (2) All staff employed as teachers, counsellors or nurses at a secure unit must hold qualifications as one of the following—

- (a) qualified teachers;
- (b) accredited member of the British Association of Counsellors and Psychotherapists;
- (c) registered nurse (children).’.

I assure the Committee that I will not be including any cartoon references when speaking to the amendment, although it would amuse me enormously if hon. Members chose to do that in their speeches.

Under the Bill, the Government plan to put into place a giant prison for children. Like every witness, I am hugely concerned about that. Personally, I think that the Minister should see sense and throw it out, for

all the reasons given by my hon. Friends today and, more importantly, by people who work in the area, all of whom had the strongest of reservations.

Unfortunately, I am resigned to the fact that the Minister will probably push ahead with the proposal, which is why I have tabled amendment 61. I have strong concerns regarding the standard of teaching and care in the somewhat euphemistically named “secure colleges”.

My concerns about the nature of such colleges arose when I read schedule 4. While the principal and security staff are detailed—the schedule goes into some depth—the teaching, care and psychological support staff are not. If the Minister truly believes that this is the best chance for children to be educated and rehabilitated, why has he not specified the best people to do that job in schedule 4?

If the Minister wants a secure college to act as a genuine college, he must ensure that he has properly qualified staff in place. The problems associated with having unqualified teaching staff in place can manifest themselves in a number of ways, and I want to take this opportunity to address the potential problems.

To give some background, the Opposition have long warned of the dangers of the Government’s policy that allows unqualified teachers to teach in free schools and academies, and the inevitable watering down of teaching standards that that will lead to. Ask almost anyone, regardless of their background or political persuasion, and most will agree that every child deserves to be taught by a qualified teacher. To back that up, I am sure that most would also agree that every child deserves to be taught by an appropriately qualified teacher.

**Guy Opperman:** I take the hon. Lady’s point, and it is a good one. I want to ask her gently about Doncaster prison. It was set up in 1994, has been championed by the Leader of the Opposition—rightly so—and is run by Serco. Organisations such as Doncaster Rovers football club, Featherstone Rovers rugby league club, Yorkshire cricket club and the Royal Central school of speech and drama are all going in, running academy-style work in the prison and having tremendous success. Does she accept that those august institutions are providing a huge service in that successful prison?

**Sarah Champion:** I absolutely agree with that. In a past life, I ran art education workshops. However, I do not think that those organisations should be running maths classes or dealing with learning difficulties. I absolutely agree that bringing specialists in is a good thing, and I will come on to that later, but I do not think that they should be the primary teaching personnel; I think we require qualified teaching personnel.

Whether referring to young children in society at large or young offenders in a secure college, our children should be taught by someone who has the appropriate skills and knowledge to teach them to a high standard. It should not be more difficult to get a job at McDonald’s than it is to get a job as a teacher in a taxpayer-funded school.

The logic is clear: teaching is a skilled profession that is conducted in a sensitive environment, and as such we need standards in place that ensure that the teaching delivered to young people is delivered at the

level, standard and quality that we expect as a society. To deliver that, teaching qualifications offer the easiest option to ensure professional rigour.

We live in a society where we hold high expectations of what teaching professionals will deliver, and if such professionals fail to meet those standards, then society is not delivering education at the level it is capable of. To me, that is even more important in a secure college, not less. The young people there often have been driven to offending through difficult backgrounds and, as the Minister identified himself, a lack of education.

A secure college, if delivered in the right way, is an opportunity to rectify the balance and get that young person's education right. Getting it right in a way that inspires and motivates young people might well lead to a full and productive life that does not involve reoffending. Getting it wrong could send them back to prison in the future, at a cost both to society's purse and to the young offender's life.

Why give young offenders a second-rate education? If the Minister is right in his establishment of the principle that a lack of education or quality education is at the heart of why a young person offends, then it is more important than anything to give young people a strong, engaging and high-quality education. Education on that level can surely be delivered only by qualified teaching professionals who have put time and commitment into their craft and learned from best practice as they qualified. Any downgrading of the teaching profession risks lowering the standards of education delivered in secure colleges and, as such, risks more young people reoffending due to poor education. Allowing unqualified individuals to teach young offenders without needing to acquire teaching qualifications is not a risk that we should be willing to take.

There are examples from the world of teaching. The damning Ofsted report on the Al-Madinah free school in Derby, which catalogued a series of failures relating to unqualified staff, should teach us a bitter lesson of the price that will be paid if we recruit unqualified teachers.

**Guy Opperman:** I take the hon. Lady's point on maths teachers having to be properly qualified, but in the prison context does she agree with the arguments of various mentoring organisations that, for example, former offenders—who I hasten to add would not necessarily be qualified—are often the best mentors and trainers and that there must be a place in such institutions for people who have turned their life around so that they can assist those who are attempting to do the same?

**Sarah Champion:** I accept the hon. Gentleman's point. Such people can inspire young children, but from the key stages onwards, I believe that we need qualified teachers. Additionally, is this a college or is it a prison? If it is a college, I want those young people to have the best qualified staff available. If it is a prison, and all the staff detailed in schedule 4 are related to prisons, we should 'fess up, stop calling it a college and accept it for what it is. I hear what he is saying, but I do not think it detracts from my argument about qualified teachers.

In the Al-Madinah school, 400 children were left without schooling for an entire week while an emergency Ofsted inspection took place. Beyond that, I find myself

wondering how much learning time those children lost in school due to such poor-quality teaching. At the start of the school year, one third of teachers were unqualified, which does not surprise me, as I have seen the school's Ofsted report. There is a clear link between the policy of allowing unqualified teachers into our schools and the poor standard of education at Al-Madinah. Ofsted even spelled that out, highlighting the unqualified teaching work force as the school's main failing. In addition to other desperate failings, the inspector commented that:

“Teaching is inadequate. Many teachers are inexperienced and have not received the training and support they need.”

The large number of unqualified teaching staff was also noted, with the inspector reporting that the teachers were in

“desperate need of better support and training”.

Such situations should not happen. The Secretary of State for Education's special adviser, Dominic Cummings, said publicly that failure due to “disastrous teaching” was an inevitable feature of the free school programme.

The risks of using unqualified teachers are further illustrated by the report on events at the Kings science academy, a free school in Bradford. The school was visited, and even lauded, by the Secretary of State for Education and the Prime Minister. Around the time of their visit, falsified invoices were being submitted by staff. Again, the report shows the danger of employing unqualified staff.

Right now there seems to be a stubborn refusal to acknowledge that the policy of allowing unqualified teachers to be permanently employed damages standards in schools. We should commit to reversing that downgrading of teaching standards, rather than leaping to defend a policy that is consistently being picked out by Ofsted as causing failures in schools. If the policy is already seen to be unsuccessful and to deliver a second-rate education to our children in the mainstream, what will happen if it is applied to a secure college that is inevitably a more demanding and challenging teaching environment?

I am not trying to discourage excellent people from teaching. All political parties want to encourage excellent people into the teaching profession, of that I am sure. But a policy of allowing unqualified teachers to teach without harnessing their expertise and giving them the teaching skills they need will not help.

In education debates, we often look to the experience of other countries. I have heard the Scandinavian model referenced more often than not—indeed, it has been referenced in this debate. In particular, Finland is often cited as a model of excellence. In Finland, however, every teacher must hold at least a master's degree in teaching before they set foot in a classroom. Finnish teachers spend five to six years training and learning their profession before they are considered good enough to teach children.

To allow unqualified teachers into classrooms in secure colleges—as happens already in academies and free schools—without providing them with any pathway to achieve qualified teacher status would set a dangerous precedent, particularly given that the Bill provides that secure colleges may be outsourced. A private company running a secure college would have a vested interest in driving down costs and would therefore be more likely to employ unqualified teachers. With that approach, all evidence suggests that standards would be driven down.

[Sarah Champion]

We simply cannot afford to offer young offenders a teaching experience that is anything other than high quality. It is not easy to assume control of a classroom in normal circumstances and, in a secure college, the children will have serious emotional, behavioural and psychological issues. To allow unqualified teachers into secure colleges will undermine the profession.

The great thing about qualified teachers is that they can be both qualified and inspirational. The Education Secretary's White Paper from 2010 sums it up well:

"The first, and most important, lesson is that no education system can be better than the quality of its teachers. The most successful countries...are those where teaching has the highest status as a profession".

In an environment as sensitive as a secure college, professionalism should be valued over deregulation. We should be bringing teachers up the value chain rather than deskilling.

I would like to mention briefly the inclusion of registered children's nurses and accredited counsellors and psychologists. Most nurses qualify as either children's or adult nurses; few have dual qualifications. Children's nurses are in the minority and are highly prized. It is vital that the Minister specifies that the health care staff on site are children's nurses. Children present very differently from adults: the medication and doses are very different, as are the methods of administration. Equally, children's nurses are skilled in how to communicate with children and pick up on subtle signs. They are also aware of consent and safeguarding issues, both of which are vital in a prison environment. Unless a registered children's nurse is specified in the legislation, I fear that the

provider will just go for the cheapest and most readily available health care provision, but these children need and deserve the best.

Finally, I wish to speak about psychological provision. The Committee heard at length from witnesses how psychologically damaged these children are likely to be. Will the Minister provide assurances that psychological support, provided by a professional who is accredited—not just registered—with the British Association for Counselling and Psychotherapy, will be guaranteed to each inmate?

I am a big fan of voucher sites, but I am appalled by offers of online or one-day counselling courses. People with no recognised qualifications set themselves up as counsellors even though they may have no experience, no accreditation or, perhaps most importantly, no supervision. Counsellors in secure colleges work with complex, damaged children and it fills me with dread to think that some incredibly well meaning—but unqualified—individual who genuinely thinks that they can help will be the only sort of psychological support that those young people may get unless the Minister specifies "an accredited counsellor" in the Bill.

If the Minister is to go ahead with his plans, I ask him to consider seriously the amendments I have tabled. Like him, I want to ensure that when these young people come out of the facility, they can go on and lead a productive life. Unless he puts some standards in place for their teaching, health care and psychological support, I am anxious that those might get dumbed down and these children will not get the best chance.

*Ordered,* That the debate be now adjourned.—  
(*Mr Evennett.*)

12.59 pm

*Adjourned till this day at Two o'clock.*