**Policy Consultancy Commission**

1. **Overview**

The Race Action Programme (RAP) has been created to tackle disparities within HMPPS for Black and other Ethnic Minority staff, prisoners, people on probation and children. Within RAP, one of the projects is looking at Inclusive Policies and a workstream has been created to ensure HMPPS has fair and inclusive policies that are considerate of the lived experiences of all people.

1. **What is needed**

We would like to engage with ethnic minority led third sector organisations to gain the valuable expertise and analysis of our policies, through the lens of experts with lived experiences we may not have within our organisation and specifically our policy writing teams.

1. **When**

We would like to secure one dialogue session with up to three specialist organisations in July 2022.

1. **Where**

These sessions will be held virtually, over MS Teams. Communication prior to and following on from the consultancy sessions will be by email.

**5. What we require**

As well as face-to-face sessions to discuss the policies, we would require written feedback that can be evidenced within the Equality Analysis that accompany each Policy as well as a brief “pre-meet” to discuss the issues and provide focus. This written feedback coupled with the face-to-face discussions will ensure that any points raised are evidenced and our policy authors will be obliged to explain mitigations included as a result.

**6. What comes next**

We would like clarity on costings, confirmation of availability, and evidence of experience in this area/lived experience:

**July 2022 – To accompany clearance of the policy Framework Minimising and Managing Separation and Isolation in the Children and Young People Secure Estate**

<https://www.gov.uk/government/publications/minimising-and-managing-use-of-separation-and-isolation-in-the-children-and-young-people-secure-estate> - an Equalities Assessment was drawn up to consider impact on children and young people with protected characteristics and cleared by YCS Lead for Diversity and Equality and HMPPS Diversity and Inclusion Team before it was submitted to OPS for clearance.

**(Please see section 2 of the above link for further evidence)**

The policy Framework provides a set of principles and requirements which should be following when the separation of a child or young people is being considered or managed in under-18 Young Offender Institutions, Secure Training Centres and Secure Children’s Homes in England and Wales.

This new Framework responds to findings from HMIP published in a thematic report on the use of separation in the five Young Offender Institutions (YOI) where under-18s are located.

The thematic report was highly critical of the way in which separation was managed at local and national levels and called for a new system to be introduced which would:

* Enable Managers to use separation to protect children from harm: and
* Prevent them from experiencing greatly impoverished regimes when compared to their non-separated peers.

As well as the use of separation to protect a child from themselves or their peers, or to manage the risk that they may present to others, the Framework responds to wider points in the thematic report about other scenarios where children are unable to mix with their peers, including self-isolation, and in doing so responds to a gap in current policy.

The primary objective of the new Framework is that children in secure settings will only be separated when it is a justified, appropriate, proportionate and necessary response to a risk to themselves or others.  Associated with this the child's personal circumstances and history should be uppermost in the minds of those who are making the decision to separate (or not) and how it is managed.

The Children in Custody Report 2019-20 highlighted that two-thirds (66%) of children reported that they had been separated as a punishment, by being kept locked up or stopped from mixing with other children A significantly higher proportion of children in YOIs reported being separated in 2019–20 than 2018–19 (67% compared to 58%).

The Framework sets clear expectations that staff should follow an individualised and needs-led approach and in support of this it provides detailed guidance about the sorts of factors which may contribute to behaviour which might put the child at risk of separation, including: external influences (such as events around the child's trial, contact with parents, carers or friends, and threats from others); the experience of trauma (including abuse, brain injury or the experience of structural racism); and other factors or conditions such as learning or communication difficulties, mental health vulnerability, or neurodiversity.

The HMIP thematic report also identified that the absence of accurate data collection meant that it was not possible for secure settings or the YCS to accurately identify the number of children who were separated and their characteristics with the result that use of separation or areas of disproportionate use could not be accurately monitored and addressed.  In response to this the Framework includes specific requirements for secure settings and the YCS to collect and analyse data on the use of separation and periods of self-isolation and the characteristics of the children who were involved.

The framework incorporates several broad themes which will support equality and inclusion in practice around the separation of children in secure settings:

* An individualised approach which takes account of each child's history, vulnerabilities and needs to ensure that decisions about separation are made on a case-by-case basis and are managed according to their behaviour and the impact that separation or isolation may have on them.
* Sharing information with, and encouraging the involvement of, the child's parent's, carers or family members as well as professionals in the community who have responsibilities for managing the child's sentence.
* Encouraging the child to be involved in how any period of separation is managed, including how instances of separation are reviewed and the child is debriefed to inform how future instances are managed, should the need for further separation arise.
* Collecting, reviewing and monitoring data about instances of separation and the children who are involved for the purpose of making adjustments to the environment or strategies for responding to the needs or behaviour of children and address any disproportionate outcomes.

The ask of the dialogue sessions is that we focus the conversation on a few key areas:

* Will our staff understand the impact of separation on the individual?
* Procedural justice is built into the policy, do children understand why they are subject to Separation and what needs to be done to move out of that? How do we ensure an inclusive approach to children understanding their separation?
* How can we ensure our staff understand and adopt the individualised approach we are striving for? How can the needs that led to separation be serviced and the risk of repeated incidents be reduced (thinking about cultural attitudes/bias/considerations/power imbalance)?
* Collection of data – Local data collection is key – accurate and timely data is needed to see the compete picture. We particularly need our staff working in care and separation units to engage with this.
* Avoidance of separation – looking at the relationships reported in the Children in Custody Report (where White Children report more positive relationships with staff compared to ethnic minority children) – how can we improve these relationships to reduce the risk of separation?

HMPPS RAP – Policy Dialogue Session Interest Form

**Name of Organisation/named contact:**

**Are there any reasons you are aware of that would exclude you working with HMPPS?**

**Do you have experience within the one of the following areas: Policy consultation, Policy Implementation and/or Working with Young Persons in YCS?** Yes[ ]  No [ ]

**Please provide experience below:**

**Are you available between the 01/7/22 – 31/7/22 to review the policy, engage in a ½ hour pre meet, 2-hour consultation and to complete written feedback?** Yes[ ]  No [ ]

**Please outline any dates which you are not available within this period:**

**Please provide an outline of your costs (hourly):**

**Responses due – 1/7/22**

**Peter.Shaw1@justice.gov.uk**

**Decision notification – 6/7/22**