



Youth Justice Board  
Bwrdd Cyfiawnder Ieuencid

## **Prisons and Probation Ombudsman and Youth Justice Board Protocol**

### **Investigating the Death of a Child in a Secure Training Centre**

#### **Introduction**

1. This protocol between the Prisons and Probation Ombudsman's office (PPO) and the Youth Justice Board for England and Wales (YJB) sets out the arrangements for investigating the death of a child in a Secure Training Centre (STC)<sup>1</sup>. The PPO terms of reference for investigating the death of a child at an STC include examining aspects of the work of the YJB. (NB The PPO's investigations of deaths in Young Offender Institutions are covered in Prison Service Order 2700. This protocol applies to the YJB's work with Secure Training Centres. Deaths in Secure Children's Homes are outside the PPO's remit.)
2. The protocol includes:
  - Deaths due to natural causes, self-inflicted deaths, accidental deaths and homicides.
  - Discretionary investigations of other deaths, such as any which occur soon after release from the STC.
  - Any death that were to occur during the escort of a child (whether sentenced or on remand) to an STC or to Prison Service accommodation.
  - Any other deaths that the PPO has discretion to investigate.
3. The protocol has been in operation since June 2006. It will be reviewed each year and will remain in place until the PPO's role in relation to investigating the death of children in Secure Training Centres has been formalised by statute.
4. The protocol has been agreed and signed by Stephen Shaw, the Prisons and Probation Ombudsman and John Drew, Chief Executive of the Youth Justice Board.

<sup>1</sup> It is planned that Ashfield YOI will be directly managed under contract to the YJB and it is agreed that following transfer from NOMS to YJB contract Ashfield will thereafter be fully subject to all the terms of this protocol as if it were an STC.

## **The Prisons and Probation Ombudsman**

5. The PPO investigates the circumstances of the deaths of:
  - Prisoners (including those held in contracted prisons, secure training centres and young offender institutions). This includes people who are temporarily absent from the prison but are still in custody (for example, under escort, at court or in hospital). It excludes persons released from custody, whether temporarily or permanently, unless the PPO uses his discretion.
  - Residents of National Offender Management Service approved premises (including voluntary residents).
  - Residents of immigration detention accommodation and persons under United Kingdom Border Authority managed escort.
  
6. The aims of the PPO's investigation are to:
  - Establish the circumstances and events surrounding the death, especially as regards management of the individual by the relevant Service or Services, but including relevant outside factors.
  - Examine whether any change in operational methods, policy, practice or management arrangements would help prevent a recurrence.
  - In conjunction with National Health Service organisations where appropriate, examine relevant health issues and assess clinical care.
  - Provide explanations and insight for the bereaved relatives.
  - Assist the Coroner's inquest in achieving fulfilment of the investigative obligation arising under article 2 of the European Convention on Human Rights, by ensuring as far as possible that the full facts are brought to light and any relevant failing is exposed, any commendable action or practice is identified, and any lessons from the death are learned.

## **The Youth Justice Board**

7. The Youth Justice Board for England and Wales is an executive non-departmental public body set up under the Crime and Disorder Act 1998. It has 12 board members appointed by the Secretary of State for Justice and its remit is to oversee the youth justice system in England and Wales.
  
8. The YJB will support and cooperate with the PPO investigation into the death of a child or young person in an STC, or one who dies soon after release. Examples include the decision of the YJB Placements and Casework Team to place the child who died in that particular STC. The PPO might also need to discuss policy issues with the relevant policy holder within the YJB.
  
9. The YJB will provide the PPO with an up to date list of the key names, areas of work and telephone numbers of staff within the YJB at the commencement of a PPO death in custody investigation.
  
10. The YJB will provide all relevant documentation and policy information requested by the PPO. The YJB will provide access to highly sensitive documents and the PPO will consider whether it is relevant to the circumstances of the deaths and whether it is necessary to retain a copy.
  
11. YJB staff are expected to co-operate with the PPO investigation and be open and honest during interviews. Information obtained from staff during the PPO

investigation could not be subsequently used at a disciplinary hearing without the agreement of the person concerned (see annex C).

### **Youth Offending Teams (YOTs)**

12. YOTs are locally managed services which are comprised of staff from childrens services (formerly social services and education) health, police and probation services. The YJB's role is to:
  - monitor the operation of the youth justice system and advise the Secretary of State
  - to identify and promote good practice
  - to commission and publish research
  - to commission places in the juvenile secure estate and
  - place children and young people who have been remanded or sentenced to secure accommodation.
13. The PPO terms of reference for investigating the death of a child at a STC include examining the work undertaken by the relevant YOT(s) with the young person. This may include YOT involvement prior to and during the period in custody. The revised YJB National Standards require YOTs to engage fully with the PPO investigation.
14. The principal focus of the investigation into the death will be the child's care and treatment whilst in custody of the STC. Relevant YOT issues during this period will therefore automatically fall within remit. This remit might be extended to look at YOT involvement when the child was still living in the community, although it is anticipated that this would follow discussion with the Local Safeguarding Children Board (LSCB) and the YJB.
15. YOTs are expected to provide all documentation (including emails, case files, visit notes) about the child who has died, as well as local policies and procedures. Staff are also expected to be open and honest during interviews with PPO investigators. Information obtained from staff during the PPO investigation could not be subsequently used at a disciplinary hearing without the agreement of the person concerned (see annex C).

### **The YJB and the Secure Estate**

16. The YJB is responsible for the purchasing and allocation of placements in secure facilities for young people (Young Offender Institutions, Secure Training Centres and Secure Children's Homes) who have been remanded or sentenced to custody. In addition, the YJB oversees the escort services, and has a duty to set standards and monitor these secure facilities.
17. The YJB requires the STC to co-operate fully with the PPO investigation into a death in custody.
18. The YJB has amended its contractual arrangements with its escort provider to ensure their cooperation in the event of a young person dying in such circumstances.
19. The STC will provide free and ready access to any written material about the child who has died. This will include otherwise confidential information such as the medical record and counselling and staff supervision notes. The STC must provide PPO investigators with access to policy, procedural and managerial documents that

they request. Staff and management are expected to co-operate with the investigation process and be open and honest during interviews. Information obtained from staff during the PPO investigation could not be subsequently used at a disciplinary hearing without the agreement of the person concerned (see annex C).

### **Notification of a death**

20. The YJB will be immediately notified of any death in an STC by the establishment via the YJB Placements and Casework Team. The YJB is also notified of deaths of children and young people in the community. If the death occurs within a month of release from an STC, the YJB will notify the PPO who will decide whether to use his discretionary powers to conduct an investigation. The PPO will notify the YJB whenever it is investigating the death of a child or young person (including, if relevant, the death of someone who has recently become an adult).

21. The YJB will:-

Contact the PPO duty investigator via their pager.

- **The pager number is 07654 382 649**

If the pager is not answered after **three** attempts, then contact the PPO office (020 7035 2841) on the next working day:

Pass the initial details about the death to the PPO investigator. The details that the PPO require at this stage are shown on the Significant incident reporting form (annex A) which should be emailed to [mail@ppo.gsi.gov.uk](mailto:mail@ppo.gsi.gov.uk). The PPO also requires the date of birth of the deceased.

Provide the name and telephone number of the director/ duty director at the Secure Training Centre so that the PPO can make contact quickly and commence the investigation.

Record the date and time that the details were passed onto the PPO office.

### **The PPO investigation**

#### Terms of Reference

22. The terms of reference for the PPO investigation into the death of a child are set by the Prisons and Probation Ombudsman and will be shared with the YJB at the outset. (An example of standard terms of reference for an adult death is shown at annex B.) The notices to staff and young offenders will also be shared with the YJB. The investigation will follow the PPO's usual procedures. It will include liaison with the relevant LCSB and the PPO is taking steps to agree a protocol with LSCBs through the Department of Children, Families and Schools.

#### Interviewing Trainees

23. It is inappropriate for members of staff in the STC to accompany young people when they are interviewed by the PPO investigator(s). Given that young people may be a considerable distance from home, it may be difficult for family members or YOT staff to attend.

24. The use of advocacy services to accompany and support trainees during any interviews is good practice. The YJB currently has a contract with Barnardos and Voice (previously known as Voice of the Child in Care or VCC) in order to allow them to provide this support to young people. The YJB will meet the costs incurred by using this service.

#### Interviewing Staff

25. STC staff who are interviewed may bring another person to accompany them during interviews e.g. a trade union representative.

#### Publication and disclosure of the report and annexes

26. Information obtained during the investigation will be disclosed to the extent necessary to fulfil the aims of the investigation and report, including any follow-up of recommendations, unless the PPO considers that it would be unlawful, or that on balance it would be against the public interest to disclose particular information. The YJB will advise the PPO if it takes the view that a particular document is sensitive, eg might prejudice the security of the STC, in which case the provisions of paragraphs 19 and 21 of the PPO Disclosure Policy will apply. Further information about the PPO Disclosure Policy is given in annex D.
27. The PPO will liaise with the police regarding any ongoing criminal investigation.
28. The PPO will give the early findings of its investigation to the STC and copy them to the YJB.
29. The PPO will produce a written report of each investigation into the death of a child in a Secure Training Centre. The PPO will send the draft report to the family of the deceased child, the STC, the YOT(s), the YJB, the LSCB, and any other persons identified by the Coroner as properly interested persons. Any identifiable staff subject to criticism will have the opportunity to make representations about the report prior to the report being sent to the family of the deceased child. After considering the comments made at this stage, a second draft may be published if the amendments are significant. The Ombudsman will subsequently issue a final report that includes responses to recommendations made from each relevant party.
30. The LSCB, YJB, STC and YOT will not disclose part or all of the PPO's report without the specific written agreement of the PPO.
31. After the inquest has been concluded, the PPO will publish an anonymised version of the report on his website ([www.ppo.gov.uk](http://www.ppo.gov.uk)). The anonymised version will have the name and identifying details of the deceased child removed, and the names of staff removed.
32. When a death occurs in an STC, the YJB will request a targeted inspection by Ofsted. Subsequently the Ofsted report will be submitted to the YJB and, through the YJB, to Ministers for approval and publication.

*John Drew*

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**John Drew, Chief Executive, Youth Justice Board**

*12.3.10*

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**Date:**

*Stephen Shaw*

.....  
**Stephen Shaw, Prisons and Probation Ombudsman**

*22.02.10*

.....  
**Date:**

**ANNEX A      SIGNIFICANT INCIDENT REPORTING FORM**



**Significant incident reporting form**  
 Young offender institutions  
 Secure training centres  
 Secure children's homes

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To be used by the YJB's Placement and Casework Service duty manager

Is Emergency Response Group (ERG) meeting required?

- Yes. Moving date:    /    /
- No. Reason:

**Significant incident**

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Death of a young person in custody</li> <li><input type="checkbox"/> Serious injury</li> <li><input type="checkbox"/> Sexual assault</li> <li><input type="checkbox"/> Hostage situation</li> <li><input type="checkbox"/> Bomb threat</li> <li><input type="checkbox"/> Firearm possession</li> <li><input type="checkbox"/> Food refusal (if life threatening)</li> <li><input type="checkbox"/> Deliberate self-harm (if life threatening)</li> <li><input type="checkbox"/> Outbreak of infectious disease</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Death of another person (eg. staff member/visitor)</li> <li><input type="checkbox"/> Fire (taking bed/s out of commission/preventing new admissions)</li> <li><input type="checkbox"/> Concerted indiscipline (taking bed/s out of commission/preventing new admissions)</li> <li><input type="checkbox"/> Unlawfully at large young person</li> <li><input type="checkbox"/> Recapture/surrender of an unlawfully at large young person</li> <li><input type="checkbox"/> Other incident:</li> </ul> |
|---|---|

Establishment

Name of person reporting the incident

Phone number

Name of child/young person/s involved

Date of incident:    /    /   

Time of incident:    :   

Summary of incident (Max. 140 words)

Other relevant information (e.g. young person's risk factors/an ACCT plan/in segregation/in healthcare) (Max. 100 words)

Action taken by the establishment:

1) in relation to the specific incident (Max. 70 words)

2) to prevent further occurrences (Max. 70 words)

continued on page 2



# Significant incident reporting form

Young offender institutions  
Secure training centres  
Secure children's homes

When can a situation update be provided?

Location of incident at the establishment

Number of places unavailable due to the incident, and length of time the places are expected to be out of commission (if known)

Any staff member suspended  Yes  No If yes, details:

## Notifications

YOT	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date	/	/	Time	:	:
	Name of person notified						
	Name of person who made contact						
Parents	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date	/	/	Time	:	:
	Name of person notified						
	Name of person who made contact						
Police	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date	/	/	Time	:	:
	Name of person notified						
	Name of person who made contact						
Medical	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date	/	/	Time	:	:
	Name of person notified						
	Name of person who made contact						
Ofsted	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date	/	/	Time	:	:
	Name of person notified						
	Name of person who made contact						
Local safeguarding children boards	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date	/	/	Time	:	:
	Name of person notified						
	Name of person who made contact						
NOMS: Incidents Operation Unit (IOU)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date	/	/	Time	:	:
	Name of person notified						
	Name of person who made contact						
Local authority children's services	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date	/	/	Time	:	:
	Name of person notified						
	Name of person who made contact						
Other	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date	/	/	Time	:	:
	Name of person notified						
	Name of person who made contact						

continued on page 3

Name of duty manager taking the call

Date of call                    /       /

Time of call                    :      

## Next steps

### During office hours

- Alert head of Placement and Casework Service/nominated deputy.
- Following discussion with head of Placement and Casework Service/nominated deputy, duty manager to complete ERG box at the top of this form.
- Duty manager to circulate this form to ERG (listed as 'Emergency Response Group' in Outlook global address book) as a high priority email as soon as possible.
- If the incident has taken place at a secure training centre, duty manager to telephone relevant STC monitor and send them this form as a high priority email.
- Head of Placement and Casework Service/nominated deputy to alert ERG members via telephone (if appropriate) to discuss the incident.
- Duty manager to email this form to caseworker to enter information into SACHS.
- Duty manager to email this form to systems officer to maintain the monitoring spreadsheet.

### Out-of-hours

- Placement and Casework Service out-of-hours worker to alert on-call duty manager.
- If deemed appropriate, on-call duty manager to telephone head of Placement and Casework Service/nominated deputy.
- Head of Placement and Casework Service/nominated deputy to alert ERG members via telephone and staff member on call (if appropriate) to discuss urgent action required.
- Duty manager to complete ERG box at the top of this form at the start of the next working day.
- Duty manager to circulate this form the next working day to ERG (listed as 'Emergency Response Group' in Outlook global address book) as a high priority email.
- If the incident has taken place at a secure training centre, duty manager to send this form to the relevant STC monitor as a high priority email.
- Duty manager to email this form to caseworker to enter information into SACHS.
- Duty manager to email this form to systems officer to maintain the monitoring spreadsheet.