

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## SECURE 16 TO 19 ACADEMIES BILL

*Wednesday 1 May 2024*

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CLAUSES 1 AND 2 agreed to.  
Bill to be reported, without amendment.

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**Sunday 5 May 2024**

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

*Chair:* MR PHILIP HOLLOBONE

Amesbury, Mike (*Weaver Vale*) (Lab)

† Argar, Edward (*Minister of State, Ministry of Justice*)

Evans, Dr Luke (*Bosworth*) (Con)

Firth, Anna (*Southend West*) (Con)

Harrison, Trudy (*Copeland*) (Con)

† Heald, Sir Oliver (*North East Hertfordshire*) (Con)

† Johnson, Dr Caroline (*Sleaford and North Hykeham*) (Con)

Johnson, Dame Diana (*Kingston upon Hull North*) (Lab)

Morris, Grahame (*Easington*) (Lab)

Mortimer, Jill (*Hartlepool*) (Con)

† Mumby-Croft, Holly (*Scunthorpe*) (Con)

† Rees, Christina (*Neath*) (Lab/Co-op)

Robinson, Gavin (*Belfast East*) (DUP)

† Scully, Paul (*Sutton and Cheam*) (Con)

† Simmonds, David (*Ruislip, Northwood and Pinner*) (Con)

Spellar, John (*Warley*) (Lab)

Stone, Jamie (*Caithness, Sutherland and Easter Ross*) (LD)

Abi Samuels, *Committee Clerk*

† **attended the Committee**

# Public Bill Committee

Wednesday 1 May 2024

[MR PHILIP HOLLOBONE *in the Chair*]

## Secure 16 to 19 Academies Bill

10 am

**The Chair:** Before we begin, I have a few preliminary reminders for the Committee. Please switch electronic devices to silent. No food or drink is permitted except for the water provided. *Hansard* colleagues will be grateful if Members email their speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk).

The selection and grouping list is available online and in the room. No amendments have been tabled, so we will have a single debate on both clauses of the Bill.

### Clause 1

SECURE 16 TO 19 ACADEMIES (FUNDING, IMPACT AND CONSULTATION)

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

Bill. **The Chair:** With this, it will be convenient to consider clause 2 stand part.

**Dr Caroline Johnson** (Sleaford and North Hykeham) (Con): It is a pleasure to serve under your chairmanship, Mr Hollobone. I am pleased to deal with clauses one and two together.

Secure schools are an innovative new form of custody for children and young people, which the 2019 Conservative manifesto committed to trialling. Essentially, they will be schools with security rather than prisons with education. The Government have already established secure 16 to 19 academies in legislation, and the Bill makes further necessary amendments to the Academies Act 2010 to make specific provisions in that Act relevant to the establishment of new secure schools.

In 2016, Charlie Taylor published his landmark “Review of the Youth Justice System”. The report made a number of important recommendations, including the need to reimagine how we care for children who commit offences serious enough to warrant detaining them in custody. He proposed the creation of a new type of custodial environment, one that is focused on the delivery of education and offers children the opportunity to gain the skills and qualifications necessary to prepare them for their release into the community. The Taylor review made a compelling case for change. The need to transform the environments in which we detain and provide care for these children is as necessary now as it was then. The 2019 Conservative manifesto restated our commitment to trialling the new model. The first secure school is set to open in Medway in Kent this spring, and is to be run by the Oasis Restore trust.

Since the Taylor Report, the Government have been working to create the legislative and regulatory framework that will govern secure schools. The Police, Crime, Sentencing and Courts Act 2022 established secure

schools in legislation as secure 16 to 19 academies under both the Academies Act 2010 and the Children’s Homes (England) Regulations 2015. As work has continued and we near the opening of the first secure school, this Bill is needed to ensure that specific provisions in the 2010 Act are relevant to secure 16 to 19 academies.

The proposed changes cover the termination period in which the Government continue to fund the secure schools, should there be a need to end a funding agreement. The Bill also amends the duties placed on providers that enter into funding agreements with the Government prior to opening a secure school. These changes will essentially reduce unnecessary bureaucracy, provide for better and more integrated services, and protect the public purse.

With that background in mind, I now turn to the clauses themselves. Clause 1 sets out three main measures. First, it amends section 2 of the Academies Act 2010 to reduce the minimum notice period for termination of a funding agreement from seven years to two years for secure 16 to 19 academies. Having a two-year termination period will enable the Government to prioritise value for money for the taxpayer and give them more flexibility should there be any need to terminate a funding agreement with a secure school provider. The reduction to two years strikes a balance between avoiding a lengthy exit period in which the Government are committed to funding the school longer than is necessary and ensuring that secure school providers have the certainty of funding needed to avoid problems with recruiting and retaining the specialist staff required to work in that environment. Although the Government are already able to terminate funding agreements with secure school providers in the event of poor performance, the Bill provides an important “last resort” option to terminate a funding agreement for any other reason.

Secondly, the Bill disapplies section 9 of the 2010 Act for secure 16 to 19 academies, which would otherwise require the Secretary of State to consider the impact on other educational establishments in the area of entering into a new academy funding agreement. Although it is important that secure schools are established as academies to ensure that they mirror best practice in the community, they are fundamentally different from other schools in the community because they do not compete with other schools. As such, we do not expect them to have any impact on the viability of local mainstream schools. The Bill therefore disapplies that duty to help any future secure school to open with minimal delay.

Thirdly, the Bill amends section 10 of the 2010 Act, which currently requires an academy provider to consult appropriate persons on whether a funding agreement should be entered into. We recognise the importance of considering the impact on local communities when opening any new school. The Bill amends that section to require the provider to consult appropriate persons on how the secure school should work with local partners; for example, a provider may deem it appropriate to consult elected representatives or health and education services.

Clause 2 establishes that, when enacted, this legislation will extend to England and Wales, but apply only to England, given that the academy system under the 2010 Act has not been adopted in Wales. The clause also establishes that the provisions of the Bill will come into force at the end of the period of two months

beginning on the day it receives Royal Assent and is passed. Finally, the clause establishes that, once in force, the Bill may be referred to as the Secure 16 to 19 Academies Act 2024.

**The Minister of State, Ministry of Justice (Edward Argar):** It is always a pleasure to serve under your chairmanship, Mr Hollobone. I will not detain the Committee long, but I want to voice my wholehearted support for my hon. Friend the Member for Sleaford and North Hykeham in introducing the Bill. I also wish to take this opportunity to pay tribute to her for her well-known and long-standing commitment to children, both in her professional career as a doctor and in this place. It is perhaps a testament to that commitment that she has been instrumental in bringing forward this small but important piece of legislation. The people of Sleaford and North Hykeham are very lucky to have her as their representative in this place, and long may that continue.

It is a sad reality that a small number of children commit offences so serious that there is no option other than to deprive them of their liberty in order to protect the public. It is the Government's responsibility to ensure that they receive the appropriate support to prepare them for their eventual release and to turn their lives around.

**Christina Rees (Neath) (Lab/Co-op):** I am grateful to my friend, the hon. Member for Sleaford and North Hykeham, for introducing this very important Bill. I am also grateful to the Minister for taking my intervention.

I appreciate that the Bill does not apply to Wales, but in Neath, we have Hillside Secure Children's Home, which is the only home of its type in the UK. We receive children from all over the UK. The children live there, but they are locked up; they receive education and courses, learn social skills and are rewarded for good behaviour and achievements. The period of stay is usually 12 weeks, during which time they turn their lives around, but there is a cliff edge when they are released back into their communities. I have been campaigning since I was elected in May 2015 to secure funding for a step-down unit on the site of Hillside so that these children can live together in a supervised situation, thus avoiding the cliff edge when they go back into their communities and potentially reoffending. Could the Minister please advise me on that?

**Edward Argar:** It is always a pleasure to respond to the hon. Lady. She is right. Even though these specific measures do not apply to Wales, the concept underpinning the secure schools to which this relates is that of education with security, rather than the other way around, and a key part of that is preparing children and young people for release into the community, with the skills and the support to enable them to make a success of their lives. In that context, the hon. Lady highlights a particular issue in Wales, and tempts me to talk about resourcing and funding. I will not stray into that, but I am always happy to have a conversation with her about this, if that would be helpful.

If I may stretch your patience just a little, Mr Hollobone, I shall take this opportunity, given the hon. Member for Neath has intervened, to say I was very sorry to see her announcement that she is standing down from this place at the next election. I have got to know her well

over the nine years I have been in this place, and it was a pleasure, during my brief sojourn out of office a couple of years ago, to be able to play a small part in supporting her Shark Fins Act 2023. I wish her well in the future, but I know that it will be a loss to her constituents not to have her in this place.

Secure schools are a landmark reform in youth custody that will help to reduce reoffending and ultimately lead to fewer victims of youth crime, thereby protecting the public. We look forward to opening the first of those, delivering on our 2019 manifesto commitment, very soon. It is an important new development, as my hon. Friend the Member for Sleaford and North Hykeham highlighted, which has a focus on education with the custodial element alongside it.

For such an important part of our vision for the future of the youth custody estate, it is important that we have proportionate termination measures should there be a need to close a secure school, and that that we have efficient processes in place for opening new schools in the future. The Government have already acted to establish secure 16 to 19 academies in legislation, and this Bill is necessary to ensure that specific provisions in the Academies Act 2010 are relevant to the new custodial settings.

**Sir Oliver Heald (North East Hertfordshire) (Con):** Does the Minister see this as a template for all education in secure settings for the future, or is it an option?

**Edward Argar:** My right hon. and learned Friend will be aware from his time doing my job some years ago that we have within our youth custodial estate young offenders institutions, secure training centres and secure children's homes. The secure school is a new addition to that. It will be the first of its kind in the country. With that in mind, it is important that we establish this first secure school, see how it works and learn from that experience. If it works, my ambition is to see the concept expanded, subject in the future to any funding or spending review decisions. However, it is important that we learn from the real experience once the school is open before we make any longer term commitments or decisions.

The Government fully support the Bill on the basis that the amendments will reduce unnecessary bureaucracy and create better services, thus strengthening the impact of secure schools on the lives of those children in our justice system. Through the Bill, we have an opportunity to enable the Government to prioritise value for money for the taxpayer, and have more flexibility should there be need to terminate a funding agreement with a secure school provider. Although one hopes that will not be necessary, it is prudent and appropriate to have that power in place.

We also have the opportunity to modify consultation requirements that do not apply to secure schools, and therefore help future secure schools to open with minimal delay. Engagement with local communities, as my hon. Friend the Member for Sleaford and North Hykeham has highlighted, is a key part of the selection process for any new custodial site. The Bill will give providers the opportunity to engage with their local community, facilitating future secure schools should the school prove to be the success that we hope and anticipate it will be. That will ensure a more constructive consultation process that will seek to consult on how the secure school should work with local partners.

[Edward Argar]

In closing, I reiterate my thanks to my hon. Friend the Member for Sleaford and North Hykeham for bringing forward the Bill, and I confirm the Government's full and continued support for it.

**Dr Johnson:** I thank those who have contributed today, and the Government and the Minister for their support. I thank the hon. Member for Neath for coming along today and for her contribution. As she has in Neath, we have a secure children's home in Sleaford in my constituency. These homes provide care, support and education to children in a secure environment, many but not all of whom have been placed there by the criminal justice system. Rehabilitation is a key part of the criminal justice system, particularly for our youngest people. Extending it to the formal school-based approach for 16 to 19-year-olds in particular will help us to rehabilitate those young people.

*Question put and agreed to.*

*Clause 1 accordingly ordered to stand part of the Bill.*

*Clause 2 ordered to stand part of the Bill.*

*Question proposed, That the Chair do report the Bill to the House.*

**Edward Argar:** I will take this opportunity to put on record my gratitude to my hon. Friend the Member for Sleaford and North Hykeham for her work on the Bill, to those right hon. and hon. Members who are here today, to you for chairing proceedings, Mr Hollobone, and to the fantastic parliamentary and Bill team at the Ministry of Justice for their work on the Bill.

*Question put and agreed to.*

*Bill accordingly to be reported, without amendment.*

10.14 am

*Committee rose.*