

Office of the Children's Commissioner:

Young people's views on restraint in the secure estate

Research carried out by User Voice



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We would like to thank all the young people who contributed their ideas and gave their time to participate in completing questionnaires and/or discussion groups in such a sensitive area. All these people must remain anonymous as we have made a commitment to protect their identities.

Finally, we are grateful to all the staff at the Office of the Children’s Commissioner and User Voice who supported and contributed to this project.

Foreword by the Children's Commissioner

"I think restraining should only be used in a really difficult situation instead of just when young girls refuse to go to their room or education, it's disgusting."

Female, secure training centre

"I said loosen it because I was in so much pain, and they said no, I'm going to use the force."

Male, young offender institution

This report presents the stark reality of some young people's experience of being physically restrained by staff in the secure juvenile estate.

I am grateful to those who shared their views with us in this consultation carried out by User Voice. I hope what they say here will provide valuable insight and inform future service planning in secure establishments. I also hope it will lead to further study into the effect of the use of restraint on children held in these settings.¹

I recognise that members of staff in the secure estate can work with some of the country's most troubled children. We are not ignorant of the fact that on some occasions, restraining a child can prevent them from causing harm to themselves, members of staff and other children and young people. However, physical force should only ever be used as a measure of last resort and must be done in the safest possible way. It should be used to de-escalate situations without causing further harm or trauma. The deliberate use of pain to control children should never be sanctioned.

The United Nations Convention on the Rights of the Child (UNCRC) which the Government signed over 20 years ago, is clear about how all children in this country should be treated, particularly those who are our most vulnerable.

Any decision made about a child must be in their best interests (UNCRC, Article 3). UNCRC Article 19, which applies to those in detention, states that children should not be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

I was therefore disheartened and concerned to read in the words of the young people who took part in this research some grim personal accounts of their experiences of being restrained. While some understood the reasons why at times restraint was

¹ This report benefits from being read in conjunction with recent wider research we commissioned into children's experiences of custody, 'Young People's Views on Safeguarding in the Secure Estate – A User Voice report for the Youth Justice Board and the Office of the Children's Commissioner' (March 2010), available at: http://www.childrenscommissioner.gov.uk/content/publications/content_471. The findings of this work have contributed to a Youth Justice Board action plan to improve the safeguarding practice of its service providers.

necessary to keep them safe, its use generated both strong emotional responses and bad memories in most participants.

The way the girls interviewed experienced restraint varied dramatically from the boys' experiences. Many girls felt the procedure impacted negatively on their mental health and well being. They disliked it intensely. Boys in contrast reported feelings of anger, indifference, or acceptance that it was a necessary part of the custodial regime.

Some of the young people felt angry because of how and where they had been restrained. They reported that the use of restraint seemed heavy handed and could lead to them feeling traumatised.

We need to remember that children in custody are some of the most vulnerable in our society. Many suffer from mental health problems or learning disabilities. Many have suffered abuse and violence in their lives before they offend. Those we meet, including for this research, are clear that they take personal responsibility for what they have done, and for whatever has led them to be detained. But first and foremost, they are children. Their punishment is the deprivation of liberty. We should not then, as adults, give them messages about using physical force to calm down certain situations. All too often, they see adults in authority doing this as the administration of additional punishment. We stress again that the deliberate use of pain to control children is unacceptable.

The Ministry of Justice recently published its report on implementing the Independent Review of Restraint in Juvenile Secure Settings.² I hope lessons will be learned from it, and from the young people's voices speaking through this report. We are working with the Youth Justice Board to encourage them to incorporate the UNCRC into all youth justice policies and practice. Young people in the secure estate must have opportunities to share their views on the impact of both on their lives, if they are to change those lives for the better, and if the necessary improvements are to be made in this vital area of our work with them.



Dr Maggie Atkinson
Children's Commissioner for England
March 2011

² 'Report on implementing the independent review of restraint in juvenile secure settings' Smallridge and Williamson, March 2011, available at: <http://www.justice.gov.uk/publications/docs/report-implement-restraint-juvenile-secure-settings.pdf> [accessed 16 March 2011].

About the Office of the Children's Commissioner



The Office of the Children's Commissioner is a national organisation led by the Children's Commissioner for England, Dr Maggie Atkinson. The post of Children's Commissioner for England was established by the Children Act 2004. The United Nations Convention on the Rights of the Child (UNCRC) underpins and frames all of our work.

The Children's Commissioner has a duty to promote the views and interests of all children in England, in particular those whose voices are least likely to be heard, to the people who make decisions about their lives. She also has a duty to speak on behalf of all children in the UK on non-devolved issues which include immigration, for the whole of the UK, and youth justice, for England and Wales. One of the Children's Commissioner's key functions is encouraging organisations that provide services for children always to operate from the child's perspective.

Under the Children Act 2004 the Children's Commissioner is required both to publish what she finds from talking and listening to children and young people, and to draw national policymakers' and agencies' attention to the particular circumstances of a child or small group of children which should inform both policy and practice.

As the Office of the Children's Commissioner, it is our statutory duty to highlight where we believe vulnerable children are not being treated appropriately and in line with duties established under international and domestic legislation.

About User Voice



User Voice exists to reduce offending. Our work is led and delivered by ex-offenders who foster dialogue between users of and providers of criminal justice and related services. We enable previously unheard voices to make a difference, and enable policymakers and practitioners to listen directly to service users. While User Voice aims to be a powerful advocate on behalf of offenders and others on the margins of society, it does this through robust but constructive engagement with those who have the power to design services and make decisions. These methods of engagement include:

- **User Voice councils:** that can be developed for use within prisons or in the community for probation, youth offending teams and related services
- **Bespoke consultancy:** User Voice works with clients to design projects aimed at accessing, hearing and acting upon the insights of those who are hardest to reach, including prisoners, ex-offenders and those at risk of crime. These projects include staff and user consultations, workshops and research
- **Advocacy:** through speeches and opinion we present the models, practices and business case behind User Voice in order to inspire and influence key audiences.

User Voice works with a range of age groups, but much of its activity to date has been with those under the age of 25. This is not surprising given the demographics of the prison population and those who commit crime.

Ex-offenders who have had considerable experience of the youth justice system carry out our research: our facilitators have turned their lives around and are all fully trained to run consultation groups. Their pasts give them a special understanding and rapport with children and young people, which encourages participants to talk openly, often for the first time, about their feelings and experiences.

1. Introduction to restraint

The following information is taken from the Youth Justice Board's code of practice '*Managing the behaviour of children and young people in the secure estate*',³ and outlines the context for the appropriate use of restraint in secure settings.

The use of restraint

The Youth Justice Board's code of practice - '*Managing the behaviour of children and young people in the secure estate*', states that the establishments which make up the secure estate for children and young people must have strategies in place for managing the behaviour of the troubled and sometimes troublesome young people in their care.

These strategies should emphasise:

- an expectation of positive behaviour within an environment of mutual respect
- a child-centred culture
- high quality relationships between young people and staff.

The code stresses that there will still inevitably be times when there is problematic and challenging behaviour; and on some occasions, the behaviour may become so challenging that physical intervention is necessary. However, if an effective behaviour management strategy is in place, the need for such physical intervention should be relatively low.

The code sets out a framework for such a strategy, identifying the essential components and the underlying principles of effective practice.

In 2010, the Ministry of Justice published a manual created by the National Offender Management Service (NOMS) to train staff in safe methods of restraining young people in secure training centres, as described below.⁴

³ Taken from the Youth Justice Board website at: <http://www.yjb.gov.uk/publications/Resources/Downloads/Behaviour%20Management%20-%20Code%20of%20Practice.pdf> [accessed 16 March 2011]

⁴ Taken from the Ministry of Justice website at: <http://www.justice.gov.uk/publications/13721.htm> [accessed 16 March 2011]

Ministry of Justice - Physical Control in Care

The 2010 manual is split into two distinct training guides. The first is the PCC manual, which includes guidance on holds, spontaneous incidents and handcuffs. Separately, the personal protection manual contains guidance on breakaway techniques and managing weapon attacks.

The decision to divide the manual was taken to emphasise the difference between techniques used to safely restrain an individual and those used to separate staff from a potentially volatile and dangerous situation.

Both manuals have been designed to be used as part of an intensive training course and under no circumstances should any holds or techniques be used without professional supervision.

On 10 March 2011, the Ministry of Justice published a progress report on how the Government has implemented the recommendations from the Independent Review of Restraint in Juvenile Secure Settings from 2008, as outlined below.⁵

Implementing the Independent Review of Restraint in Juvenile Secure Settings

The Independent Review of Restraint in Juvenile Secure Settings and the government response were published on 15 December 2008. The independent Chairs, Peter Smallridge and Andrew Williamson were appointed as Independent monitors for two years on the implementation of their report.

This is a report of their observations over the two year monitoring period and records how far the government and associated agencies have progressed on implementing their original recommendations.

It is important to note that the use of restraint techniques is a complex and controversial issue, and that the UK government has been criticised by the United Nations Committee on the Rights of the Child for:

- the frequency with which restraint is used on young people in custody;
- the (pain compliant) techniques sometimes used on young people.

⁵ Taken from the Ministry of Justice website at: <http://www.justice.gov.uk/publications/15318.htm> [accessed 16 March 2011]

Critics suggest distance between internationally agreed standards for the use of restraint and practice in England. They also note how pain compliant techniques are neither consistent with these standards nor an effective means of maintaining safety and order. These critics have voiced disappointment with the content of the 'restraint manual' and results of recent reviews including the Independent Review of Restraint in Juvenile Justice settings.⁶

⁶ Further information about these criticisms can be found at www.crae.org.uk and www.howardleague.org.

2. Method

Consultation design

The consultation explored young people's experiences of the restraint element of separation within the secure estate. We collected four types of data: responses to survey questionnaires, data from semi-structured focus groups, audio recordings and diary reflections from facilitators. We aimed to provide coverage of different elements of the secure estate, taking into consideration the type of establishment, demographics and geography. In total, three young offender institutions (YOIs, one of which was for females), one secure training centre (STC), one secure children's home and three youth offending teams (YOTs) participated in the consultation.

Three key questions underpinned our design strategy.

1. To what extent and how had young people experienced this aspect of custody?
2. What was the impact of this and what was the experience like for them?
3. How did they think improvements could realistically be made in the future?

User-led consultations in custody settings are very rare and there is no single model of user involvement to replicate, so we were treading new ground: we had to be flexible and we drew on our experience of previous consultations. The study was designed to provide valuable insight to inform future service planning and sharpen the focus for further study.

User Voice specialises in qualitative consultation, which we believe is critical to uncovering and reflecting a full range of responses. Here we aimed to harvest rich descriptions of young people's first-hand experiences in the three focus areas by helping them to overcome their fears about sharing by providing clear reasons for engaging and ensuring their safety during the consultation.

Trust-building, making connections through sharing appropriately and creating rapport are central to our model. Participants are prepared to cross the huge barriers which can exist in consultation because they can see that the process is being carried out by people who have similar experiences and who have a deep, personal understanding of their lives.

The team

Four User Voice team members were selected because of their first-hand experience of the care system and the secure estate for children and young people, and their professional consultation skills. Our team composition was unique. We were personally equipped to connect emotionally with young people in custody whatever

their gender, age and ethnic background, and to deliver a robust and reliable consultation process. As well as all being ex-offenders, and so experts through experience, our integrated professional skills and experience included:

- youth facilitation
- project management
- academic research
- extensive community work and development work with young and vulnerable groups
- professional health and social care experience, and service management.

Ethics and principles

The sensitive nature of this consultation demanded that a sound set of ethical principles be followed. These were developed and discussed at the planning phase and underpinned our work throughout, together with our pre-existing safeguarding policies. The principles were specifically designed to optimise the consultation process and safeguard the participants, as follows.

Participant choice: our facilitators only engage with young people who have chosen to participate. Participants are individually supported to help them to decide what they disclose and how. They are able to disengage from the consultation at any time, without giving reasons.

Respect for the individual: young people have a right to be heard and respected, and everything they say is considered a valid and valuable form of evidence.

Equality and diversity: we work with both young men and young women and endeavour to ensure that those from diverse or marginalised communities are represented and heard.

Commitment to change: we undertake consultation so that the views and experiences of participants can inform reviews of current practice as well as future service planning, implementation and evaluation.

Transparency and accountability: we believe that being open, clear and accountable to all stakeholders (staff, young people and commissioners) creates the ground for trust-building and solution-focused approaches.

Confidentiality: participants will not be personally identified in the report and they undertake participation on this understanding.

A user-led approach: the strength of our approach is that appropriate disclosure by our facilitators creates a genuine connection with the young people. This emotional resonance can build trust and a rapport which increases the likelihood of participants disclosing and sharing. However, we recognise that sharing their experiences of some areas of the custodial regime may be distressing. A key priority is to ensure that participants feel safe and supported throughout this process.

Process

Contact was made with the lead member of staff at each site before the beginning of the consultation period. Two establishments felt unable to proceed without National Research Committee approval and were replaced.

Each establishment was sent an information pack. This explained the purpose of the consultation and what we planned to cover. Attention was drawn to the fact that participation was not compulsory. The pack explained how the information gathered would be used. Throughout, information sheets and consent forms were used.

The participants were found both by staff selection and self-selection. Staff were asked to consider age, gender, ethnicity and sentence type, as well as different demographic and offence characteristics, and to select young people from across the spectrum. This was intended to ensure that we captured views from a diverse range of young people, as well as to ensure that those selected were not simply the most compliant. The element of self-selection ensured that external pressures to take part in the consultation were minimised.

The questionnaire

Great care was taken in developing the survey questions to make these accessible while optimising the depth and breadth of potential responses.

We addressed a range of factors that could influence the levels of participation and the nature of the responses given, including:

- the young people's ability to read/write and understand English
- the detail and length of the questionnaire
- group pressures: ensuring that responses were participants' own perceptions and were not influenced by the group
- young people's potential anxieties about their responses being identified.

Questions were open and clear, and facilitators clarified the purpose of the consultation to participants.

Facilitators shared their own experiences of living within the secure estate and answered questions about the role and aim of User Voice. Young people were then invited to fill in the questionnaire. Facilitators were aware of the importance of providing practical or emotional support and approaching the needs of the young people with flexibility. We were also aware of the potential for the responses given to be biased because facilitators were present; facilitators were clear that their role was to support and maximise individual expression and ensure that participants were not led or biased by anyone.

Workshops

In two establishments we were unable to undertake workshops (which took the form of a group interview), either because there were staff shortages (at an STC), or because the establishment contained several wings and it was not possible to assemble a single group (YOI 2). However, in most establishments, following completion of the questionnaire, the young people were asked if they would be interested in engaging further. Facilitators explained that this would involve more in-depth work through group sharing exercises, which would be recorded by the group. In three locations (YO1 2, YOI 3 and the combined YOT site) the workshops were undertaken without staff present, although they were nearby and on hand if necessary.

The first section of these workshops was designed to gather thoughts and experiences under the main consultation themes. The second section aimed to build on this and to focus on participants' recommendations for improvement. Although each section was structured, there were opportunities to improvise and be creative. Participants were encouraged to express their views during discussions and it was important to ensure that they felt involved, validated and valued.

Quotes and diary reflections

The qualitative data, consisting of verbatim quotes from young people across the secure estate (in the form of questionnaire responses, workshop findings and audio-recorded responses), enabled us to achieve a high degree of faithfulness in representing their experiences. Interpretations are deliberately minimal in this report.

Facilitators wrote diary journals following the events at each location. This way we were able to capture important observations about the levels of participation, group dynamics and any other issues that were relevant and which might make a useful contribution to evidence gathering. The key facilitator was present at all locations and was therefore able to offer a thoughtful overview of the process.

Limitations

The size of the sample of young people we talked to (89) was not high enough to be statistically significant and therefore will not necessarily be representative of young people across the secure estate. The focus was on qualitative work rather than getting a large sample size suitable for quantitative analysis.

As a result of the difficulties we faced in securing participation from establishments, two of the replacement establishments contained participants aged 18 to 20. It was not always possible to identify accurately which establishments these participants were referring to in their responses or exactly how long ago their experiences took place, but all had experience of the secure estate for children and young people.

1. Findings

The qualitative findings focus on the restraint component of the separation process and contain the responses from the survey questionnaires and group interviews. They are structured by location and gender to enable comparison.

Secure training centre (STC)

This is a small centre containing forty young people aged 14-17, thirty of them being young males held in separate wings. Approximately ten females reside in one area and this group was approached first. Eight females completed questionnaires and four participated in a group interview.

Females

Three of the girls described their personal experiences of restraint and two others gave their views about witnessing it. Two girls thought it was being undertaken effectively. All the other participants were unhappy about how it was being used and they describe the negative impact on their physical and mental health.

“Never been done but am happy with what goes on from what I have seen.”

“Improve - no, they are very good at doing PCC [physical control in care].”

“I haven’t been restrained. I have witnessed them and they are not done properly at all, some people get stood on and scratched and I think that is wrong.”

“I think the restraints are very well done by the staff. They could improve it by being less rough, when they drag you along the floor because you get massive carpet burns.”

“I think restraining should only be used in a really difficult situation instead of just when young girls refuse to go to their room or education, it’s disgusting.”

“I was on the unit and I was very angry and upset and I decided to run into the enhanced area and I refused to return then the staff dragged me to my pad, and I kicked a member of staff so they threw me on the floor and twisted me up.”

“Men doing it to young girls.”

“I have been restrained several times, it used to be a release for me from all the stress I had and anger from all the abuse, but as I’ve got older I hate getting restrained, it is invading our space, you could get us to calm down in different ways instead of putting hands on us 24/7.”

“The worst thing is screws get away with it, they just get on with life and don’t realise what they’ve done to the girls.”

Males

Twenty-two participated in completing questionnaires across several wings, but because of the different scheduled activities on the wings and the tight timescale no group interview was undertaken.

Half of the participants said they had been restrained during the separation process. Some felt angry because of what had taken place and where, some weren't concerned and some thought the procedures were appropriate and understood why it was necessary.

"I felt angry and it happened in class, I felt helpless."

*"P***ed off, unsafe, they jump on you."*

"When you tell them you're alright and have calmed down they don't lay off you, they just carry on."

"It didn't bother me."

"In my room, it made me angry but I understood why they did it."

"I was restrained here, it was okay."

"I feel they were just doing their job."

Suggested improvements

"To do it a bit more gently."

"Go easier, staff just to take you to the room."

Young offender institutions (YOIs)

Three geographically separate locations were visited and forty young people participated in the consultation from YOIs (twenty-six male and fourteen female).

Females

Fourteen females with an average age of 18 participated. They all had experiences of different secure training centres, secure children's homes or young offender institutions and two of the group had experience of all three types of establishment.

Four described direct experience of restraint, while a handful more had witnessed this procedure. They thought it happened occasionally, but most conveyed that it seemed heavy-handed and could produce feelings of re-traumatisation.

“Leaves you even more angry, making you violent.”

“Sometimes there is no reason so it’s like they do it for fun.”

“Twenty men to restrain a five foot woman. Joke.”

“Leaves you feeling lonely, helpless and confused – causes hurt and pain.”

“It made me feel scared like I was going to be hurt again. I panic when people touch me, it reminds me of when I was raped.”

Males: young offender institution 1

This was a large institution and small groups were consulted over several wings to gain as much representation as possible. Twenty young males participated in the survey questionnaire and discussions. Because of staffing issues no group interviews were possible.

Ten of the participants said they had been restrained during separation and many of those reported feelings of anger, pain and helplessness. The group stated that restraint is used mainly to stop fights, although several of the group felt it was too heavy-handed. The group facilitator reported that after the restraint the young person is spoken to and it is explained why it was undertaken.

“In my cell. I felt embarrassed, it was painful and I felt helpless. It made me angry.”

“Violated.”

“On exercise, it kind of hurt.”

“In my cell and in education. It caused unnecessary pain.”

“On the unit, I felt angry, I didn't feel safe.”

“I said loosen it because I was in so much pain, and they said no, I'm going to use the force.”

“See when they bend you up, they're only supposed to use so much force but they don't listen to that.”

"I've witnessed someone getting bent up and they were saying 'I'm not resisting, I'm not resisting' they had his hand and they started breaking it and my man was saying 'what you trying to break my arm for?'"

"They sit there and when they see a fight about to happen they don't intervene before the fight, they'll wait for it to kick off and then bend you up."

"Feel angry most of the time and feel like getting back at them."

"They use too much force and power."

"Got me angry but sometimes understand."

"You don't need six officers, they need two, because six, that's just way over the top. And plus I'm a juvenile."

Suggested improvements

"They use too much force and power."

"Improve by less force."

"They need to talk to people and calm down."

"They're not going to change the way they do it but they should at least loosen a bit when they've got control because obviously it's putting people in pain."

Males: young offender institution 2

This was a small recently opened institution and the consultation was undertaken in an education block. It contains males aged 18-21 and all of those that engaged in this group consultation seven had extensive experience of the secure estate for young people. Two of the participants associated restraint with fighting or stopping violence and they indicated why it was necessary. Three others claimed that in their past experiences it had been undertaken inappropriately.

"If you have a scrap on soc [association], they just split you up and take you back to your cell and soc just carries on."

"They gotta do something innit, if a gov's getting beat up they can't just let it happen can they?"

"I was restrained. It hurt a bit because the officer used a lot of force and bent my wrists right back, I feel it was very unnecessary."

"Every gov should do the same thing. I've been bent up a few times and certain govs would go hard on me, but others would do it normally, some would give me a couple of slaps. Other times I was just pinned down on the floor till I calmed down and then just taken back to the wing."

*"Certain members of staff get too carried away, start calling you a c**t and all of that, but others will just say look calm down and when you have they let you go."*

"If you don't get on with a certain screw and they see you fighting they'll hurt you more deliberately."

Youth offending teams (YOT)

Fifteen young people attached to three different YOTs attended this workshop along with the facilitator and two assistants. Two participants were female. The findings from the questionnaire and group interview have been combined. Some of the group reported feeling angry about being restrained, but they understood why it had happened.

"If say you're scrapping on the floor they'll just grab you, bend you up on the floor and make sure you're separated and then take you back to your cell."

"You're fighting with someone anyway so you're vexed anyway."

"You just feel like fighting back, they can do whatever they want, you do anything even scratch them you can get done for assault."

"Just feel shit when you get restrained."

"I was angry because it hurt."

*"P***ed off they are stopping you from walking round."*

Suggested improvements

"Improve it by trying to talk instead of twisting you straight up."

"Improve it by not being so violent."

Secure children's home (SCH)

This is small home that houses a maximum of eighteen children. At the time of the workshop, there were fourteen residents (12 boys and two girls) with an average age of fourteen. Eleven of the children participated in the consultation and filled in questionnaires.

Four children described their experience of restraint and separation, which consists of a mandatory period of twenty minutes. The responses indicated that the procedure generated feelings of anger and embarrassment.

"When I first got restrained on the corridor for spitting and fighting with staff I felt anger getting locked in my room."

"In the lounge and I felt peed off that the staff were holding me. They hold your arms and legs if you are on the floor or hold your arms if you are standing up."

"On the unit, embarrassed."

"I did not like it and they would not listen to me, too rough."

"I was restrained on my first day here and had cuts on my hand from it and they left me all night in the cold and asked if I wanted a doggy blanket."

"Wasn't bothered because I had stuff in my room, if there was no power I would read."

Suggested improvements

"I think when you get restrained you should be given the bed back."

"Let them calm down where you are."

"The staff should not put children on the corridor because it makes you feel like an animal."

"No just take the people away quicker."

"Safety and to be relaxed."

3. Discussion

This consultation explored so many sensitive issues that it was never going to be easy for those involved. Therefore it cannot be presented here as an easy read. We were pleased that the young people were prepared to speak about their experiences and that the process enabled their voices to come through so clearly.

The use of restraint generated strong emotional responses from most of the participants, but the way girls experienced restraint varied dramatically from the boys. Many of the girls felt that the procedure impacted on them negatively in terms of their mental health and well being, and they disliked it intensely. Boys in contrast reported feelings of anger, indifference or they accepted that it was a necessary element of the custodial regime.

The participants reported restraint being used in a range of areas within establishments. The most cited reason why they disliked it was because they thought too much force was being used. Young people felt that a reduction in force in favour of increased attempts to talk through the issues would be an improvement, moving from a culture of coercion to one of cooperation.

It is very early days in terms of user-run consultations within the secure estate for young people and there is much more to learn, but the range and depth of evidence gained here indicates that this first effort has been very worthwhile. This consultation provides powerful insights into the young people's perceptions of restraint and its impact. The style and method of facilitation clearly enabled many to open up and share.

It takes courage to listen and act on direct and blunt feedback like this. The task ahead is to pay attention to this valuable evidence and take these young people's views fully into account within the planning process and any forthcoming changes in terms of the restraint of children and young people in the secure estate.

4. Conclusion and recommendations

The Office of the Children’s Commissioner would like to thank User Voice for this powerful report. As an Office our role is to promote children’s rights, even in settings like the secure estate where that may be challenging. In doing so we look to the United Nations Convention on the Rights of the Child and specifically:

Article 37: The detention and punishment of young people who offend;

Article 12: Respect for the views of children and young people

And **General Comment number 10** that further explains and defines children’s Rights in Juvenile Justice.⁷

In 2008 the United Nations Committee on the Rights of the Child commented on the UK’s progress in realising the standards and promises set out in these articles. It concluded that the government should “ensure that restraint against children is used only as a last resort and exclusively to prevent harm to the child or others and that all methods of physical restraint for disciplinary purposes be abolished.”⁸

Since this project was first suggested over eighteen months ago we have worked with the government and the Youth Justice Board to seek the promotion and protection of young people rights in line with internationally agreed principles and standards. There have been areas of welcomed progress. For example, the new Regulations laid before Parliament in 2011 on the use of restraint in children’s homes are to be greeted.

However, there is considerably more work to be done to ensure that good practice in one part of the secure estate is replicated consistently across all institutions, and we continue to be concerned about the use of pain compliant techniques in young offender institutions and secure training centres. This report highlights the importance and need to address these issues immediately.

Therefore, following our reflection on the experiences and views of the young people represented in this report, the Office of the Children’s Commissioner recommends that:

1. young people with experience of the youth justice system are actively involved and engaged in reviewing and evaluating policy and practice (UNCRC, article 12);
2. the deliberate use of pain to enforce order and control is prohibited;

⁷ We would also highlight the United Nations agreements including those commonly known as the Havana Rules; Riyadh Guidelines; and Beijing Rules; as well as European standards including recent European Council Guidelines on child friendly justice systems.

⁸ Concluding Observations for the UK from the UN Committee on the Rights of the Child (2008).

3. internationally agreed standards, as set out by the United Nations (including UNCRC, article 37) and European Council are used as a benchmark for how and when restraint is used on children and young people;
4. these standards are applied consistently between institutions; and
5. best practice is used across the secure estate.

In order to realise recommendations three, four and five we encourage the Youth Justice Board to adopt and ensure that the regulations, guidance and techniques used in secure children's homes are applied to secure training centres and young offender institutions.

We believe that the application of these recommendations would radically alter young people's experience of custody. This report has shown clearly that use of restraint can differ greatly between different institutions, and where used and applied inappropriately has a profound, lasting and negative impact on young people. It is important that those designing policy and those responsible for implementing and delivering services recognise this. We therefore, urge those responsible to heed the words and experiences of the young people in this report and have regard to their rights.

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