



Ministry of
JUSTICE



department for
children, schools and families

Government Response to Use of Restraint in Juvenile Secure Settings



The Government's Response to the Report by Peter Smallridge and Andrew Williamson of a Review of the Use of Restraint in Juvenile Secure Settings

Presented to Parliament by the Lord Chancellor and Secretary of State for Justice and the Secretary of State for Children, Schools and Families by Command of Her Majesty

December 2008

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Foreword

It is the first duty of Government to protect the public, support victims, and to provide a criminal justice system with the dual purpose of punishing and rehabilitating young offenders who have been sentenced to custody by the courts. The Government is committed to providing a youth justice system that performs these functions in an environment that ensures safety for both young people and staff alike and significant improvements to this end have been made to the young people's secure estate over the past few years.

Young People in custody present some of the most difficult challenges. They often come from very disadvantaged family backgrounds and at some point in their lives, many have experienced substance misuse, violence and mental health problems. They have levels of learning difficulties that are disproportionately higher than those found in young people in the community. The behaviour of these young people presents a tremendous challenge to staff in the young people's secure estate. It is essential that staff and other young people have the protection that they need in the face of violent and difficult behaviour from others. The independent review found widespread acceptance that it is sometimes necessary to use force to restrain young people in the secure estate, particularly when failing to do so would place a young person or others in danger. The overriding need is to ensure that the need for restraint is minimised. It is essential that staff are fully trained in behaviour management and de-escalation techniques and that appropriate safeguards and monitoring arrangements are in place.

In July 2007 following the findings of the coroner in the inquests into the tragic deaths of Gareth Myatt and Adam Rickwood, we commissioned an independent review into the use of restraint in Young Offender Institutions (YOIs), Secure Training Centres (STCs) and Secure Children's Homes (SCHs). Following our announcement, we appointed the co-Chairs, Peter Smallridge and Andrew Williamson on 8 October. The Chairs reported their recommendations on 20 June 2008.

The terms of reference for the review were to examine policy and practice on the use of restraint across all three juvenile secure settings. We are very grateful to Peter Smallridge and Andrew Williamson for their report which provides, for the first time, an analysis of the complex issues surrounding use of restraint across the three secure settings. Their individual and combined experience in social, children's and mental health services made them well qualified to undertake this inquiry, and their findings are invaluable.

The independent Chairs made 58 recommendations that mirror both the scope and difficulty of the issues dealt with in the review. The Government is accepting almost all of the recommendations. The recommendations fall to the Department for Children, Schools and Families (DCSF), the Ministry of Justice (MoJ), the Youth Justice Board (YJB), the National Offender Management Service (NOMS), local authorities, Her Majesty's Chief Inspector of Prisons (HMCIIP), Ofsted and Local Safeguarding

Children Boards (LSCB's) to implement. The Department of Health also plays an important role in improving health and social care services for people subject to the criminal justice system.

The independent Chairs identified a number of key issues:

- The need for greater clarity and consistency in the use of restraint across all three secure settings
- The need for two systems of restraint, one for YOIs and one for STCs and accreditation of the methods in use across all three settings, to bring about greater consistency
- The need for a review of legislation and guidance on the use of restraint against six principles that focus on preventing the risk of harm
- That there should be a new mandatory Accreditation Scheme, set up by the Government to identify and remove unsafe restraint techniques
- That a Restraint Management Board should be established and chaired by Ministers, to oversee the use of restraint in all secure settings

The Chairs made it clear that these over-arching recommendations were key to the delivery of a number of other proposals.

We present, on behalf of the Government, this response to the independent review and make a commitment to implement the recommendations as outlined in the document. These build upon improvements that have already been made to bring about a safer, more transparent and accountable system of restraint for young people that includes the use of appropriate, accredited pain compliant techniques as a last resort only. We have grappled with the arguments for and against two separate systems of restraint, but after careful consideration, we have asked NOMS to devise a single system of restraint for YOIs and STCs that better reflects the vulnerabilities and the challenges that young people in these two secure settings present. That said, we feel that different considerations apply to Secure Children's Homes, where the characteristics of the young people may be different from YOIs and STCs. Therefore, we have decided that the central accreditation body, as proposed by the co-Chairs, should be setup to approve all restraint techniques across all three secure settings. We accept the recommendation that pain compliant techniques need to be available, for the protection of staff and other young people, as a last resort in exceptional, defined circumstances. But this must go hand in hand with enhanced training for staff in de-escalation techniques and behaviour management in order to embed a culture where restraint is only ever used when all other avenues have been exhausted. The systems for reporting and monitoring the use of restraint must be enhanced and additional safeguards will be put in place for the protection of young people who have been restrained. We will implement the measures set out in the response as quickly as possible and will provide the resources necessary to achieve this.

The Government is also committed to bring about other changes highlighted in the review, through continued research and learning the lessons, to help to reduce the use of restraint across all three secure settings.

Significant changes will be made to secure settings, some of which will require further commitment and time to become full working practices. In order to keep abreast of those changes, we have asked the co-Chairs to act as external monitors of the change programme and to report back to Ministers at least annually for the first two years following implementation. Their terms of reference will be:

“To report to Ministers the extent to which policies and procedures arising from the recommendations of the independent review of restraint, which fall outside the remit of the Inspectorates, are being implemented across juvenile secure settings, to include assessing the extent of cultural change in the use of restraint”.

Developments have not stood still in anticipation of the review’s findings. In March this year the Government published an action plan in response to the issues raised by the Coroners of the inquests. In its response, the Government outlined a number of measures in relation to the future use of restraint and the relevant Government departments and organisations are making progress following publication of the action plan. One of the most significant measures included a review of safeguarding in custody, which has been undertaken by the YJB and the National Children’s Bureau. This is being published alongside the independent review of restraint and the Government’s response.



A handwritten signature in black ink that reads "David Hanson".

Rt Hon David Hanson MP
Minister for Youth Justice



A handwritten signature in black ink that reads "Beverley Hughes".

Rt Hon Beverley Hughes MP
Minister for Children, Young People
and Families

Summary

Peter Smallridge and Andrew Williamson are both former Directors of Social Services in Kent and Devon respectively. They were commissioned to conduct an independent review of the use of restraint in juvenile secure settings and began work in October 2007. They sent their report to Ministers in the Department for Children, Schools and Families and the Ministry of Justice on 20 June 2008.

Their review examined current policy and practice on use of restraint in Young Offender Institutions, Secure Training Centres and Secure Children's Homes and made recommendations for reform. The Government has considered all the recommendations very carefully and this response details the action we plan to take in relation to each.

The following section of this document sets out our response to each of the 58 recommendations. In a few cases we simply note our acceptance. Where this is the case, further detailed and practical work will need to be carried out. In other cases, while we accept the recommendations, we will need to work through the implications for regulations and guidance. Our responses to the individual recommendations follow the same order in which they appear in the body of the review report: the numbering is that used in the summary of recommendations at pages 9-13 of the report.

The Government's Response to the Recommendations

The following section sets out the detailed response to each of the recommendations and the actions for taking these forward. For ease of reference, the Government's response follows the arrangement, chapter by chapter, adopted in the report of the independent review.

CHAPTER 5: LEVELS OF RESTRAINT IN THE YOUNG PEOPLE'S SECURE ESTATE

Recommendation 55

The Government should ask the Prison Service and YJB to examine the basis for the relatively low level of use of force per child reported in YOIs. This should include an assessment of the impact of the Prison Service adjudication system on managing young people without the need to use force.

Response

The Government accepts this recommendation. Better understanding of the reasons for lower levels of restraint in YOIs should help us to understand whether these can translate to reduction of its use across the under-18 secure estate as a whole.

Recommendation 57

The Government should explore the relationship between single separation and restraint to see how use of single separation by establishments influences their need to use restraint.

Response

The Government accepts this recommendation. The co-Chairs found that the link between single separation and restraint is not fully understood. The Government agrees that more evidence is needed to determine the extent to which single separation is a more effective means of managing challenging behaviour than restraint. This will form part of the research to be commissioned by the YJB which will report findings to the Restraint Management Board (see recommendations 22 and 55).

Recommendation 56

The YJB should research the reasons why the same young people can receive significantly different levels of restraint in different parts of the secure estate.

Response

The Government accepts this recommendation. This is directly linked to recommendations 22 and 55.

CHAPTER 6: THE SAFETY AND ETHICS OF RESTRAINT

Recommendation 32

YOIs and SCHs must come into line with STCs and submit monthly exception reports to the YJB on warning signs occurring during restraint.

Response

The Government accepts this recommendation and will work through the implications for all three settings. It is important to have full information from all establishments about any risks associated with restraint incidents.

Recommendation 50

All staff in the secure estate should have consistent and comprehensive training in the awareness of risk factors in restraint, the monitoring of warning signs in young people and the need to take action quickly.

Training must include, in all settings:

- a) risk assessment*
- b) recognition of distress or deterioration in physical condition while restraint is being carried out*
- c) an understanding of the basic physiology of breathing*
- d) training in basic resuscitation and airway management*
- e) an understanding of psychological/medical conditions which increase the risk of an adverse outcome.*

Response

The Government accepts this recommendation.

Recommendation 58

The YJB should research the psychological impact that restraint has on both young people and staff.

Response

The Government accepts this recommendation. The Government agrees with the co-Chairs that more work needs to be done to gain a better understanding of the psychological impact of restraint as experienced by both young people and staff. As part of their overall research programme, the YJB will carry out an impact assessment to determine any links between the use of restraint and the psychological effect on young people and the staff who deploy techniques. This will be explored as part of the research to be commissioned by the YJB which will report findings to the Restraint Management Board.

CHAPTER 8: THE FUTURE OF RESTRAINT IN YOUNG OFFENDER INSTITUTIONS

Recommendation 2

The Government should remove the nose control technique in C&R. Its continued use is inconsistent with the removal of the identical nose distraction technique in PCC.

Response

The Government accepts this recommendation and is looking to replace the nose control technique with a safer alternative within the next six months.

Recommendation 4

The Prison Service should ensure that it has adequate arrangements in place for regular central oversight and analysis of the use of force and reporting of injuries in YOIs.

Response

The Government accepts this recommendation. The 'use of force' committee within National Offender Management Service (NOMS) provides central oversight of the policy on restraint. A separate system will be devised for the young people's estate, which will link closely with the overall monitoring arrangements.

Recommendation 1

The Prison Service must provide staff with safe restraint techniques which are designed specifically for young people and which do not rely on pain-compliance. As a matter of priority it should re-introduce properly resourced and managed pilots of Adapted C&R into YOIs.

Response

The Government accepts this recommendation. NOMS is developing a new Adapted C&R technique, specifically for young people, which will form part of a comprehensive behaviour management system. There will be four stages of intervention, not all of which would be needed in most cases. During stage one, staff would attempt to defuse the incident by mediation and more effective communication with young people. If that did not succeed, non-pain compliant techniques would be used to bring the incident under control. As a last resort, pain-compliant control and restraint techniques would be available. This third level of intervention will be necessary in only a small minority of cases, where all other methods of control have failed and the safety of the young person or others is being put at risk. When the incident has been resolved, the final stage of intervention will be a debriefing, to ensure that both staff and young people have the opportunity to learn from the incident. Stages two and four also fulfil recommendations 5 and 29. Once developed, new techniques will be piloted in a limited number of young people's establishments prior to national implementation.

Recommendation 6

Staff responsible for training and co-ordinating use of force in YOIs should be brought within the management responsibilities of the Safeguard Manager.

Response

The Government partially accepts this recommendation. Safeguarding Managers were introduced into YOIs as part of the YJB's Child Protection and Safeguarding Programme in 2005. Their role is to co-ordinate and champion the safeguarding of young people. It is important that there are clear links between the Safeguarding Manager and the staff responsible for training and coordinating the use of force.

Use of restraint is a key agenda item at safeguarding meetings in YOIs and Safeguarding Managers have a vital role in relation to restraint. In cases where Safeguarding Managers do not have relevant Prison Service training and experience, however, it would not be possible to give them responsibility for supervising staff involved in restraint. The Prison Service will ensure that regular joint meetings take place between Safeguarding Managers and Security Managers, at governor level, to review local practice.

Recommendation 3

Batons should not be routinely deployed in the young person's estate.

Response

The Government accepts this recommendation. The review shared the Prison Service's own conclusion that batons should not be routinely worn or deployed in under-18 establishments, as the risks of significant harm to young people far outweighed any advantages.

CHAPTER 9: THE FUTURE OF RESTRAINT IN SECURE TRAINING CENTRES

Recommendation 9

The Government should permanently remove nose distraction and the double basket hold from the techniques currently used in PCC.

Response

The Government accepts this recommendation.

Recommendation 10

The Government should commission the Prison Service NTRG to devise a new simpler, safer and more effective system of restraint to replace PCC in STCs.

Response

The Government accepts this recommendation in principle. Having considered all the review's recommendations about the needs of YOIs and STCs, we have concluded that a single system across both settings, incorporating techniques for managing all levels of risk, is the most appropriate way of responding to the co-Chairs concerns.

Recommendation 11

The new system must be built around a smaller core of safe techniques to cover the range of risks in STCs. Its development should be informed by latest medical evidence, including the PCC Medical Panel's conclusions on the safety and suitability of the head support, seated holds and the double embrace, and where appropriate by the evidence of the BILD expert panel.

Response

The Government accepts this recommendation for both YOIs and STCs. This is linked to recommendations 1, 5, 10 and 12.

Recommendation 12

The new system should be based primarily on holds which avoid pain but should incorporate wrist flexion locks, as a phase 4 technique¹, to be used in exceptional circumstances and subject to strict safeguards. Staff in STCs should be prohibited from using wrist locks unless:

- (a) *Use has been approved in a prior individual risk assessment authorised personally by the STC Director/Duty Director and signed off by healthcare or;*
- (b) *The safety of any young person or staff member during a restraint incident requires it to be brought to an end quickly. Authority to use wrist locks in these circumstances must be given following risk assessment by the Duty Manager or in emergency situations by the team leader present.*
- (c) *In all cases, de-escalation and other permitted, non-pain techniques, should have been tried first before the use of wrist flexion is considered.*

In addition:

- (d) *The risk assessment of young people should be reviewed weekly to determine whether priority authority for the use of wrist locks can be withdrawn.*
- (e) *The STC should report all incidents of restraint requiring wrist flexion to the YJB monitor and the Local Safeguarding Children Board for external scrutiny. Examination of the use of pain compliance in STCs should be on the agenda for each STC's LSCB meeting.*
- (f) *Ofsted should review the use of pain compliance in STCs as part of their announced and unannounced inspections.*

Response

The Government accepts this recommendation. We agree that use of wrist flexion in STCs should only take place exceptionally following a risk assessment. Additionally, although the report acknowledged that there were difficulties in implementing a similar system in YOIs (which generally hold the older age group in larger units with greater throughput of young people), the YJB will work with the Prison Service to implement revised arrangements which provide staff with safe alternatives to pain compliant control techniques to ensure that wrist flexion and other pain-compliant

¹ The co-Chairs use "phase 4 technique" to refer to additional options beyond the current three phases of PCC. It does not refer to the four stages proposed for the new Adapted C&R system.

techniques are used in all settings only as a last resort (see recommendation 1). All use of force incidents in YOIs will be subject to rigorous and regular review by the establishment's Safeguarding Committee with the aim of reducing frequency of use.

Recommendation 13

The review of PCC should consider the provision of specific techniques suitable for vehicles to allow escort staff to move young people safely and effectively.

Response

The Government accepts this recommendation. The new system that is being developed (see recommendations 1, 5, 10, 11 and 12) will include techniques for vehicle escort staff to use, as a last resort, during the movement of young people.

CHAPTER 10: THE FUTURE OF RESTRAINT IN SECURE CHILDREN'S HOMES

Recommendation 14

SCHs should remove the nose distraction technique and double basket hold where they are used as part of their restraint method.

Response

The Government agrees with this recommendation.

CHAPTER 11: ACCREDITATION AND REGULATION

Recommendation 17

To provide transparency and reassurance on the safety, effectiveness and ethical validity of restraint methods, the government should establish a mandatory Accreditation Scheme for all restraint techniques, training and trainers in the secure estate.

Response

The Government accepts this recommendation. It is essential that all restraint techniques for use in the under-18 estate should be examined and the risks assessed by experts. It is also important that the training given is of a high standard and that trainers are fully qualified to provide it.

Recommendation 18

The Government should direct that only accredited restraint techniques, training and trainers will be permitted in the secure estate.

Response

The Government accepts this recommendation (see recommendation 17).

Recommendation 20

The YJB should give priority to completing the development of a new risk assessment tool to be used to provide consistent, objective evaluation of the safety of restraint techniques as part of the proposed Accreditation Scheme.

Response

The Government accepts this recommendation. The Youth Justice Board has provided funding to the British Institute for Learning Disabilities (BILD) to develop a tool to be used to evaluate the safety and effectiveness of physical restraint techniques being used in the juvenile secure estate. Work on this is due to be completed shortly. Once completed, the Restraint Management Board (see recommendation 22) will consider its appropriateness for use as part of the mandatory accreditation scheme.

Recommendation 21

To underpin the Accreditation Scheme, the YJB should develop and maintain an evidence base of the relative risk and safety of all restraint techniques used in the secure estate, to include data on injuries or warning signs associated with use.

Response

The Government accepts this recommendation. A strong evidence base is essential to underpin the accreditation scheme.

Recommendation 19

Membership of the Accreditation Panel should include experts drawn from physiotherapy, paediatrics, child psychiatry, orthopaedics, PTSD and other disciplines, together with those with operational knowledge of restraint techniques.

Response

The Government accepts this recommendation. We will ensure that the panel is able to call on the knowledge and skills of experts in these fields.

Recommendation 22

The Government should establish a Restraint Management Board, chaired at Ministerial level, to provide better regulation, give oversight to the Accreditation Scheme and help drive down the use of restraint across the secure estate.

Response

The Government accepts this recommendation. The Restraint Management Board will replace the current PCC Monitoring Board and will have the wider role of overseeing use of restraint across all three parts of the secure estate. Restraint reduction will be a key part of its work. The new Board, adopting and adapting the PCC Management Board model, will meet regularly and will be chaired at ministerial level. The Board's terms of reference will include achieving greater consistency, both of policy and practice, across the secure estate for young people.

CHAPTER 12: WHEN CAN RESTRAINT BE USED?

Recommendation 16

To ensure a consistent approach to the use of force across the young people's estate, the Government should re-examine the legislation and guidance on restraint against these principles:

- *Force should be used as a last resort.*
- *Force should be used only to prevent the risk of harm.*
- *The criteria for using force should be consistent across settings.*
- *The minimum force necessary should be used, and this is proportionate to the identified risk.*
- *Only approved restraint techniques should be used.*
- *Force should only be used in the context of an overall approach to behaviour management, including de-escalation and de-briefing, in which children and young people are actively involved.*

Response

The Government accepts this recommendation. There is a need for greater consistency and we will re-examine the relevant legislation and guidance on use of force. The prevention of harm – to young people, to staff, to visitors and to the overall safety of the establishment as detailed in the independent review – is central to this.

CHAPTER 13: PREVENTING RESTRAINT

Recommendation 24

All units should ensure that any use of restraint is placed within an overall behaviour management strategy.

Response

The Government accepts this recommendation. Use of restraint is one part – which should be as limited as possible – of the strategy an establishment uses to manage the behaviour of young people in custody. The strategy needs to take account both of the vulnerability of many young people in the under-18 estate and of their exceptionally challenging behaviour, which poses risks to themselves, to other young people and to everybody who works in secure establishments. The YJB is working to encourage the development of local behaviour management strategies to develop best practice in this area. For SCHs, the National Minimum Standards already place the use of restraint within the context of behaviour management.

Recommendation 5

The Prison Service should adopt Therapeutic Crisis Intervention or a similar effective behaviour management approach in all YOIs.

Response

The Government accepts this recommendation (see recommendation 1).

Recommendation 25

The YJB should proactively monitor compliance with the Behaviour Management Code of Practice to ensure establishments are using it for continuous improvement in managing restraint.

Response

The Government accepts this recommendation. The YJB plans to refresh its Code of Practice by autumn 2009. It intends to incorporate the Code of Practice into its contract management and monitoring arrangements for the whole of the secure estate.

Recommendation 26

Every STC, YOI and SCH should be required to produce, publish and report against a Restraint Reduction Strategy setting out how they propose to reduce the use of force on children and young people.

Response

The Government accepts this recommendation.

Recommendation 27

The YJB should commission regular independent audit of the progress of establishments against their Restraint Reduction Strategies.

Response

The Government accepts the recommendation in principle. We are committed to ensuring that further progress is made to reduce the use of restraint. The YJB will incorporate the provisions of its Behaviour Management Code of Practice into its contract management and monitoring processes. It will use its own monitors who are independent of the establishments they monitor – to implement the recommendation. We have commissioned Peter Smallridge and Andrew Williamson to monitor the implementation of the actions set out in this response to their report. The effectiveness of restraint reduction strategies will be one of the matters we will ask them to address.

Recommendation 43

Establishments should inform children and their parents or carers, of their restraint policy, methods used and safeguards in place.

Response

The Government accepts this recommendation. We are committed to ensuring that more effective links are established and maintained between young people and their families and/or carers while the young person is in custody. Information-sharing is one way of achieving this. As part of their first-night-in-custody and induction programmes, establishments will be expected to ensure that young people, their families and carers have a good understanding of their restraint policies and procedures.

Recommendation 28

Should there be developments in the building of STCs in future, the architects and designers should be required to visit and examine some of the more recently built secure children's homes. In particular Woodlands in Northern Ireland, which was the best designed we saw and in which restraint is being successfully minimised.

Response

The Government accepts this recommendation.

Recommendation 8

YOIs should be designated a specialist system within the Prison Service with their management a discrete specialism. Career opportunities should be created for managers and staff which reward their expertise in working with young people.

Response

The Government agrees with the ambition underlying this recommendation, which relates to the long-term development of the under-18 secure estate. The setting up of a separate secure estate, in which young people under 18 do not mix with older prisoners, has been a significant achievement (it has put us in a position to withdraw the reservation against Article 37(c) of the United Nations Convention on the Rights of the Child, which the United Kingdom entered when it ratified the Convention in 1991.) We wish to continue that process of differentiation, by ensuring that the ethos of under-18 establishments, and the skills of the staff who work in them, are specifically focused on young people's needs. The Prison Service is developing a workforce strategy, in conjunction with the YJB. This will ensure that recruitment processes identify staff who are best suited for working with young people. A national recruitment campaign will seek to attract people with the qualities needed to carry out the challenging, but also rewarding, role of working with young people in under-18 YOIs.

Recommendation 36

The focus of YJB monitoring should be on qualitative treatment of children not contract compliance. Monitoring must be timely, effective, noted and acted upon.

Response

The Government accepts this recommendation. The contracts, service level agreements and monitoring that the YJB has in place focus on ensuring that young people are properly cared for and that the factors contributing to reoffending are addressed. In monitoring contract compliance, the YJB also monitors the treatment of young people.

CHAPTER 14: RECORDING AND MONITORING RESTRAINT

Recommendation 15

To provide an accurate picture of their use of force, SCHs should record and report to the Department for Children, Schools and Families restraint used on children placed on 'welfare' grounds.

Response

The Government accepts this recommendation. The Government agrees that as part of a move towards greater commonality across the under-18 estate, secure children's homes should also provide information on use of restraint in relation to young people who have been placed there under the local authority care system, as well as remanded and sentenced young people. The DCSF will consider how to implement this through regulations and National Minimum Standards which are under review. The Government considers that there should be a single reporting system and that the YJB is best placed to collate the information for Ministers on all placements. DCSF would follow up any concerns over use of force in relation to young people accommodated on welfare grounds.

Recommendation 23

Ofsted and HMIP should consider establishing a joint unit which should specialise in the inspection of restraint regimes and practices.

Response

The Government accepts this recommendation. We have asked Ofsted and HMCIP to consider the recommendation and examine ways in which they can work more effectively together to inspect STCs and SCHs, and to come back to Ministers in the New Year.

Recommendation 29

All establishments should record all incidents involving RPI within 24 hours. All records should contain as a minimum:

- *The young person's details*
- *Staff involved in the restraint*
- *Description of build-up, incident and resolution*
- *The reason for the restraint*
- *Clear evidence of de-escalation techniques used to avoid use of force*
- *Description of holds used during the restraint*
- *Record of injury to the young person and any medical attention given*
- *Confirmation of debriefing for staff and the young person*

Response

The Government accepts this recommendation. In relation to the debriefing for staff and young people see recommendation 39.

Recommendation 30

STCs, YOIs and SCHs should include in their reporting of restraint an opportunity for the young person to give their own views of the incident and to report any injuries.

Response

The Government accepts this recommendation (see recommendation 29).

Recommendation 31

All establishments should produce analysis reports of restraint incidences at least monthly, focusing on continual improvement in reducing restraint. As a minimum they should examine:

- *The reasons for restraint*
- *What patterns of restraint emerge*
- *Restraint 'hotspots' – which locations predominate*
- *The time restraint incidents occur*
- *Which staff, or groups of staff, have been involved*
- *Risks in restraint techniques*
- *Training gaps identified*

Response

The Government accepts this recommendation (see recommendations 26 and 29).

Recommendation 33

The YJB should have in place a range of effective support and sanctions to back its Assurance Monitoring of restraint in the secure estate, including reporting concerns to Local Safeguarding Children Boards.

Response

The Government accepts this recommendation. Sanctions are available to enable the YJB to address deficiencies in service. Processes are in place to notify the Local Safeguarding Children Board where a young person may be at risk of significant harm.

CHAPTER 15: PROTECTING YOUNG PEOPLE AFTER RESTRAINT

Recommendation 37

All establishments in the secure estate should ensure that any restrained young person is seen by a registered nurse or medical practitioner within 30 minutes of an incident.

Response

The Government accepts this recommendation in principle. Establishments must ensure that they are able to call upon immediate medical assistance as required. However, establishments will need to form a judgement whether it is necessary to do so in particular cases.

Recommendation 38

All injuries should be photographed, recorded on a body map and given the appropriate level of treatment.

Response

The Government partially accepts this recommendation. Current procedures in all three parts of the estate ensure that injuries are recorded and, where necessary, that appropriate treatment is given. We are doubtful of the purpose and value, or appropriateness for vulnerable young people, of photographing all injuries routinely. However, if individual parts of the estate wish to record injuries in the way recommended, such a practice would be open to them.

Recommendation 34

All establishments should have recordable 'real time' CCTV in common areas to help monitor the use of restraint and assist decisions on safeguarding and child protection interventions.

Response

The Government accepts this recommendation. The Government agrees that CCTV provides essential evidence on the use of restraint. Installation of 'real time' cameras in common areas of establishments will assist the wider scrutiny of restraint practices, as recommended by the co-Chairs. Coverage should include all areas of association and any 'blind spots' identified by establishments.

Recommendation 35

All incidents of planned restraint in the secure estate must be recorded on video.

Response

The Government accepts this recommendation.

Recommendation 39

Establishments must have a formal debriefing with every young person subject to restraint within 48 hours of the incident, with a written record of conclusions and actions taken. The debrief should be done by a member of staff who was not involved in the incident.

Response

The Government accepts this recommendation (see recommendations 29 and 40).

Recommendation 40

If the young person wishes it, an independent advocate should be present at the child's formal debrief. To help this, establishments must notify an independent advocate of every restraint within 24 hours of the incident, which should then determine whether the young person wishes an advocate to be present at the debrief.

Response

The Government accepts this recommendation. We will take steps to ensure that advocacy services are notified of restraint incidents, so that they can be present at the debrief if the young person wishes.

Recommendation 41

Independent advocates should keep confidential records of their debrief interviews with young people and should use them to report on an establishment's use of restraint annually to the YJB or more frequently if they have concerns. The advocacy service should also report to HMCIP or Ofsted as appropriate to inform inspections.

Response

The Government agrees that advocates should report any concerns to the YJB. It is important to avoid compromising the advocates role by placing responsibilities on them which might not fit easily with their primary duty to represent the young person. We would not, therefore, expect them to submit routine reports.

Recommendation 42

All staff in the secure estate must have the opportunity after a restraint incident to debrief with their manager.

Response

The Government accepts this recommendation. This will form part of the overall adapted C&R system for YOIs and STCs (see recommendation 1). This will also be implemented in SCHs.

Recommendation 48

Young people making a complaint about restraint should be given a target by which they should expect to hear of the outcome of their complaint and all complaint resolution forms should be signed off by the young person at the end.

Response

The Government accepts this recommendation. The YJB will also undertake a review of complaints procedures across all three secure settings to identify where further guidance may be needed. It expects to complete the review by September 2009.

Recommendation 49

It should be mandatory for the establishment to put in writing to the young person affected, and their parent(s)/guardian, the outcome of every child protection referral on use of force grounds.

Response

The Government accepts this recommendation in principle. Where cases are investigated by the local authority's children's social care department, it will be for that department to notify the young person and his or her parents or guardians of the outcome. Establishments will, however, notify interested parties when cases are referred and will explain the process and the possible outcomes. On occasion, the local authority may decide that the establishment should deal with the matter

through its own procedures. In such cases the establishment should inform the young person and his or her family of the outcome.

Recommendation 44

To help scrutiny of restraint incidents, including CCTV footage, staff from LSCBs and local child protection committees responsible for investigating child protection referrals should be trained in the relevant restraint methods used by their area's secure units.

Response

The Government accepts this recommendation in principle. We are committed to supporting and improving LSCB members' understanding of use of restraint in secure establishments. Where appropriate, members of LSCBs with secure establishments in their area will be given demonstrations in the techniques accredited for use, to assist their consideration of any child protection or safeguarding issues that might arise in relation to restraint.

Recommendation 45

LSCBs must be properly linked in with any secure setting in its area and should be able to scrutinise restraint techniques, the policies and protocols which surround the use of restraint, and incidences and injuries.

Response

The Government accepts this recommendation. The current guidance, Working Together to Safeguard Children, makes LSCBs responsible for ensuring that young people in secure establishments are protected and safeguarded. The membership of LSCBs includes the governors and directors of any under-18 secure establishments in their area. We are committed to ensuring that those links are maintained and strengthened. We have recently announced a stocktake of the role of LSCBs. Among the matters it will look at specifically are the links between LSCBs and young people in secure establishments.

Recommendation 46

LSCBs with a secure unit(s) in its area should report on its use of restraint annually to the YJB or more frequently if they have concerns. They should also report to HMCIIP or Ofsted as appropriate to inform inspections.

Response

The Government accepts this recommendation (see recommendation 45).

Recommendation 47

Establishments should inform the Local Authority, themselves members of the LSCB, in which the young person originates when they have been subject to restraint.

Response

The Government accepts this recommendation (see recommendations 45 and 46).

CHAPTER 16: TRAINING

Recommendation 7

The Prison Service should make an enhanced Juvenile Staff Awareness Programme mandatory for all those working with young people.

Response

The Government accepts this recommendation. Our objective is to move to a position where all staff working in the under-18 YOI estate have received specific training for that role. The number of staff attending the programme will be increased to enable the objective of full coverage to be achieved.

Recommendation 51

All staff in the secure estate should have received a core module of training, which must include training in use of restraint, before they are permitted to work with young people.

Response

The Government accepts this recommendation.

Recommendation 52

There should be a requirement for more frequent refresher training in restraint. Ideally this should be on a 6 monthly basis, to enable staff to ensure that their skills are refreshed and assured for safety by qualified instructors.

Response

The Government accepts this recommendation. Six-monthly refresher training will help to ensure that high standards are maintained. For SCHs, the DCSF will also consider how best to implement this.

Recommendation 53

All organisations providing restraint training in the secure estate should ensure that they have quality assurance processes to audit locally provided 'cascaded' training.

Response

The Government accepts this recommendation.

Recommendation 54

A National Vocational Qualification (Level 3) should be specifically developed for staff working in juvenile secure settings. The three current sets of National Occupational Standards relating to the training of staff in the use of restraint should be brought together under one body. Skills for Justice, Skills for Care, Skills for Security should be asked to address this matter, in conjunction with the Children's Workforce Development Council and the YJB.

Response

The Government accepts this recommendation in principle. We are considering a number of options for vocational training, specifically designed to equip staff to work with young people in secure establishments. One option would be to develop a National Vocational Qualification. We will provide details of our conclusions shortly.



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