

**REPORT ON IMPLEMENTING THE
INDEPENDENT REVIEW OF RESTRAINT IN
JUVENILE SECURE SETTINGS**

Peter Smallridge CBE and Andrew Williamson CBE

March 2011

FOREWORD

“The most challenging project we have ever undertaken”

“We needed to confront the issue of pain compliance”

“Generally we are happy with the progress that is being made”

We would like to acknowledge the many people who have been crucial in the completion of this report, especially the numerous young people and staff at all of the secure establishments we visited for allowing us to tour their facilities and to interview them.

We have been particularly pleased at the willingness of all in the secure estate to work with us, and to implement our recommendations, bringing about the necessary changes to practice in the secure estate.

Special thanks are due to the officials from the Youth Justice Board, the Ministry of Justice, the National Offender Management Service and the other interested parties who contributed so much to our original report and to assisting us in our monitoring of progress.

Broadly we are satisfied that good progress is being made across all of the secure establishments in the field, both from the perspective of the managers and staff. Our discussions with external agencies suggest that they generally share this assessment, although it is acknowledged that much remains to be done to ensure continued progress.

Peter Smallridge

Andrew Williamson

CONTENTS

1 Introduction		
1.1	Terms of Reference	p.1
1.2	Background	p.1
1.3	Methodology	p.2
2 Summary		
2.1	Progress	p.3
2.2	Additional Suggestions	p.3
3 Levels of restraint in the Juvenile secure estate		
3.1	Number of young people in custody	p.4
3.2	Data on use of restraint	p.4
4 The Safety and Ethics of Restraint		
4.1	Monitor's views on pain compliance	p.6
5 The Future of Restraint in Young Offender Institutions		
5.1	Background	p.7
5.2	National Offender Management Service (NOMS)	p.7
5.3	Conflict Resolution Training (CRT)	p.7
6 The Future of Restraint in Secure Training Centres		
6.1	Background	p.9
6.2	G4S and Serco	p.9
7 The Future of Restraint in Secure Children's Homes		
7.1	Background	p.11
7.2	Visits	p.11
8 Accreditation and Regulation		
8.1	Restraint Accreditation Board (RAB)	p.13
9 Use of Restraint		
9.1	When can restraint be used	p.15
9.2	Restraint Minimisation Strategies (RMS)	p.15
10 Recording and Monitoring Restraint		
10.1	Inspections	p.17
10.2	Reporting of injuries	p.17
10.3	Improved data collection	p.17
11 Protecting Young People after restraint		
11.1	De-briefing	p.19
11.2	CCTV	p.19

12. Training

- | | | |
|------|--|------|
| 12.1 | Background | p.21 |
| 12.2 | Juvenile Awareness Staff Programme (JASP) | p.21 |
| 12.3 | Black and Minority Ethnic (BME) Group Training | p.22 |

13. Other Related Matters and Conclusion

- | | | |
|------|---------------------|------|
| 13.1 | Resettlement | p.23 |
| 13.2 | Mental Health Needs | p.23 |
| 13.3 | Conclusion | p.24 |

14. Appendix

- Annex A: List of secure establishments visited
- Annex B: List of consulted stakeholders

Sponsored by:



1. INTRODUCTION

1.1. Terms of Reference:

It has been just over two years since our Independent Review of Restraint (IRR) in Juvenile Secure Settings was published.¹ The Government response² accepted almost all of the 58 recommendations we made and asked us both to independently monitor the implementation process with the following terms of reference:

‘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 Inspectorate, are being implemented across juvenile secure settings, to include assessing the extent of cultural change on the use of restraint.’

This report is a conclusion of our findings over the two year monitoring period.

1.2. Background:

In 2008 we were invited by the then Minister for Youth Justice and Minister for Children to examine the policies and practices surrounding the use of restraint across Young Offender Institutions (YOIs), Secure Training Centres (STCs) and Secure Children's Homes (SCHs). Our appointment came against the background of the tragic deaths of Gareth Myatt and Adam Rickwood in 2004 and the Coroner's recommendations from the resulting inquests to review the use of restraint in youth custody.

Our original terms of reference were to:

‘Encompass policy and practice on the use of restraint across a range of juvenile secure settings including secure training centres, secure children's homes and young offender institutions.’

Our goal was to bring greater clarity and consistency across all three secure settings and to build in safeguards for young people who experience restraint. Our key recommendations were that:

- substantial changes were necessary to the system of restraint in use in YOIs and STCs.
- each establishment should adopt policies and practices that enabled the better management of challenging behaviour and thereby minimising the need for restraint.

¹ http://www.justice.gov.uk/publications/docs/restraint_review.pdf

² <http://www.justice.gov.uk/publications/docs/govt-response-restraint-review.pdf>

- all restraint systems and techniques used in the under 18 estate should be subject to accreditation and that significant improvements should be made to training, monitoring, inspection and reporting.

1.3. Methodology:

Both during the Review and throughout the two year monitoring of its implementation, we have visited a number of secure establishments (the complete list is at Annex A). This included Local Authority SCHs, YOIs (several more than once) and all four STCs.

During our visits we have met and spoken with numerous young people and staff. We conducted meetings and interviews with managers of the secure establishments across the country as well as with officials from the Youth Justice Board (YJB), the National Offender Management Service (NOMS) and the Ministry of Justice (MoJ). We have also met with MoJ Minister of State, Lord McNally and MoJ Parliamentary Under-Secretary of State, Crispin Blunt.³

In addition, we have run two workshops in November 2009 and December 2010 with a large number of the interested parties in the work that we were monitoring.⁴ This included amongst others, the main children's charities, the Office of the Children's Commissioner, the Howard League for Penal Reform and Inquest. During these workshops we listened to various views and progress to ensure the successful implementation of our recommendations.

We also made a presentation to the Secure Accommodation Network (the managers of all SCHs) and met with the mothers of Adam Rickwood and Gareth Myatt⁵.

We believe that it has been important to meet with a range of interested parties during the two year monitoring period to ensure that implementation of our recommendations was being carried out to full effect. We have been particularly impressed by how seriously the Government has taken the IRR and the associated work from the programme of recommendations.

³ See complete list of arranged meetings at Annex B

⁴ Full list of workshop attendees and meetings at Annex B

⁵ Meetings arranged by Inquest.

2. SUMMARY

2.1. Progress

We have concluded that, although there remains more to do, the Government has made strong progress on implementing a programme of ambitious cultural change on the way restraint is operated across the under 18s' secure estate. The main actions made so far include:

- The Restraint Accreditation Board (RAB) has been established and the Chair and members appointed.
- A 'new system of restraint' has been designed for use in both YOIs and STCs.
- The RAB are currently assessing this new system of restraint and will make recommendations to Ministers.
- Rainsbrook STC is scheduled to be the "early adopter site" for the new system of restraint.
- All establishments now have restraint minimisation strategies and have linked these to their policies and practices designed to safeguard young people.
- Stronger links have been established to the Local Safeguarding Children's Boards (LSCBs) by senior Managers from YOIs and STCs attending Safeguarding Boards.
- Training for staff involved in the day to day care of young people in custody has greatly improved and includes a stronger emphasis on managing challenging behaviour and avoiding the need for restraint.
- All of the establishments are continuing to develop their understanding and management of young people in the juvenile estate and are continually seeking to improve.

2.2. Additional Suggestions

We further conclude with a number of additional suggestions for improvement:

- That all restraint techniques used in SCHs should be formally assessed by the RAB and accredited by Ministers, as they differ from one SCH to another.
- That a distinction is made for recording purposes to differentiate between low level efforts made by staff to de-escalate potentially violent situations and the use of a recognised restraint technique.
- That after national implementation of the new system of restraint, an assessment is undertaken.
- That training takes account of the specific needs of the young people in custody with mental disabilities and poor mental health.
- That resettlement issues are being addressed in each young person's case.

3. LEVELS OF RESTRAINT IN THE JUVENILE SECURE ESTATE

3.1. Number of young people in custody

From the latest statistics available during 2009/10 there was an average of 2,418 young people in custody at any one time, a decrease of 463 from the 2008/09 average of 2,881 young people in custody.

Figure 1⁶: Average custody population (under 18), from 2000/01 to 2009/10⁷



3.2. Data on use of restraint

The latest available data⁸ shows that between 2008/09 and 2009/10 the number of incidents involving restraint of a young person in custody fell 13% (7,909 to 6,904). The proportion of young people in custody who were restrained was 11% in 2008/09 (i.e. 11% of all young people in custody were restrained at least once) and 12% in 2009/10. Of the 6,904 incidents of restraint in 2009/10, 257 (4%) resulted in injury to a young person; most of these (97%) were classed as minor injuries.

There was an average of 575 restraints per month in 2009/10, involving an average of 391 young people which means that some young people were restrained more than once during the year. Additionally, the number of restraints per 100 young people has fallen in both SCHs and STCs from 2008/09 to 2009/10, from 56 to 54 and 47 to 40 restraints per 100 young people respectively. The rate has remained consistent in YOIs at 11 restraints per 100 young people from 2008/09 to 2009/10.

⁶ This data has been taken from the Youth Justice Board Annual Workload Statistics 2009/2010 - <http://www.justice.gov.uk/publications/docs/yjb-annual-workload-data-0910.pdf>

⁷ The peak in 2002/03 may be partly due to the Street Crime initiative, which impacted on street crime and disposals for young people. For further information see

www.crimereduction.homeoffice.gov.uk/streetcrime/streetcrime01.htm

⁸ See Chapter 5 of the Youth Justice Board Annual Workload Statistics 2009/2010.

In terms of the diversity of young people in custody, we are aware that recent statistics show that there is little difference in the proportion of young people restrained by ethnicity. However, the proportion of young people restrained differs by gender, with 11% of all males aged 18 and under in custody being restrained in 2009/10, compared to 18% of all females.

4. THE SAFETY AND ETHICS OF RESTRAINT

4.1. Monitor's view on pain compliance

When writing our original report, we (reluctantly) came to the conclusion that in some circumstances, pain compliance was necessary. During the two year monitoring period, this conclusion has not changed. The overarching point of importance is based on the length of time that a young person is restrained. Through the drafting of our original report we found that the longer a young person is restrained the more one risks a young person's safety. In effect, restraint techniques that incorporate pain compliance holds are a way of quickly and safely ending the need for prolonged use of restraint techniques.

We understand the sensitivities and controversial nature of this debate and this has been discussed in various workshops and meetings. We take the time to stress again that we came to this conclusion with the safety of the young person as the paramount concern.

Although pain-compliant techniques are sometimes necessary, we believe they must be safeguarded to ensure protection of the young person. Our hope is that staff will be provided with a range of techniques and training so that when instances arise that require pain-compliance techniques they are able to do it in a way that ensures the safety of both the young person and staff members.

During a stakeholder workshop on restraint in December 2010, we spoke to various interested parties who raised the issue of handcuffs as a powerful de-escalation tool. Representatives from the youth secure estate considered handcuffs were an effective tool because they have 'no personality' and can be used to end swiftly a dangerous situation without the use of pain. We recommend the Government considers its policy on the use of handcuffs in consultation with the RAB.

5. FUTURE OF RESTRAINT IN YOUNG OFFENDER INSTITUTIONS

5.1. Background

In our original report we found that a great deal of work needed to be carried out by YOIs to improve their restraint practices. During our two year monitoring period, visits to a number of YOIs, including Feltham, Ashfield and Wetherby, demonstrated to us how seriously both management and staff treated violence reduction and restraint minimisation. We observed how YOIs are now employing better and more accurate recording of incidents which highlighted persistent trends and themes. Establishments are using this information to identify and address problem areas.

During our YOI visits, and particularly at Wetherby and Ashfield, we have been pleased to note the development of violence reduction strategies as well as strategies being implemented to reduce the use of restraint. The YOIs have impressed us with the systems they have put in place to achieve this progress through a variety of local structures and processes for managing challenging behaviour. These range from managing young people's attendance at their education sessions (Feltham YOI) to designing special units for the more challenging young people (Wetherby, Hindley and Cookham Wood YOIs). Opportunities are also provided for staff and young people to learn to change behaviour through formal debriefing sessions.

5.2. National Offender Management Service (NOMS)

During the implementation of our report we met with several senior officials in National Offender Management Service (NOMS), including Michael Spurr in his role of Chief Operating Officer. NOMS outlined their plans for implementing the relevant recommendations in the IRR. NOMS produced documentation outlining the steps they are taking to develop a new system of restraint currently known as Conflict Resolution Training (we understand the name is subject to change). This identified a number of important factors such as the staffing needed, the processes to be employed to research and develop new techniques and stakeholders to be consulted.

Furthermore we observed that they had put in place an action plan which enabled us to monitor their progress in implementing Conflict Resolution Training (CRT) and have established a new recruitment process for staff working with young people and for new applicants.

5.3. Conflict Resolution Training (CRT)

The CRT Volumes and associated training course have been developed by NOMS and the National Tactical Response Group (NTRG) in answer to our

report. CRT has been developed specifically to meet the following recommendations:

- **Recommendation 1:** The Prison Service must provide staff with safe restraint techniques which are designed for young people and which do not rely on pain compliance.
- **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.

The aim of CRT is to provide staff working within the youth justice sector with effective strategies and techniques to ensure that the use of force is minimised, and where necessary provide a range of accredited techniques which are simple, safe and effective.

The overriding principle is that the use of force to restrain a young person must always be viewed as the last resort. The application of physical techniques must only be used when other methods not involving the use of force have been tried and failed, or are unlikely to succeed, and action needs to be taken to prevent harm.

The CRT syllabus focuses on recognising and managing potential or actual violent incidents that can occur within the young people's secure estate. It aims to provide learners with the knowledge and skills to recognise conflict, assess the threat, use resolution strategies and take actions that are necessary and sanctioned.

CRT has been developed to complement existing training that is delivered across the young people's secure estate. It has not been designed as a stand alone behaviour management system and should be treated as one element of a larger holistic approach to managing challenging behaviour. The RAB is currently working with NOMS and NTRG on the development of CRT and will advise Ministers on the suitability of the new restraint package.

6. FUTURE OF RESTRAINT IN SECURE TRAINING CENTRES

6.1. Background

We outlined in our original report that we believed the system that was used in STCs at the time (Physical Control in Care), poses the greatest risks to children and young people as well as to the staff. The model was originally designed for children who are younger and smaller than those who are now placed in STCs.

Rainsbrook STC will be an early adopter site for CRT. We are aware that YJB will be carrying out a lessons learned exercise from this prior to national implementation. We believe it will be necessary to assess CRT following the national implementation.

One STC, Hassockfield, uses a different method of addressing challenging behaviour called Therapeutic Crisis Intervention (TCI). TCI is based upon the relationships between staff and young people. Since the implementation of TCI instances of restraint have decreased. TCI has become embedded in the day to day practices at Hassockfield with positive results. Other STCs may want to use TCI as a programme, but would need to take into consideration the cost and resources involved.

We have been greatly encouraged by the approach taken to the implementation of our recommendations by the Directors and managers in the STC estate. Furthermore, the substantial involvement of STC Directors in the Local Safeguarding Children's Boards (LSCBs), particularly in Medway, is having considerable impact on LSCBs' understanding of and responses to matters of restraint in relation to the safeguarding process. At Hassockfield, too, we found a strong commitment to bring about the changes necessary to achieve full implementation of the new processes, and the new behaviour management systems.

During our visit to Oakhill STC, we were mindful of the history of the training centre and of the former concerns about the regime. We were eager to see what had changed and how far our recommendations had begun to be implemented. Throughout the visit we noted a definite improvement in standards shown in the attitudes both of staff and of young people and we were pleased at the results achieved so far.

6.2. G4S and Serco

Serco is a private company that runs Hassockfield STC. They have made a considerable investment in training staff in a behavioural management technique that is having a significant impact on the use of restrictive physical interventions with young people (TCI).

G4S (formerly Rebound) is a private company that runs Rainsbrook, Oakhill and Medway STCs. In the STCs managed by G4S, there is a comprehensive process in place for the implementation of strategies designed to handle difficult behaviour in order to minimise the use of restraint. We would like to commend G4S on their commitment to address all of the key issues.

We met with one of the operational Directors and the senior management team representing G4S and obtained a detailed copy of their action plan in place across all three of its establishments, complete with timescales, resources, costs and constraints to delivery. We were pleased to note that G4S was taking the issues seriously and are wholly committed to the implementation of our recommendations. Monitoring their action plan helped us to identify any key issues either in relation to resource implications or implementation progress that we needed to pay attention to.

7. THE FUTURE OF RESTRAINT IN SECURE CHILDREN'S HOMES

7.1. Background

SCHs commission their own training and restraint systems. Each home has varying systems and training methods in place. We believe that in order to avoid discrepancy between each home, each system should be subject to assessment from the RAB. This will ensure greater consistency in the use of and the training for restraint and as a result will provide a greater degree of safety for staff and children.

Recently we found that there had been an increase in the numbers and ages of the young people accommodated in some SCHs. Although we welcome the use of SCHs (given their relatively high staffing ratios and emphasis upon therapeutic regimes), the increase of age range in these homes has challenged the existing systems and has at times led to an increase in the use of restraint.

We believe that more thought should have been given to these issues and the SCHs should have been equipped with additional information to be better able to handle these problems. This would have resulted in better preparation of the management of these establishments and potentially could have avoided increases in the instances of restraint.

We continue to be impressed by both the commitment of the managers in SCHs to improve the care of their children and the way members of staff take advantage of the training opportunities which are available to them. Our involvement has also caused a number of SCHs to review their training service provider. We consider that the model in Swanwick SCH, of using SCH restraint training experts to work with all of the local authority's staff, including teachers, who work directly with children, is to be welcomed and encouraged elsewhere.

We are also pleased to note that every SCH has a restraint minimisation strategy in place and has removed the nose distraction technique, in line with our recommendations. In addition, we have noted that the YJB now collects data on restraint used on children placed on 'welfare' grounds in SCHs and shares this with the Department for Education.

7.2. Visits

An independent inquiry was established in East Moor, following a whistle blowing allegation of the incorrect application of restraint techniques. The resulting recommendations are currently being implemented and overseen by an independent assessor who is very experienced in the implementation of restraint minimisation strategies. We are happy to report that improvements are already being seen.

As a result East Moor should be better placed to manage these increased demands mentioned above, particularly those made by the more vulnerable young people in the custodial estate.

In the current financial climate we recognise that all SCHs have been, and will continue to be, exposed to increased financial scrutiny requiring they maintain the lowest possible unit cost. Support needs to be offered to make sure budget cuts do not interfere with current safety measures in place.

Our visit to Aycliffe in Durham was equally informative. Many of the same issues applied and again a number of larger and older young people, many with seriously challenging behaviour and remanded or convicted of more serious offences, posed major challenges to the management and staff of the establishment.

Any resultant increase in the reporting of incidents of restraint needs to be seen in that context. Staff must be supported through effective restraint minimisation strategies and through ensuring that a major emphasis is placed upon the debriefing of children and staff following incidents of restraint.

8. ACCREDITATION AND REGULATION

8.1. Restraint Accreditation Board (RAB)

One of our key recommendations was that all restraint systems and techniques used in the under 18 secure estate should be subject to accreditation to ensure greater consistency and continuity. This would allow the government to identify and remove any unsafe technique that poses harm to the young people.

- **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.
- **Recommendation 18:** The Government should direct that only accredited restraint techniques, training, and trainers will be permitted in the secure estate.
- **Recommendation 19:** Membership of the accreditation panel should include experts drawn from physiotherapy, paediatrics, child psychiatry, orthopaedics, PTSD (post traumatic stress disorder), and other disciplines, together with those with operational knowledge of restraint techniques.

In response to our recommendations the Government has set up an independent body to advise on all techniques used in all three types of secure estate. The RAB is a panel of experts from a range of specialist fields including pathology, physiotherapy, paediatrics, psychiatry and behaviour management who at the end of 2010 started to assess the safety of the new system of restraint (currently known as CRT) developed by NOMS and NTRG for use in STCs and YOIs.

Under the approval criteria the RAB will examine each restraint technique individually to assess the safety, effectiveness, acceptability and transferability of its use on young people in the under 18 secure estate as part of an overall approach to managing challenging behaviour.

They are formed to act as the primary source of independent advice to Ministers on the accreditation of physical restraint techniques in the context of an overall behaviour management approach. The RAB is responsible for considering and making recommendations upon the complete CRT system, comprising individual techniques, staff training materials, the management of the restraint system (including data collection and monitoring) and can also recommend relevant research if required.

We were delighted to learn that Professor Sue Bailey has been appointed as Chair of the RAB as she will bring with her a wealth of experience and expertise in this particular area. We met with Sue in late 2010 to discuss the progress of the RAB and are pleased with the developments so far. We fully support the work she and her fellow RAB members are doing and are eagerly

anticipating the newly accredited system and look forward to further discussion.

9. USE OF RESTRAINT

9.1. When can restraint be used

Children and young people with a history of violent lives often pose a massive challenge to their carers. The ability of the establishments and their staff to deal with these challenges, including training and cultivating a positive culture, is essential in ensuring safe as well as secure environments.

We believe that the restraint of some young people in custody will always be necessary. However, with overarching systems and practices which seek to manage the behaviour of these challenging young people in place, the need for restraint should be significantly reduced.

As the numbers of young people sentenced to custody reduce, those who are in custody will tend to have been convicted of more serious crimes and will be more likely to exhibit more violent behaviour.

9.2. Restraint Minimisation Strategies

In order to assist with our IRR **recommendation 21**,⁹ the YJB provided guidance for establishments in the secure estate on developing and implementing restraint minimisation strategies¹⁰. We agree and strongly support the proposition that minimising the use of restrictive physical interventions is a responsibility for everybody working with young people in secure establishments.

The relevant legislation and the YJB's code of practice *Managing Children and Young People's Behaviour in the Secure Estate*¹¹ make it clear that physical restraint is only to be used as a last resort, where all other options have not succeeded or could not succeed. It is our view that restraint minimisation strategies and behaviour management are of absolute importance in working with young people across the secure estate.

In addition, we agree that the 'Key Elements of Effective Practice',¹² for developing restraint minimisation strategies should consist of sentence planning, service delivery, management responsibilities and some form of monitoring and evaluation.

⁹ 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

¹⁰ <http://www.yjb.gov.uk/NR/rdonlyres/6E5C27F6-00C1-4126-9B86-CD5707516056/0/Developingrestraintminimisationstrategyguidanceforsecureestablishments.pdf>

¹¹ <http://www.yjb.gov.uk/publications/scripts/fileDownload.asp?file=Behaviour+Management+%2D+Code+of+Practice%2Epdf>

¹² <http://www.yjb.gov.uk/NR/rdonlyres/6E5C27F6-00C1-4126-9B86-CD5707516056/0/Developingrestraintminimisationstrategyguidanceforsecureestablishments.pdf>

During our visits to various secure establishments we were pleased to discover that positive steps have been taken to reduce the use of restraint. All establishments now have restraint minimisation strategies in place and are effectively decreasing the use of restraint. In order to further achieve this goal we believe that staff must be supported through further training and ensure that emphasis is placed upon the debriefing of children and staff following incidents of restraint.

10. RECORDING AND MONITORING RESTRAINT

10.1. Inspections

Recommendation 23 of our report requests that Ofsted and HMIP should consider establishing a joint unit which should specialise in the inspection of restraint regimes and practices. It is our belief that this would facilitate a better system of inspection and would help the Government gain a clearer picture of secure establishments.

In response, the Government asked Ofsted and HMIP to consider the recommendation and examine ways in which they can work more effectively together to inspect STCs and SCHs. We are pleased to learn that a Steering group has been established to consider a joint inspection methodology and the practicalities involved with joint inspection arrangements.

10.2 Reporting of injuries

After the tragedy of Adam Rickwood and Gareth Myatt there was an appeal for improved reporting of any injuries caused during Physical Control in Care (PCC), or reports of any breathing difficulties or vomiting. It was suggested by the Coroner that any such reports need consideration at the highest level and should be regularly included in Reports to Ministers and to Parliament. In addition, it should be considered by the Restraint Management Board (a Board set up as a result of Recommendation 22) and shared with STC Directors and NTRG.¹³

After the Coroner's Report, the YJB set up a system of exception reporting in February 2006 where any incidents resulting in difficulty breathing and vomiting arising from PCC are reported directly to the YJB. This system is currently managed by NOMS. More recently we are pleased to hear that a new exception reporting system is being developed to capture all injuries and warning signs occurring during restraint across all three sectors. This new reporting system will be launched once CRT has been accredited.

10.3. Improved data collection

In a restraint workshop we held in December 2010, the importance of accurate and timely data collection was underlined by secure estate governors and directors. It was brought to our attention that the process of data collection was in need of change. Several stakeholders expressed serious concern that the current system in place distorts figures and does not present an accurate account of real events. We recommend the use of debriefing and CCTV to help present an account of 'real events'.

¹³ Coroner's Report. September 2010

We also listened to managers and practitioners across the estate who asked that serious consideration be given to the case to differentiate the recording of different forms of restraint. It was proposed that the current method of reporting inflates the restraint figures. Those involved believe that incidents termed 'low level physical intervention' should be recorded separately from 'full blown' restraint.

Restrictive Physical Interventions (RPI) is the category of data collected by the YJB which includes any technique used on a young person that physically restricts their movement, including restraint techniques. This is collected to ensure comparability across the young person's secure estate.

Staff members recognise that early intervention can prevent an episode from resulting in full-blown physical restraint. An example of this is the 'guiding hand' principle in which, by separating two protagonists, it is possible to avoid a larger confrontation. This sort of practice is effective and should be encouraged across the secure estate. Staff members believe that such instances should be recorded differently, not as full restraint, so that data better reflects actual events. We agree and recommend accordingly.

It is perverse that enhanced staff training in managing challenging behaviour resulting in the avoidance of full restraint (and thus in better care of children and young people) should be included with 'full blown' restraint numbers. In many cases these inflated numbers suggest that there are more episodes of full restraint taking place than is the case. This in turn often results in unjust criticism of staff practices across the juvenile estate.

We were pleased to be informed that a new data collection system will be rolled out with CRT which we hope will be able to provide a more accurate account of incidents. We must stress the importance of accurate and useful collection of data on restraint and associated issues (i.e. injuries as a result of restraint). This effectively allows an analysis of any anomalies and patterns that need special attention. We urge the YJB to consider these factors with the design of the new data collection and are aware that the RAB will have a role to play in this exercise.

11. PROTECTING YOUNG PEOPLE AFTER RESTRAINT

11.1. De-Briefing

We are of the opinion that de-briefing represents an essential part in analysing the use of restraint. **Recommendation 39** of our report puts forward that 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.

It is of the utmost importance that the views of the senior leadership of the secure establishment, staff members and young people are involved in the debriefing process in order to record and assess the incident accurately. This ensures that both staff and young people have the opportunity to learn from the incident and eventually will lead to fewer incidents of restraint. It is important that we highlight debriefing is done in order to learn lessons and not to punish members of staff.

11.2. CCTV

Recommendation 34 of our report suggests that 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.

Recommendation 35 states that all incidents of planned restraint in the secure estate must be recorded on video.

In their response the Government accepted this recommendation and agreed that CCTV provides essential evidence on the use of restraint. They agreed that the installation of 'real time' cameras in common areas of establishments will assist the wider scrutiny of restraint practices.

Managers of SCHs have expressed concern to us that the requirement to use video recording, particularly in children's rooms, is excessive given the extreme rarity of planned restraints in these establishments.

We do not believe there is any case for allowing STCs or YOIs to opt out of this recommendation (and no-one has proposed that to us). Young people in one YOI we visited during the last six months expressed the view that the videoing of incidents protects them as well as staff. All YOIs have now received training in videoing planned restraints and STC staff will receive this training alongside CRT.

We continue to believe that the provision of CCTV in communal areas in all establishments is essential. On a recent visit we saw CCTV evidence of a restraint in a SCH which clearly demonstrated the need for CCTV and

illustrated its effectiveness. The evidence of the recording subsequently protected the staff member concerned from a false allegation of abuse. This recommendation of installing real-time CCTV cameras in communal areas has been achieved in STCs and private YOIs and is being implemented in YOIs operated by NOMS.

We understand that CCTV does not always provide an entirely accurate picture of events but we believe debriefing can help fill in where CCTV footage misses out the context. By balancing footage with staff members' and young people's version of events, we believe it is possible to achieve an accurate report of incidents.

12. Training

12.1. Background

Our report puts a strong emphasis on training in order to ensure staff members are better equipped to deal with young people. This goes 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.

In our report, **recommendation 50** states that all staff in the secure estates 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:

- Risk assessment
- Recognition of distress or deterioration in physical condition while restraint is being carried out
- An understanding of the basic physiology of breathing
- Training in basic resuscitation and airway management
- An understanding of psychological/medical conditions which increase the risk of an adverse outcome

We also believe in accordance with **recommendation 51** that 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.

Finally **recommendation 52** states that 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.

In all instances the government accepted our recommendations and has made promising progress to ensuring that staff are better trained and better capable to interact safely with the young people in custody.

12.2. Juvenile Awareness Staff Programme

The enhanced Juvenile Awareness Staff Programme (JASP) has been introduced into the YOI secure estate for young people to address a lack of specialist training for staff working with young people in custody. It has been informed by training needs analysis in the juvenile estate and YJB research into effective practice. It is a programme which will ensure that staff working with young people are properly skilled to carry out their functions in a safe and professional manner.

The programme has been developed in consultation with the YJB, NOMS (Prison Service Women's Team and Juvenile Group), learning consultants and other key stakeholders in youth justice, such as the Trust for the Study of Adolescence. JASP is essential training for all staff working with children and young people in custody and will be delivered to those staff who work for more than 50% of their time with juveniles.

Establishment trainers have been selected by governors and training managers to deliver the JASP programme. Those selected will have attended a five-day 'training for trainers' event to equip them with the necessary skills to be able to deliver the package.

12.3. Black and Minority Ethnic (BME) Group Training

We believe that the Government is committed to promoting equal opportunities, and eradicating discrimination, so that staff and those receiving youth justice services are dealt with fairly regardless of race, gender, religion or sexual orientation. However, during our original report it was brought to our attention that black and minority ethnic (BME) groups were disproportionately being restrained in YOIs. Thus we believe training should take account of BME issues to ensure staff are fully capable of dealing with all the young people in their secure establishment. However, we also note that in the most recent statistics available from the YJB, the use of restraint against BME and non-BME groups is the same across the under 18 secure estate.¹⁴

¹⁴ Youth Justice Board Workload Statistics 2009/2010 (2011), see p.34 - <http://www.justice.gov.uk/publications/docs/yjb-annual-workload-data-0910.pdf>

13. OTHER RELATED MATTERS AND CONCLUSION

13.1. Resettlement

In our research we have come across too many young people facing discharge from custody for whom no appropriate provision is being made. For example, we found that young people are being released and sent to live by themselves in a flat with no supervision. We believe this is a recipe for disaster as the young person is destined to re-offend making their return to custody inevitable.

We have come across occasions where on knowing their fate it is not uncommon for a young person to act out in the hope that they will be retained (and restrained). We understand this is not chiefly the responsibility of the YJB but we wanted to emphasize the need for change within the system. We hope the local authorities might be able to provide assistance for newly released young people to ensure they have a place to go in the hope of decreasing re-offending rates.

We recognise the Government acknowledges they have this problem and is making promising strides to rectify the situation. They've assigned additional funding for 2009-2011 to improve resettlement services enabling 107 Youth Offending Teams (YOTs) in England with the highest custody rates to implement enhanced packages of support. Additional funding is also going to 6 YOTs in Wales to pilot resettlement panels.

We are aware that there a range of ongoing initiatives, for example the piloting Regional Resettlement Consortia in the North West, South West and South East of England, which promotes closer working between custodial establishments, Youth Offending Teams and across Local Authorities. We were also pleased to learn about the enhanced resettlement wing -the Heron Wing- at YOI Feltham which is part of the Mayor's 'London Youth Reducing Re-offending Programme' (Project Daedalus).

We welcome all these developments to improve resettlement of young offenders.

13.2. Mental Health Needs

We would also like to draw attention to the substantial numbers of children and young people in the custodial estate who have serious mental health issues. These range from those diagnosed as having Attention Deficit Hypertension Disorder (ADHD), through the Autism spectrum, to those with borderline Personality Disorder, and those presenting symptoms which might indicate Psychosis.

We believe this represents a serious issue because young people in custody must be able to manage their own behaviour and young people with mental health issues simply cannot do so. As a result they are more likely to find themselves restrained than the other young people.

We understand that all young people are screened for physical and mental health needs within 24 hours of arrival into custody but there needs to be more emphasis on training for staff so that they are better able to recognise and handle these groups of young people. This information will be useful for the Department of Health to assist in identifying the need for Forensic provision for young people with mental health needs.

13.3. Conclusions

Notwithstanding these issues, (the solutions to which lay outside the management of the secure estate) we are pleased to report that the majority of the recommendations in our original report are either being implemented or are well on the way to implementation, particularly those which are intended to change the culture of establishments and the custom and practice of when restraint is used.

The development of preventative strategies, and the resulting change in the practice of managers and front line staff, is a significant indication of the progress being made.

14. APPENDIX

ANNEX A: List of secure establishments visited during monitoring period

Young Offender Institutions

Ashfield, Bristol
Castington, Northumberland
Cookham Wood, Kent
Downview, London
Feltham, London
Hindley, Wigan
Huntercombe, Oxford
Lancaster Farms, Lancaster
Werrington, Stoke on Trent
Wetherby, Yorkshire

Secure Training Centres

Hassockfield, Durham (Serco)
Medway, Chatham (G4S)
Oakhill, Milton Keynes (G4S)
Rainsbrook, Rugby (G4S)

Local Authority Secure Children's Homes

Atkinson Unit, Devon County Council
Aycliffe, Durham County Council
East Moor, West Yorkshire Council
Lincolnshire Secure Unit, Lincolnshire Council
Swanwick Lodge, Southampton County Council
Vinney Green, South Gloucestershire County Council

ANNEX B: List of attendees at workshops in November 2009 and December 2010

11MILLION (now known as the Office of the Children's Commissioner)
Ashfield YOI
Association of Directors of Children Services (ADCS)
Barnardo's
Children's Rights Alliance for England
Children's Commissioner for Wales
Department for Education (DfE)
East Moor SCH
East Sussex Youth Offending Team (YOT)
G4S (previously Rebound)
Hassockfield STC
Howard League
Medway STC
National Association for the Care and Resettlement of Offenders (NACRO)
National Society for the Prevention of Cruelty to Children (NSPCC)

National Offender Management Service (NOMS)
National Tactical Response Group (NTRG)
National Youth Advocacy Service
Prison Officer's Association (POA)
Prison Reform Trust
Restraint Accreditation Board (RAB)
Serco
Youth Justice Board (YJB)

Other parties and persons consulted

Carol Pounder (Adam Rickwood's mother)
Pamela Wilton Myatt (Gareth Myatt's mother)
John Drew (Chief Executive of the Youth Justice Board)
Michael Spurr (Chief Operating Officer of National Offender Management Service)
Lord McNally (Minister of State for Justice and Deputy Leader of the House of Lords)
Crispin Blunt (Parliamentary Under-Secretary of State for Justice)
Rachel Atkinson (Head of Youth Justice Policy Unit, Ministry of Justice)
Lord Warner of Brockley
Lord Carlile of Berriew
Baroness Linklater of Butterstone
UK Border Agency