

Embargo: 11.30am Friday 17 February 2006

Press release

Lord Carlile's Inquiry into the treatment of children in penal custody recommends severely restricting physical intervention, stopping the strip searching of children and an end to prison segregation

Lord Carlile today (17 February) published the report on his year long independent Inquiry into the use of physical restraints, strip searching and segregation of children in penal custody. The report says that the Children's Minister should assume overall responsibility for children in custody and that more effort should be made to resolve conflict and reduce violence inside institutions. The 107 page report has 45 recommendations, including:

- Mechanical restraints like handcuffs should never be used
- The use of physical interventions must be severely restricted
- Physical force should never be used to secure compliance or as punishment
- Stripping children during searches should end
- Prison segregation units should not be used for children

The report gives positive suggestions for improving relationships, regimes and management systems. It stresses the importance of consistency throughout the penal estate and inside establishments.

Lord Carlile said today: "The rule of law and protection of human rights should apply to all children equally, regardless of whether they are detained in custody or in the community. We found that some of the treatment children in custody experience would in another setting be considered abusive and could trigger a child protection investigation. If children in custody are expected to learn to behave well, they have to be treated well and the staff and various authorities have to set the very highest standards. My team of expert advisers shared my shock at some of the practices we witnessed."

"I did see examples of good practice during my visits and commend staff who work in very challenging circumstances. However, I am concerned that we did not see appropriate facilities or playing fields for outdoor exercise in any of the institutions we visited. The lack of exercise and daylight would seem to me to contribute to depression and conflict amongst adolescents.

"This report must be taken seriously by the government and the recommendations implemented forthwith if we are to avoid any further tragic injuries."

Evidence supplied to the Inquiry by the Youth Justice Board showed that physical restraint was used 5,133 times on children in prisons between January 2004 and September 2005; in secure training centres it was used 7,020 times on children; and 8 local authority units used restraint 3,359 times. The Inquiry found considerable variation in the definition of restraint and the techniques used.

The Inquiry was given evidence that injuries to both children and staff were not uncommon but that the anger and resentment generated was counter-productive.

"I got PCCd [a form of physical restraint] from education because I would not go to a tutorial. I really liked the lesson I was already in and I didn't want to go. I was PCCd by a female and male staff member. The man got my head down and pushed me against the wall. Two people on response were holding my arms. The man had my head and pushed my nose up and it was bleeding. The woman was saying "Again Martha, this is stupid". I got walked from education to the [residential] unit. My trousers were half way down. My knickers were showing. I asked the female staff member to pull up my trousers and she said "no". Nothing happened about the nosebleed. I didn't see the nurse. I never see her because I'm always angry. They push your nose right up here. I put in a complaint but they are allowed to use force."

It was of particular concern that the Inquiry could elicit no information about the use of restraint against black and minority ethnic children in any of the institutions and no evidence was provided that it was being monitored.

Lord Carlile was provided with no convincing evidence that stripping children during searches helped with security. The Inquiry was told by children that they had been stripped naked in contravention of institutional policies.

The Inquiry found significant variation in practice in the use of separating children that ranged from holding children for weeks in a bare stone cell to telling them to go to their own room for a few minutes. The Inquiry found that "time out" could be a useful technique for diffusing tension and recommended that it should be for no more than a few minutes, should be consistently applied and monitored, and that prisons should no longer use segregation cells for holding children.

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Information for editors

Press conference

11.30am Friday 17 February 2006, Large Pension Room in The Honourable Society of Gray's Inn, High Holborn

Interviews can be conducted in advance by prior arrangement.

Lord Carlile was asked by the Howard League for Penal Reform to

“investigate the use of physical restraint, solitary confinement and forcible strip searching of children in prisons, secure training centres and local authority secure children’s homes and to make recommendations”

The Inquiry team, comprising 13 experts from the fields of children’s welfare, prisons and social services, visited three prison service establishments, three secure training centres and five local authority secure children’s homes.

More than 80 members of staff were consulted and 30 children interviewed inside institutions and after release.

Policy documents from each establishment visited were collated and the Youth Justice Board submitted a detailed account of the use of restraint this is published verbatim in the report.

Lord Carlile QC of Berriew was a Member of Parliament from 1983 to 1997. He is head of chambers at Bell Yard and was appointed the Government’s Independent Reviewer of terrorism legislation.

The report is available, priced £15, from the Howard League for Penal Reform, 1 Ardleigh Road, London N1 4HS or www.howardleague.org

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The full recommendations

To Ministers

- 1 Overall policies and responsibility for all children, including those in custody, should rest with the Children’s Minister

To the Inspectorates

- 2 Unannounced inspections should be carried out in all establishments at least once a year in addition to scheduled inspections

Resolving conflict and reducing violence

To the Youth Justice Board

- 3 There should be consistent standards of care, rules and conditions across all establishments
- 4 Staff should be models of good behaviour to the young people
- 5 Staff education and training needs to be consistent and of the highest standard and staff coming into the service should normally be educated to degree standard
- 6 Staff should be trained in core competencies before they start work with children
- 7 All staff working with children in custody should have training in child protection
- 8 More sophisticated and intensive conflict resolution training is needed so that best practices are embedded in daily practice
- 9 Staff ratios to children should be consistent across the secure estate

- 10 Children must be encouraged to go outside every day and participate in outdoor exercise for at least one hour five times a week
- 11 There must be structures to engage and empower children in decision making
- 12 Conflict resolution should be based on restorative principles and techniques
- 13 A staff peer review system should be introduced mirroring that in operation in mental health institutions so that attitudes and actions are questioned daily
- 14 Monitoring of the use of punishments on children from minority ethnic groups needs to be improved
- 15 All children should have easy and confidential access to information, advice and support from appropriate outside agencies
- 16 Staff should not be in uniform

Restraint

To the Youth Justice Board

- 17 The policy that restraint should never be used as a punishment must be made clear
- 18 Restraint should never be used primarily to secure compliance
- 19 Restraint should never be premeditated, as it is then becomes a punishment not an intervention to ensure safety
- 20 One certified physical intervention technique that is safe for children should be developed as a matter of urgency and be used across the secure estate
- 21 The Youth Justice Board should oversee the use of the disciplinary system so that it is rigorously applied when an allegation is made against a member of staff

To the establishments

- 22 The resort to restraint should be viewed as a failure to de-escalate conflict
- 23 Pain compliance and the infliction of pain is not acceptable and may be unlawful
- 24 Handcuffs should not be used
- 25 Establishments should not introduce their own methods of physical or mechanical restraints
- 26 Violence reduction and dispute resolution should be afforded much higher priority
- 27 Appropriate and regular training should be given to all staff working in the secure estate
- 28 Promptly after each incident involving physical intervention there should be a dispute resolution conference, based on restorative justice principles, where the participants, including the child with an appropriate advocate, should be able to discuss the incident
- 29 There should be some immediate external and independent scrutiny of every incident of restraint. An incident of physical restraint should be seen as such a serious breakdown that it should be immediately reported and scrutinized by an appropriate independent child care agency

- 30 Record keeping and monitoring should be improved and data published to show the number of incidents, injuries to children and staff, broken down by race, age, gender and disability
- 31 So many of the young people have suffered serious violence and abuse in the past and are not used to making complaints; they must be helped to understand that they may make complaints and that there will be no reprisals

To the Police and Crown Prosecution Service

- 32 Should be more willing to consider charging and prosecuting members of staff for assaulting children where there is a *prima facie* case
- 33 Should be more willing to consider charging and prosecuting the companies running penal institutions holding children

To Local Authorities

- 34 Local authority child protection committees should give priority to referrals from penal institutions

Strip searching

To the Youth Justice Board

- 35 Policy, practice and procedure should be the same in all the establishments holding children
- 36 Strip searching is not necessary for good order and safety
- 37 Searches should be conducted based on the good practice the Inquiry found in local authority secure children's homes
- 38 Searches could be reduced by at least 50% by applying a more evidence based approach, without risk to security or safety being significantly increased

Segregation

To the Youth Justice Board

- 39 Policy should be developed for 'time out' practices so it is used, monitored and recorded consistently
- 40 Prison segregation units should not be used for children

To the establishments

- 41 'Time out' could be a useful technique for easing tension but should never be for more than a few minutes
- 42 It should always be recorded, even if it is elective
- 43 Solitary confinement should never be used as a punishment
- 44 The child should have access to an advocate
- 45 A child's belongings should only ever be removed from their room if they pose a demonstrable risk to the child or others