

“We are the boss, we have control. When they send you here you have no control.”¹

**Challenging secrecy in the use of restraint in
privately-run child prisons**

CAMPAIGN REPORT

July 2010

This report describes the actions taken by the Children's Rights Alliance for England (CRAE) to challenge Government and Youth Justice Board (YJB) secrecy in the use of restraint and force in secure training centres (STCs).

Grave concerns about the treatment of children in these centres first emerged following the restraint-related deaths of 15 year-old Gareth Myatt and 14 year-old Adam Rickwood in April and August 2004 respectively. The bereaved families have spent years seeking justice and accountability for what happened to Gareth and Adam, working closely with INQUEST and the law firm Bhatt Murphy. Most of the information about the mistreatment of children in STCs has only become available through the inquests into the deaths of Gareth and Adam, and subsequent legal action brought by Carol Pounder, Adam's mother.

CRAE first became involved in challenging the use of very painful and humiliating restraint in STCs in 2005, when our national co-ordinator was part of Lord Carlile of Berriew QC's independent inquiry into the use of physical restraint, solitary confinement and forcible strip searching in child custody. The Howard League for Penal Reform established this inquiry.

Our five-year campaign for transparency in the use of restraint in STCs included CRAE making several Freedom of Information requests to the YJB, the Home Office and the Ministry of Justice. This report focuses on what we did to secure the release of the Physical Control in Care (PCC) manual which governs the use of restraint in STCs. It explains why the public disclosure of the manual is so critical to ensuring effective child protection and human rights compliance in these privately-run child prisons. It describes the lengths the YJB and successive Ministers went to to try and escape public accountability.

Since 2007, when the former Government introduced new restraint powers that legitimated past unlawful treatment of children, CRAE has been working closely with the Howard League for Penal Reform, INQUEST and the NSPCC to try and force major changes in the treatment of children in custody.

The disclosure of the PCC manual is not the conclusion of our joint and separate actions to defend the human rights of some of the country's most vulnerable children. It provides powerful and compelling new evidence for urgent and radical changes in law, policy and practice relating to children in custody, and we will do everything within our power to help make this happen.

Freedom of Information restraint case – summary

Days before an Information Tribunal was set to consider whether release of an instructors' manual on physical restraint in child prisons was in the public interest, the Youth Justice Board withdrew (YJB) its appeal. On 10 December 2009, the Information Commissioner had instructed the YJB to hand over the document to the Children's Rights Alliance for England (CRAE) within 35 days: the organisation chose to lodge an appeal instead.

The Physical Control in Care (PCC) manual is the governing document for the use of restraint and self defence in the country's four privately-run secure training centres (STCs). The YJB released pages 1-59 of the manual to CRAE in June 2007 and then pages 60-114 in May 2010. However, crucial sections were blanked out – we now know these contained shocking descriptions of extremely violent and dangerous self defence techniques. Until two weeks ago, the YJB claimed that full disclosure of the manual would threaten the safety of prisoners and custody officers – because inmates may try to emulate the methods or develop counter-techniques. The YJB further argued that the document could get into the hands of political extremists or animal rights activists and even be used by the general public.

CRAE has been pushing for YJB transparency in the use of child restraint in STCs for nearly five years, and this particular Freedom of Information request dates back to May 2007.

Two children died in 2004 following restraint-related incidents in STCs and there is growing documentation of unlawful and abusive practice. Lord Justice Buxton, in quashing restraint rules rushed through in 2007 to legitimise former unlawful practice, described reports of the circumstances in which 15 year-old Gareth Myatt choked to death whilst being restrained as *'demonstrat[ing] an outrageous attitude on the officers' part'*.²

The use of painful "distractions" – the deliberate infliction of extreme pain on children as young as 12 – has been condemned by a wide range of bodies including the UN Human Rights Council, the European Committee for the Prevention of Torture, the Council of Europe Human Rights Commissioner, the Parliamentary Joint Committee on Human Rights (JCHR), the four UK Children's Commissioners, the Royal College of Paediatrics and Child Health, the coroner presiding over the inquest into the death by restraint of 15 year-old Gareth Myatt as well as numerous children's and penal reform charities. In its evidence to the Government-sponsored review on restraint, the Department of Health stated its belief that *'children and young people displaying challenging and difficult behaviour can be successfully managed without the use of restraints or methods involving pain compliance, which would be in line with the management of aggression and violence across healthcare settings'*.³ The UN Committee on the Rights of the Child has also advised States Parties to the Convention on the Rights of the Child that *'the use of reasonable restraint ... [must] not involve the deliberate infliction of pain as a form of control'*.⁴

The Information Tribunal was set to take place on 6 and 7 July. One of our expert witnesses was to be Deborah Coles, co-Director of INQUEST, who works with the bereaved families of children who have died in custody. CRAE was extremely grateful for supportive letters from a wide range of individuals and organisations, including the Howard League for Penal Reform and the NSPCC. The Tribunal consented to the YJB withdrawal on 2 July and gave it 20 days to provide CRAE with the full document. On 5 July CRAE received a letter dated 30 June from Crispin Blunt, the Minister for Youth Justice, which stated the YJB would be sending the manual 'in the next few days'. We finally received the Manual, which was delivered by courier, on the afternoon of 13 July.

How did CRAE get involved in this issue?

On 1 April 2005, Carlyne Willow, CRAE's national co-ordinator, visited Hassockfield STC in County Durham as part of the Carlile Inquiry established by the Howard League for Penal Reform the previous year. A former child protection social worker, she was shocked to learn of the authorised nose, rib and thumb "distractions". In May and June 2005, she visited Rainsbrook STC in Warwickshire and interviewed more children in private. On the second visit to Rainsbrook, the Inquiry team was informed that the YJB had instructed the centre that no further interviews should be conducted in private; it was said that inspectors did not even meet children alone. CRAE's national co-ordinator said she would leave the premises should she not be allowed to interview children in private, as this was the sole purpose of her visit. In the event, private interviews were allowed.

In October 2005, CRAE requested "distractions" data from the YJB under the Freedom of Information Act 2000. The following month we received the requested data and selected pages of the PCC manual. The very frequent use of "distractions" in the four STCs – see below – strongly suggested an institutional culture of systematically using unlawful force on children with the intention of causing pain.

Concerned that the routine use of "distractions" could amount to torture in child prisons, CRAE wrote in November 2005 to the President of the European Committee for the Prevention of Torture and Inhuman or Degrading Punishment or Treatment. We then met members of the Committee in 2007 and 2008. In December 2009, the European Committee urged the UK '*authorities [to] discontinue the use in juvenile establishments of manual restraint based upon pain compliant methods...*'. The former Government did not accept the Torture Committee's recommendation, choosing instead to hide behind the views of Peter Smallridge and Andrew Williamson who had conducted the Government-commissioned review of restraint in 2007/08 and concluded that '*pain compliance does have a role in restraint*'. As yet, the lawfulness of "distraction" techniques has not been tested judicially though it is worth noting the observations of Lord Justice Buxton that:

PCC comprises two elements, what we might call restraint proper; and "distraction techniques". So far as restraint is concerned, a number of specific holds are permitted.

*These are used to prevent damage or injury by the person held but also ... to restrict a person offending against [good order and discipline]. Distraction techniques are different...*⁵

What are CRAE 's concerns?

High levels of restraint

Physical restraint in STCs is only permitted by law in one of four situations: when there is no other alternative to preventing a child escaping from custody; when there is no other alternative to preventing a child injuring him or herself or others; when there is no other alternative to preventing a child damaging property; or when there is no other alternative to preventing a child inciting another child to injure him or herself or others or damage property. Staff must record the 'particulars of every occasion on which a trainee is physically restrained' within 12 hours of it occurring⁶ and officers may only use restraint methods authorised by the Secretary of State.⁷

The use of restraint in the four privately run secure training centres in England is an unpleasant secret of our overstuffed custody estate.

Lord Carlile of Berriew QC in House of Lords debate, 18 July 2007

Parliamentary questions have revealed that restraint was used in STCs 3,727 times in 2004; 4,285 times in 2005; and 2,988 times in 2006.⁸ More recent figures show that, between April 2008 and March 2009, restraint was used 1,776 times in the four centres (90% to prevent injury; 9% to prevent damage to property; 0.8% to prevent incitement to cause harm or damage to property; and 0.1% to prevent escape).⁹

The inquest in 2007 into the death following restraint of Gareth Myatt exposed a deeply violent culture, with staff at Hassockfield STC giving each other nicknames such as "crusher", "clubber" and "mauler". Children subjected to the most restraints were labelled "winners". On one of the visits to Rainsbrook STC, CRAE's national co-ordinator queried what was meant by the term "sterile areas": she was told these are the parts of the prison where "trainees" are not allowed to go.

Frequent use of very painful nose, rib and thumb "distractions"

CRAE first requested data from the YJB on the use of "distractions" in October 2005. The data we received pointed to a shocking culture of staff violence in STCs. In 2004/05 the nose, rib or thumb "distractions" were used 768 times on children, resulting in 51 recorded injuries. In other words, during that year, on average, these so-called last resort methods were used four times a week in every establishment.

The use of violence and force as control or punishment on vulnerable children is unacceptable.

UK Children's Commissioners' report to the UN Committee on the Rights of the Child, 2008

The data provided by the YJB in response to our 2006 Freedom of Information request showed a dramatic reduction in the use of "distractions". More recent statistics obtained

by Parliamentarians show an even greater decrease, with apparently only 12 uses (all thumb “distractions”) throughout 2008 and none at all in the first three months of 2009.¹⁰

CRAE is convinced that the dramatic reduction in the use of “distractions” is a direct result of public disclosure and the scrutiny of STCs that has taken place in the media, Parliament, inquests and courtrooms, as well as by UN and Council of Europe human rights bodies. No doubt individual officers – and the private companies running these child prisons – have been sensitised to the almost universal condemnation of the so-called “distractions”.

Use of nose “distraction”

	2004/05	2006 (Feb- August)	2007	2008	2009 (Jan- March)
STC total	449	67	14	n/a	n/a
Hassockfield	62	0	0	n/a	n/a
Medway	178	18	0	n/a	n/a
Oakhill	146	44	14	n/a	n/a
Rainsbrook	63	5	0	n/a	n/a

Use of thumb “distraction”

	2004/05	2006 (Feb- August)	2007	2008	2009 (Jan- March)
STC total	287	54	34	12	0
Hassockfield	14	5	2	3	0
Medway	61	14	7	5	0
Oakhill	167	32	20	2	0
Rainsbrook	45	3	5	2	0

Use of rib “distraction”

	2004/05	2006 (Feb- August)	2007	2008	2009 (Jan- March)
STC total	32	0	7	0	0
Hassockfield	0	0	0	0	0
Medway	1	0	6	0	0
Oakhill	25	0	1	0	0
Rainsbrook	6	0	0	0	0

When we asked former Ministers David Hanson and Beverley Hughes why they thought there had been such a marked decrease in the use of “distractions”, they wrote in a letter to CRAE:

*It may be that improvements in behaviour management have led to a reduction in the number of occasions when distraction techniques have had to be used. But a definitive explanation would require a specialised research study.*¹¹

There has been no such study.

In December 2007, CRAE received a letter from Ministers David Hanson and Beverley Hughes stating that they had suspended the use of nose “distractions” in STCs. A year later, the Government announced the permanent withdrawal of this so-called restraint method. This was 5+ years since the NCB was commissioned by the YJB to review physical interventions across the secure estate;¹² 4+ years after 14 year-old Adam Rickwood hanged himself hours after being subjected to the nose “distraction”; and 4+ years since the Carlile Inquiry recommended that:

I never thought that I would see the day when the European Committee for Prevention of Torture, which among other things concerns itself with prison conditions in Russia and what happens in police stations in Turkey, came here and told Her Majesty's Government that it was not acceptable in children's prisons to hit children on the nose until they felt pain to make them do what they were told. I assume that that is what happened as, soon after the committee's visit, the Government announced that this practice was to be discontinued.
Baroness Vivien Stern, House of Lords, 22 January 2008

*Pain compliance and the infliction of pain is not acceptable and may be unlawful.*¹³

The “nose control” is still permitted in young offender institutions which in April 2010 held 86% of children on remand or serving custodial sentences.¹⁴ Smallridge and Williamson say the method ‘*is no different from the nose distraction technique in PCC*’ and ‘*unaccountably it survives*’:

*[The officer] can apply pressure at the base of the nose, either hand will suffice. The finger will stay taut making contact beneath the nose. The officer's fingers will be at an angle of 45° (Staying clear of the prisoner's mouth). Pressure will be applied through the fingers underneath the nose towards the crown of the prisoner's head.*¹⁵

YJB failure to protect children

The YJB took over commissioning places for children in custody in April 2000, yet did not begin centrally collecting data on the use of restraint until February 2006,¹⁶ the same month the Carlile Inquiry reported. It did not begin centrally collecting data on the reasons for restraint until April 2008, despite centres having a legal duty to record information within 12 hours of restraint. The YJB's code of practice ‘Managing the behaviour of children and young people in the secure estate’ was not published until 2006, and has no legal standing. It nevertheless tries to limit restraint to situations ‘*when there is no alternative available or other options have been exhausted*’.¹⁷ This is the legal position on the use of restraint, yet the former head of policy for the juvenile secure estate at the YJB has stated: ‘*There were forces in the YJB and the Home Office that did not support this*’.¹⁸ We are not aware of any attempts by the YJB to use this code of practice to seek legal

safeguards relating to the use of child restraint; indeed, the only apparent legal measure it has advocated was the widening of restraint powers for staff in STCs. The YJB's failure to protect children in STCs was forcefully criticised in the High Court in Mr. Justice Blake's review of the inquest into Adam Rickwood's death:

It was clear from the evidence that the way Adam was treated was not unique in Hassockfield. The records before the inquest and this court showed that in the month before Adam's death alone, there had been some 37 instances of use of PCC for non compliance. In the lengthy log of injuries to trainees for the 12 months before Adam's death, the court has identified 26 occasions where injuries caused by the nose distraction technique were recorded; on 7 of these occasions the record was of painful nose only, on the remaining 19 occasions nose bleeds due to distraction technique were recorded... This was not a one-off error of understanding but a persistent practice, duly recorded, in dealing with children in detention in breach of the law, the rules, the STC contract and the training manual as well as the in-house rules. Astonishingly, none of this seems to have aroused any query or concern by the YJB who had an officer monitoring the returns, and yet the YJB was supposed to be ensuring that the STC operated in accordance with its contract and both the contract and statute required it to operate in accordance with the Rules.¹⁹

Remarkably, there is no obligation in [UK] domestic law to hold a public inquiry into a child's unexpected death in custody, although this is implicit in the case-law of the European Court of Human Rights on article 2 of the ECHR.
Thomas Hammarberg, Council of Europe Commissioner for Human Rights, October 2008

The YJB's failure to protect children from unlawful restraint is even more incredible given the number of reviews of restraint it has commissioned. A Parliamentary question in 2007 revealed five such reviews:

YJB commissioned reviews, 2003 – 2006²⁰

2003	National Children's Bureau's review of the use of physical intervention within the juvenile "secure estate" generally
October 2004	A review by David Waplinton of behaviour management in STCs
May 2005	A review by medical and other experts of the safety of PCC
July 2005	Review of PCC and behaviour management in STCs conducted by Anthony Bleetman and Peter Boatman ²¹
August 2006	Safe and Sound, a review of the development of physical control techniques used in STCs. Conducted by a forum of STC Directors

A further review was commissioned by the YJB in 2007: the National Children's Bureau was asked to assess safeguarding in the "secure estate". The report was published by the YJB in December 2008. The authors had this to say about the monitoring of restraint across the "secure estate":

*The extent to which restraint is monitored is limited. Although some establishments have set up their own systems for collating information about the use of restraint, this does not appear to be universal. External scrutiny is also limited, although basic data has been reported to the YJB since early 2007, and a few establishments have started involving the advocates following incidents of restraint. We did not see evidence of LSCBs taking an active role in monitoring the use of restraint and this could be an area for development.*²²

One of its recommendations was:

*Staff need to be provided with techniques for physical restraint that have been proved to be safe and effective.*²³

A month before the inquest into Gareth Myatt's death reported, the YJB wrote to the directors of the privately-run STCs 'to reassure you that the YJB has been working closely with the Ministry of Justice and previously the Home Office to amend the STC Rules in line with previous consultation with yourselves'. New Rules were laid before Parliament on 13 June 2007 and came into force on 6 July 2007. The YJB²⁴ and Ministry of Justice²⁵ claimed the new Rules were in response to the coroner's recommendation following the inquest into the death of Adam Rickwood. The coroner had not recommended giving additional restraint powers to staff working in secure training centres: he had highlighted 'confusion' among instructors, trainers and officers and recommended 'an urgent review' to remove any 'ambiguity as to when the use of restraint or force to maintain good order and discipline or for compliance reasons is authorised'. Despite huge opposition to the new Rules, they were pushed through to legitimise previous unlawful actions. The Court of Appeal quashed them on 28 July 2008. The YJB has released data to Parliament showing that between April and July 2008, when the new Rules were quashed, restraint was used 16 times for good order and discipline.²⁶ In a letter from former Ministers David Hanson and Beverley Hughes, CRAE was informed that 28 children had been restrained for good order and discipline between March and July 2008.²⁷ Every one of these restraints was likely to be a breach of Article 8 and possibly Article 3 of the European Convention on Human Rights, yet there appears to have been no attempt by the YJB or the Government to inform children and their families of this. CRAE's requests for information from us to be passed on to children were refused by the centre directors, the YJB and Ministers. When we asked former Ministers David Hanson and Beverley Hughes what action the Government had taken to notify staff and children of the Court of Appeal's judgment on the use of restraint for good order and discipline, and the official policy on the use of "distractions", the Ministers replied to both questions:

The physical interference with Adam was a breach of Rule 38 and strictly an assault on him ... Further the use of a pain-compliant nose distraction technique on Adam was unjustified, disproportionate and a breach of Rule 37 of the STC Rules. On top of all that, in the light of the Court of Appeal analysis in *R (C)*, it can be seen that not only was there no lawful authority to do any of this to Adam but doing this to him was subjecting him to at least degrading treatment contrary to Article 3 ECHR.

Mr. Justice Blake in *R (Carol Pounder) v HM Coroner for the North and South Districts of Durham and Darlington, the Youth Justice Board and others, HC [2009]*.

*Communications with staff and young people are a matter for establishments.*²⁸

Mr. Justice Blake dismissed any future role for the YJB in protecting children in custody:

*It is futile for the Secretary of State for Justice to accept the recommendations of the Smallridge and Williamson review that the YJB should have in place a range of effective support and sanctions to back its Assurance Monitoring of restraint in the secure estate ... when, if the evidence [at the inquest into the death of Adam Rickwood] is accepted, it so conspicuously and inexplicably failed to do so in the past. If the YJB did not understand and enforce the much clearer Rules as they were before the amendments, why would the public expect it to do so in future...*²⁹

State's failure to acknowledge the harm caused by "distraction" techniques

Graham Robb, former interim Chair of the YJB, accused those who refer to "distraction" techniques as a form of torture as not engaging in an adult debate.³⁰ He dismissed '*the hysterical nature of the debate*'.³¹ The Ministry of Justice told the UN that these violent attacks cause only '*momentary discomfort*'³² and the former Home Office Minister Fiona Mactaggart MP told the Commons that the techniques involve only a '*brief infliction of pain*'.³³ Another former Labour Minister, Sally Keeble MP, had a different view:

*On the face of it there are some vicious techniques for hurting children, without any explanation or justification of who developed them and why. This paints a very grim picture of what happens inside secure training centres. It seems we abolished the birch only to let people punch children on the nose instead.*³⁴

Thomas Hammarberg, the Council of Europe Commissioner for Human Rights, observed in 2008:

*The Commissioner has been struck by the apparent focus in UK custodial settings on the issue of restraint techniques and what is "allowed" and "not allowed". He is not aware of any other member state that sanctions the use of deliberate pain as a method of restraining a child.*³⁵

To our knowledge only the Carlile Inquiry and the NSPCC have interviewed children specifically about the "distraction" techniques. When children have been asked about these methods, they describe extreme pain and feelings of deep anger and humiliation.

Children's accounts of "distractions"

... When I calmed down I asked them why they hit me in the nose and jumped on me. They said it was because I wouldn't go in my room so I said what gives them the right to hit a 14-year-old child in the nose and they said it was restraint.

Extract from Adam Rickwood's statement found in his room after he had hanged himself at Hassockfield STC, August 2004

Sometimes it depends on your size. To start off, there'll be two [staff restraining you]. They'll just hold your arms. They try not to hurt your arms. They take off your shoes and hold down your head. Sometimes if there's too much pressure you get blood shot eyes and little red marks on your cheek. They do a little distraction like a thumb distraction and they swipe your nose. They push it in and then up. It's like a distraction to help calm you down.

Child asked 'Did it calm you down?'

No it made me more angry. It hurts so you want them to stop it ... Some of the staff get abusive towards you, like say 'Shut the fuck up' and 'You're making a prat of yourself you little shit'. Others calm you down.

16 year-old girl held in secure training centre interviewed by CRAE national co-ordinator as part of the Carlile Inquiry, June 2005

I got PCCd from education once because I wouldn't go in tutorial. I really liked the lesson [and didn't want to leave]. I was PCCd by [a female and male member of staff]. [The male member of staff] got my head down and pushed me against the wall. Two people on response were holding my arms. [The male member of staff] had my head and he pushed my nose up and it was bleeding ... My trousers were half-way down. My knickers were showing. I asked [the female member of staff] to pull up my trousers and she said "No". Nothing happened about the nose-bleed. 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 after but they are allowed to use force.

16 year-old girl held in secure training centre interviewed by CRAE national co-ordinator as part of the Carlile Inquiry, June 2005

... they would put their fingers up your nose and pull tightly. It would feel like they were going to pull your nose clean off.

... you feel funny, dizzy, feel like your arm's breaking, blood goes to your head, your arm stings for about 10 or 20 minutes afterwards, numb and you feel sick with the nose one.

Young people's testimony to NSPCC, January 2008

What else has been happening to children?

Two children's inquests, a serious case review and two civil actions have brought alarming information into the public domain. The bereaved families of Gareth Myatt and Adam Rickwood, with support from INQUEST, have had to go to enormous lengths to try and find the truth of what happened to these boys in STCs. The NSPCC's consultation with 14 to 20 year-olds with experience of restraint provides shocking testimony. Smallridge and Williamson, the two former social services directors who conducted the Government-commissioned review of restraint, reported that they '*heard testimony from young people of staff using ways of restraining that are clearly unauthorised and some of which are clearly assault*'.³⁶ Testimonies from two girls in STCs interviewed by Smallridge and Williamson paint a disturbing picture of recent restraint:

They put my head below my heart. They shouldn't do that. I've got asthma. It happens a lot to kids with asthma. I've had an attack twice. I couldn't breathe and my eyes went all blurry.

*I kicked off a bit in Maths and got PCC'd. They smacked my head down and I started crying. They said 'if we have to do this again, it'll hurt twice as bad, it'll really be painful'.*³⁷

The serious case review into the circumstances surrounding the death of Adam Rickwood, conducted by Lancashire Safeguarding Children Board, raised strong concerns about the way in which he had been restrained:

*On the evidence available, it is probable that the manner in which AR was restrained breached the "non-decking" policy set out in the PCC Manual. There is evidence that AR was deliberately taken to the floor. It would not have been in accordance with the policy to use the "tantrum hold" in the circumstances in which he was restrained.*³⁸

But the full extent of children's experiences in STCs remains hidden. Ofsted does not report the direct views of children; and neither does it systematically assess the extent to which STCs and local authorities who have children placed in the centres are meeting their legal obligations, including under the Children Act 1989 and the Human Rights Act 1998. Unlike in school inspections³⁹, there is no legal duty on Ofsted to have regard to the views of children in STCs when carrying out inspections. Labour Ministers consistently resisted calls for a public inquiry into the treatment of children in custody, including in STCs. In 2009, CRAE told the JCHR:

We have called on the Government to hold an Article 3 public inquiry into the past unlawful restraint of children in secure training centres (STCs), for action to be taken to hold institutions and individuals to account and for those who have been subjected to unlawful force to be enabled to seek redress. This call is made in light of the Court of Appeal's finding in AC that children in STCs were restrained illegally over a long period, including the

use of “distraction” techniques.⁴⁰

INQUEST has been calling on the Government since November 2003 to establish a public inquiry into the treatment of children in custody.⁴¹ Without such an inquiry the extent of human rights abuses in child custody can only ever be imagined.

CRAE received the index to the PCC manual in 2007 and this made us even more determined to push for full disclosure. We wanted to know what exactly is involved in a “scoop lift”; or “trainee to supine”; or “moving a trainee with ratchet handcuffs”; or “lower arm / wrist releases – arm high”? As the JCHR explained in 2008:

*We were alarmed by the headings of some of the redacted sections, namely ‘hair grab’, ‘strangle against the wall’, ‘strangle on the ground’, ‘kicks standing’ and ‘kicks on the floor’. It was not possible to ascertain the content of these sections.*⁴²

Smallridge and Williamson observed ‘the growth of unauthorised and untrained restraint techniques in STCs’:

*We have no evidence to suggest that this is widespread, but descriptions we heard from STC staff about some of the adapted ‘holds’ they sounded much like C&R-style wrist locks, although STC senior management were quick to make clear to us that such locks, if they existed, were neither trained nor condoned.*⁴³

The Government accepted Smallridge's and Williamson's recommendation that “wrist locks” should be permitted ‘in exceptional circumstances’ in STCs (as well as YOIs): this appears to be yet another example of policy being changed to reflect practice. It is also worth noting that the use of wrist locks on children was banned at Aycliffe Centre for Children in County Durham in June **1993**

following a World in Action programme exposé about the ‘culture of confrontation’ at the “secure” institution.⁴⁴

Like CRAE, Parliamentarians were refused a copy of the full manual, as was the Court of Appeal considering the legality of the new rules which gave STC staff extra restraint powers.

One of the arguments put forward by the YJB in its appeal is that some of the methods illustrated in the manual are also used on adult prisoners and disclosure of them could threaten security within adult prisons. The YJB describes STCs as ‘purpose-built’ institutions that ‘house vulnerable young people’.⁴⁵ The introduction to the PCC manual refers to the method of physical restraint having been ‘developed by the Prison Service

We do not wish use of wrist locks to become commonplace. We do not favour the use of pain as the main response when force has to be used. It would be clearly disproportionate for large, strong staff to use pain compliance to control a mildly resistive small child. But a fully grown and seriously violent late teenager may well justify such techniques.
Peter Smallridge and Andrew Williamson, ex directors of social services commissioned by Government to review child restraint

specifically for use on children'. Smallridge and Williamson in their review of restraint repeat this point; though they state the methods were developed solely for 12-14 year-olds.⁴⁶

In January 1994, the then Home Secretary Michael Howard promised '*[Secure training centres] should and will provide high-quality education and training'*.⁴⁷ In March 1994 the UK Government's first report to the UN Committee on the Rights of the Child said this in relation to the new secure training centres:

*The emphasis will not be on punishment but on providing children with the skills they need to give up their offending behaviour through an intensive supervision to ensure their successful reintroduction into society. If the measure gains parliamentary approval, it is likely to be introduced within the next two years.*⁴⁸

April 2010 saw the conviction of a Rainsbrook STC team leader for assaulting a 13 year-old boy and causing him actual bodily harm. The 27 year-old officer dragged the boy along tarmac and up a flight of stairs and into his cell in September 2008. Frances Crook, the director of the Howard League for Penal Reform, responded:

*These children's jails for profit are a stain on our justice system and should be closed down.*⁴⁹

Children's offending histories given too much prominence

CRAE is concerned that discussions about child protection in custodial settings are often clouded by a disproportionate focus on children's offending histories and challenging behaviour. We see some parallels with the abuse that went unchallenged for many years in children's homes in the past. It is now widely accepted that the poor reputation of children in care was a key feature in individuals and institutions escaping accountability for so long. Individuals like Frank Beck (Leicestershire children's homes) and Tony Latham (architect of Staffordshire's "Pindown" regime) were left to make up their own abusive rules for managing so-called "difficult children" in care.

Children in custody have the same legal and human rights to protection from torture, assault and degrading treatment as other children in our country. The Convention on the Rights of the Child provides additional safeguards for children separated from their families, including those in custody, precisely because of the added risks. In the aftermath of successive revelations of child abuse in residential institutions in the 1970s and 1980s, in 1996 the then Secretary of State for Health asked Sir William Utting to review the safeguards in place to protect children living away from home. His report, *People Like Us*, explains:

It may not be realistic to expect life away from home to be safer than life at home for the generality of children. The law, however, expects it to be safe ... [Children living away from home] are more vulnerable than others on a number of grounds. All lack the immediate supervision of parents and the support of familiar environments in which there are trusted adults they could turn to. Some who are away from home have already been abused and may have acquired the vulnerability of established victims. Some lack the personal defences of other children because of physical or learning disabilities. Those classified as 'difficult' or disturbed are less likely than other children to be taken seriously if they complain.⁵⁰

A literature review commissioned and published by the YJB on children's experiences of abuse prior to entering custody makes the point that common practices in custody can compound children's distress and suffering:

Restraint and strip-searching are distressing experiences for all young people, but particularly for those who have been abused, with the physical procedures and vulnerability emulating and bringing back the memories of past experiences...

... A recent literature review on mood disorder among juvenile offenders examines the evidence regarding prevalence, diagnosis and effective interventions (Ryan and Redding, 2004). They point out that youth offenders may be more likely to be abused or neglected in custody because symptoms associated with mood disorders, such as irritability, could easily be mistaken for delinquent or defiant behaviour. This could therefore lead to a replication of previous abusive experiences.⁵¹

By the age of 11, Adam Rickwood had suffered three bereavements. He had a history of self-harm and alcohol and drugs misuse and had 'a number of related hospital admissions from the time [he] was 8 years old'.⁵² An arrangement for respite residential care was discontinued through lack of funding. On 29 June 2004, Adam was made the subject of a Court Ordered Secure Remand and on the evening of 10 July 2004 he arrived at Hassockfield STC. This was 116 miles from his family home. He sent letters home saying he couldn't cope and would try to kill himself. On the evening he hanged himself – 8/9 August 2004 – Adam had been restrained for refusing to go into his room. The day before he had been found with two cigarettes and seven matches given to him by his mother on a visit so he had lost his privileges for 48 hours: this included the removal of his television and music system. After he was restrained, and subjected to the nose "distraction", he was so distressed that he smeared blood over the walls of his cell, smeared toothpaste over the spy hole in his cell door and flooded his cell with water.

What happens next?

Since the YJB refused to disclose the full manual in May 2007, we have written 12 times to five different Government Ministers urging them to adopt a transparent and human rights focused approach to protecting children in custody. Our detailed questions to Ministers probing the action they have taken to protect children and ensure they have an effective remedy for human rights violations and criminal acts have been largely unanswered.

Now we have the full document we can determine our priorities for legal proceedings. We continue to work closely with the Howard League for Penal Reform, INQUEST and the NSPCC in demanding transparency over what went on in STCs across the past two decades and new safeguards to minimise the risk of future human rights violations and abusive treatment.

See our statement on the CRAE website: www.crae.org.uk on what we want Ministers to do to protect children in custody.

Additional information

CRAE letters to Ministers, May 2007 – June 2010

Lord Falconer, Justice Secretary	May 2007
Jack Straw, Justice Secretary	June 2007
David Hanson, Justice Minister & Beverley Hughes, Children's Minister	February 2008, July 2008, August 2008 (2), October 2008, November 2008, February 2009 and May 2009
Kenneth Clarke, Justice Secretary	May 2010, June 2010

Who runs secure training centres?

The companies running these centres under a private finance initiative arrangement received a total of £50.37 million last year for holding no more than 301 children at any one time.

Serco manages Hassockfield STC; its website explains:

Serco is a service and outsourcing company and has been delivering essential public services for more than 40 years.

More than 70,000 employees deliver mission-critical services to government and private clients in over 30 countries...

The scale and scope of the services we operate are extensive ... [We] have a forward order book that stands at a record £16.3bn...

Serco's principal customer base is the public sector, representing over 90% of our business.

Rebound ECD – which is part of G4S – manages Medway, Oakhill and Rainsbrook STCs. Its website explains:

G4S Secure Solutions (UK and Ireland) is the largest security solutions company in the UK and Ireland, with a turnover of more than £1 billion and over 40,000 employees managed from over 80 offices.

More than 6,000 customers, including 59 FTSE 100 companies and the majority of UK Government departments, depend on G4S to provide them with a safe and secure way to deliver their services.

The Medway STC contract expires in April 2013; Rainsbrook and Hassockfield in May and September 2014 respectively; and Oakhill July 2029 (renewed in 2004).

How much did this cost CRAE?

The money spent by the YJB on consultants last year⁵³ could cover CRAE's entire salary bill for nearly three years. We are one of the largest children's rights coalitions in the world though we have only nine permanent members of staff and fundraising is a constant challenge. We are extremely grateful to Richard Hermer QC and Stephen Broach at Doughty Street Chambers for providing pro bono representation.

Preparations for the Tribunal took senior CRAE staff away from other essential children's rights work. The taxpayer funded the YJB's appeal. We raised the cost implications of this Tribunal in our first letter to Kenneth Clarke:

Former Ministers may have colluded with the YJB's secrecy because public disclosure of the PCC manual could show further evidence of, at best, failure to follow the law and, at worst, complicity in the mistreatment of children in custody. An instruction from you to the YJB requiring the release of the information would be a powerful early signal that this era is over. It would also avoid the need for the Tribunal hearing and the waste of scarce resources inevitably involved.⁵⁴

The YJB provided a settlement of £3,000 which covered some, but not all, of our in-house legal costs.

Profile of organisations

Youth Justice Board
<p>Purpose The YJB is a statutory body whose functions are set out in Section 41, Crime and Disorder Act 1998. In relation to child custody, the Act requires the YJB to advise the Secretary of State on the accommodation in which children and young persons are kept in custody.</p>
<p>Expenditure 2008/09: £19.323 million (on YJB's own staff, accommodation and expenditure: its total budget for this period was nearly £500 million).</p>
<p>Source of funding: Taxpayer</p>
<p>Staffing costs, 2008/09: £12.672 million</p>
<p>Staff employed by YJB, 2009: 320</p>

Children's Rights Alliance for England
<p>Purpose CRAE is a charity and company limited by guarantee seeking the full implementation of the Convention on the Rights of the Child in England.</p> <p>We protect the human rights of children by lobbying government and others who hold power, by bringing or supporting test cases and by using regional and international human rights mechanisms. We provide free legal information and advice, raise awareness of children's human rights, and undertake research about children's access to their rights. We mobilise others, including children and young people, to take action to promote and protect children's human rights. Each year we publish a review of the State of children's rights in England.</p>
<p>Expenditure 2008/09: £610,057</p>
<p>Source of funding: Grants, membership fees and consultancies: CRAE faces ongoing challenges in attracting funding for its essential and unique work.</p>
<p>Staffing costs, 2008/09: £358,265</p>
<p>Staff employed by CRAE, 2009: 10</p>

Chairs of YJB, 1998 – now	
1998 - June 2003	Norman Warner ⁵⁵
June 2003 – April 2004	Charles Pollard (Interim)
April 2004 - January 2007	Rod Morgan ⁵⁶
February 2007 - January 2008	Graham Robb (Interim)
January 2008 -	Frances Done

Chief Executives of YJB, 1998 – now	
1999 – June 2004	Mark Perfect ⁵⁷
July 2004 - August 2008	Ellie Roy
August 2008 – December 2008	Paul Bowers (Acting)
December 2008 -	John Drew

Chronology of key dates and events

Post-General Election 1992	Home Secretary Kenneth Clarke asks Home Office officials to come up with a solution to persistent child offenders.
January 1994	Second Reading of Criminal Justice and Public Order Bill in the Commons. Home Secretary Michael Howard explains that: <i>'The Bill provides for a new secure training order. The order will be available to the courts for dealing with persistent young offenders aged between 12 and 14 who have committed three or more imprisonable offences and who have failed to respond to punishment in the community. The maximum sentence will be two years: one year in custody, followed by an equal term of close supervision in the community to help prevent those young offenders from reoffending. That is one of the measures about which the Labour party cannot make up its mind. Labour will abstain on that measure tonight; it cannot decide whether to vote for or against it ... [Secure training centres] should and will provide high-quality education and training designed to encourage those who benefit to lead law-abiding lives. These young criminals are people in respect of whom other attempts to stop them committing crimes have been tried but have failed.'</i>
13 April 1994	Tony Blair, Gordon Brown, Jack Straw, David Blunkett, David Hanson and 242 other MPs vote against STCs.
3 July 1997	Home Secretary Jack Straw announces that Medway and four other proposed STCs will go ahead. He said the contract with Group 4 tied the Government into 'significant monthly payments' from April 1998 regardless of whether the facility was used or not.
April 1998	Medway STC opens.
July 1999	Rainsbrook STC opens.
17 Sept 1999	Hassockfield STC opens.
19 April 2004	15 year-old Gareth Myatt died after being subjected to an approved PCC hold at Rainsbrook secure training centre. The seated double embrace (SDE) involved two staff members holding Gareth's upper body and pushing his torso forward towards his knees with one officer holding his head. Having complained that he couldn't breathe and then that he was going to defecate, the restraint continued. Having defecated and vomited and even after he had slumped forward, the restraint still continued. Gareth died as a result of asphyxia resulting from a combination of inhalation of gastric content and his body position during the period of physical restraint. Following a police investigation into Gareth's death, the YJB suspended the SDE hold on 17 June 2004.
9 August 2004	14 year-old Adam Rickwood hanged himself with his shoe laces hours after being subjected to the "nose distraction" at Hassockfield STC. A statement was found in his room: <i>'... When I calmed down I asked them why they hit me in the nose and jumped on me. They said it was because I wouldn't go in my room so I said what gives them the right to hit a 14-year-old child in the nose and they said it was restraint.'</i>
April to June 2005	CRAE's national co-ordinator interviewed children in private in two STCs about their experiences of restraint, solitary confinement and strip searching as part of the Carlile Inquiry. She saw documentation relating to the use of nose, rib and thumb "distractions".
July 2005	Publication of 'In the Care of the state: Child deaths in penal custody in England and Wales' (Deborah Coles with Barry Goldson, INQUEST, 2005).
October 2005	CRAE requests "distractions" data under the Freedom of Information Act 2000.
November 2005	CRAE receives data and selected pages of the PCC manual (which it didn't request).
November 2005	CRAE' writes to President of European Committee for the Prevention of Torture and Inhuman or Degrading Punishment or Treatment.
February 2006	Carlile Inquiry reports.
March 2006	Article on human rights abuses in STCs written by CRAE's national co-ordinator published in the Guardian newspaper.
April 2006	Howard League for Penal Reform writes to directors of children's services requesting Section 47 enquiries. ⁵⁸
July 2006	CRAE meeting with Rod Morgan, Chair of the YJB. Followed up by letter urging the

	Chair to <i>'use your authority and human rights expertise to secure an immediate policy change [on the use of "distractions"]'</i> .
September 2006	CRAE submits FOI request to the Home Office asking for: <i>'Copies of all policy papers, minutes from departmental and Ministerial meetings, e-mails and faxes prepared and sent by Ministers, civil servants and special advisers relating to the introduction of painful distraction techniques in secure training centres. We would like all information leading up to and including the recent review carried out by the Youth Justice Board.</i> <i>We want all information that will help us understand why painful distraction techniques were introduced in secure training centres, and why they are still permitted.'</i>
September 2006	CRAE submits FOI request to the YJB, asking for data on use of "distractions" between September 2005 and September 2006, including details of the age, sex and ethnic origin of children subject to these techniques; number of injuries arising from the use of "distractions"; and any medical intervention following the use of "distractions".
October 2006	FOI request to Home Office refused: because the cost of supplying the information would exceed £600 (more than 3.5 days work).
October 2006	Data received from YJB relating to period February 2006 to August 2006 (letter from YJB states it has only 'been collecting the data on the number of distractions used by STCs since February 2006').
May 2007	FOI request to YJB, asking for PCC manual and any handouts / materials given to staff attending PCC training.
May 2007	CRAE writes to Lord Falconer, Secretary of State for Justice, about use of "distractions".
June 2007	YJB provides CRAE with pages 1-59 of the PCC manual. Refuses to disclose the remainder of the document <i>'because they are exempt from disclosure [because this] would be likely to prejudice the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained. This is because this section gives detailed descriptions of how the holds are carried out, and knowledge of these techniques could be used to undermine security...'</i>
June 2007	Second CRAE letter to European Committee for the Prevention of Torture and Inhuman or Degrading Punishment or Treatment.
June 2007	Graham Robb, Chair of YJB, in a letter to the Guardian criticises the 'hysterical nature of the debate' on child restraint. In a piece by Alan Travis two days earlier, Robb says that those that have described restraints as torture were not engaging in an adult debate.
June 2007	Another article by CRAE's national co-ordinator is published in the Guardian.
June 2007	CRAE writes to Jack Straw, Secretary of State for Justice, about use of "distractions".
6 July 2007	New STC Rules permit staff to use restraint for good order and discipline.
July 2007	CRAE's FOI appeal refused following YJB internal review. Extract from letter to CRAE: <i>'The review learned with concern of the 2005 release of pages relating to nose, rib and thumb distraction: this material has the potential to undermine security, and it is regrettable that it is in the public domain. Although security does not yet appear to have been compromised, to release the rest of the manual would only increase the risk to both staff and young people in secure training centres. This is because young people could learn and practice against the restraint techniques taught in the manual, which could result in staff and other young people being injured if a violent individual could not be restrained effectively.'</i>
August 2007	CRAE appeals to the Information Commissioner.
September 2007	Report of the serious case review panel on the circumstances surrounding the death of Adam Rickwood. One of its recommendations is that pain "distraction" techniques be reviewed 'as a matter of urgency'.
October 2007	CRAE meets Justice Minister David Hanson.
December 2007	CRAE and NSPCC meet delegation from European Committee for the Prevention of Torture.
December 2007	David Hanson and Beverley Hughes notify CRAE of suspension of double basket hold

	and nose “distraction”.
February 2008	CRAE writes to David Hanson to request, <i>inter alia</i> , ‘details of your committee for the quarterly review of restraint, including membership of the committee and whether minutes of its meetings will be published’ (promised at October 2007 meeting).
March 2008	JCHR publishes its report on restraint in custody. It states: ‘ <i>There can be no justification for practices which involve the deliberate infliction of pain, such as the so-called “distraction techniques”, and we therefore recommend their abolition without delay.</i> ’ On disclosure of the PCC manual, the JCHR states: ‘ <i>We have examined the rationale for not publishing the manual in its entirety. We do not consider that the Minister or the YJB have made a convincing case for continuing confidentiality. We are also very concerned by the impossibility of scrutinising for human rights compatibility techniques of physical restraint which remain secret. We therefore recommend that the entire manual be made publicly available, including on the websites of the Ministry of Justice, the Department for Children, Schools and Families, the Youth Justice Board and the Prison Service. A full copy should also be placed in the libraries of both Houses.</i> ’.
March 2008	NSPCC campaign asking supporters to write to their constituency MP calling for them to write to the Secretary of States for Justice and Children, Schools and Families stating that pain restraint and inappropriate physical restraint is dangerous and have no place in the juvenile justice system and therefore should be stopped immediately. This campaign aimed to influence the Secretary of State prior to the outcome of the Smallridge and Williamson review.
May 2008	CRAE’ writes to directors of STCs requesting they pass on letters to children informing them of their right to challenge unlawful restraint; copied to Frances Done, Chair of YJB. Copies later sent to: Anne Owers, Chief Inspector of Prisons; Roger Morgan, Children’s Rights Director in Ofsted; and John Kemmis, Chief Executive of children’s charity Voice.
May 2008	Following Universal Periodic Review of UK, Human Rights Council recommends the UK ‘ <i>put an end to the so-called “painful techniques” applied to children.</i> ’.
May 2008	CRAE’ receives response from Paul Cook, Director of Children’s Services, Rebound, on behalf of all STC Directors. It states he has consulted the YJB about CRAE’s letter and describes a range of mechanisms apparently in place to protect children, concluding ‘ <i>... in light of the safeguards we have in place we will not be issuing your letter to young people as it may cause confusion with the comprehensive systems already in place.</i> ’.
July 2008	Following STC refusal to pass on letters, CRAE writes to Ministers David Hanson and Beverley Hughes.
July 2008	Paul Cook replies to letter to Ministers. His letter to CRAE states: ‘ <i>As a point of clarification you are incorrect when you raise issues regarding the limitations to children’s access to advocacy services ... It is my view the YJB (and prior to their existence the Juvenile Offenders Unit in the Home Office) have always taken their responsibility to provide independent advocacy for young people in custody very seriously.</i> ’ The letter is copied to the Ministers, the Chief Inspector of Prisons and the four STC Directors.
28 July 2008	Restraint rules quashed by Court of Appeal.
August 2008	CRAE writes to Paul Cook to say we are awaiting response from Ministers; we write to Ministers at the same time.
August 2008	CRAE writes to Ministers David Hanson and Beverley Hughes setting out specific queries following the C judgment.
August 2008	Ministers David Hanson and Beverley Hughes support the STC Directors refusal to pass on information to children from CRAE: ‘ <i>It seems to us that the response the directors have given is one they are entitled to give ...</i> ’.
October 2008	Independent review of restraint established.
October 2008	UN Committee on the Rights of the Child urges UK to ensure that restraint be ‘ <i>used only as a last resort and exclusively to prevent harm to the child or others and that all methods of physical restraint for disciplinary purposes be abolished.</i> ’.

October 2008	<p>Council of Europe Commissioner issues juvenile justice report on UK, observing: <i>'The Commissioner has been struck by the apparent focus in UK custodial settings on the issue of restraint techniques and what is "allowed" and "not allowed". He is not aware of any other member state that sanctions the use of deliberate pain as a method of restraining a child'</i> and recommended: <i>'The Commissioner urges the immediate discontinuation of all methods of restraint that aim to deliberately inflict pain on children. He notes the recommendation of the United Nations Secretary-General's Study on Violence Against Children: 'The State must not itself be a perpetrator of violence against individuals in its care ... The use of corporal punishment and other cruel or degrading forms of punishment or control must be prohibited explicitly within all institutional and alternative care settings where children reside or are detained.'</i> The UK Government must as a matter of urgency ensure that corporal punishment is explicitly prohibited in all custodial settings'.</p> <p>The Commissioner also highlights the PCC manual not being in the public domain.</p>
October 2008	<p>The Government's response to the Council of Europe Commissioner's report states that: <i>'The government does not believe it is necessary for the public to be aware of the content of the manual as it is available to the health care panel, including the Physical Control in Care Medical Panel which approves the safety of the restraint holds'</i>.</p>
September 2008	<p>Ministers David Hanson and Beverley Hughes respond to CRAE's request for a public inquiry and specific information following C judgment. Their letter states that Treasury Solicitors will be writing to Bhatt Murphy (the bereaved family's solicitors). On the request for information about action taken following the C judgment, the Minister explain: <i>'The Secretary of State is seeking permission to appeal to the House of Lords in that case and it would not be appropriate to enter into correspondence and related issues while that matter is outstanding'</i>.</p>
October 2008	<p>Letter to Ministers David Hanson and Beverley Hughes noting that our request for a public inquiry was not just concerning the death of Adam Rickwood. We repeat our requests for information about action taken following the C judgment, indicating that <i>'For the avoidance of doubt ... our letter should be treated in accordance with the Freedom of Information Act 2000 ...'</i></p>
November 2008	<p>House of Lords refuses Government permission to appeal the restraint judgment.</p>
November 2008	<p>CRAE, Howard League for Penal Reform, INQUEST and NSPCC meet delegation from European Committee for the Prevention of Torture.</p>
November 2008	<p>Joint letter from CRAE and NSPCC to David Hanson and Beverley Hughes urging no delay to the publication of independent review report (which was submitted to Ministers in June 2008).</p>
November 2008	<p>Ministers David Hanson and Beverley Hughes respond to FOI request for details of Government action since the C judgment. On notifying staff children of the prohibition of restraint for good order and discipline, the Ministers state: <i>'Communications with staff and young people are a matter for establishments'</i>. On notifying staff and children of the policy on use of "distractions", the Ministers state: <i>'Communications with staff and young people are a matter for establishments'</i>. On our question as to why there has been such a dramatic reduction in use of "distractions", the Ministers respond: <i>'It may be that improvements in behaviour management have led to a reduction in the number of occasions when distraction techniques have had to be used. But a definitive explanation would require a specialised research study'</i>.</p>
January 2009	<p>Representatives from CRAE and the NSPCC meet with Minister David Hanson and officials from the Joint Youth Justice Unit to raise our key continuing concerns following publication of the joint review and the Government's response in December 2008.</p>
February 2009	<p>CRAE and NSPCC send joint letter to Justice Minister David Hanson, copied to Children's Minister Beverley Hughes.</p>
March 2009	<p>CRAE receives letter from Ministers David Hanson and Beverley Hughes. It states: <i>'... We are satisfied that our response to the Review's recommendations, and the actions we are taking to implement them, are entirely in accordance with the law, including relevant legal judgments ... You ask that the full PCC training manual,</i></p>

	<i>including the detailed descriptions of approved restraint techniques, should be made publicly available ... our position on disclosing detailed description of techniques remains the same ... Placing the manual in the public domain would carry a strong risk that untrained people would attempt the techniques for purposes of their own, putting others (and possibly themselves) at risk of harm in the process ...'</i>
March 2009	Joint Youth Justice Unit (JYJU) invites CRAE's national co-ordinator to join a restraint reference group which would meet six-monthly and states it is ' <i>pressing ahead with implementation of the recommendations of the independent review</i> '. The same invitation goes to the Children's Commissioner for England and the NSPCC. All accept the invitation but there is no further communication from the JYJU despite chasing emails by CRAE. Reference group never established ; on 20 May 2010 CRAE and others receive an email from Ministry of Justice indicating that ' <i>the Justice Secretary and the Secretary of State for Education have agreed that the Ministry of Justice will have sole responsibility for youth justice in the new coalition Government, with immediate effect. This will mean that the Joint Youth Justice Unit will transfer to the Ministry of Justice and become known as the Youth Justice Policy Unit</i> '.
May 2009	Joint letter from CRAE and NSPCC to Ministers David Hanson and Beverley Hughes repeating previous requests for clarification of which restraint techniques are now authorised; what action has been taken to ensure children have an effective remedy; and urging Article 3 public inquiry.
May 2009	CRAE receives letter from Ministers David Hanson and Beverley Hughes. It states: ' <i>... We attempted to respond to your concerns in the earlier replies to which you refer and there is little more we can add. Use of physical restraint in the under-18 estate must be the last resort ... In view of the good work done by the independent Review, which examined the issues in unprecedented detail, we are not planning to hold a further inquiry ...'</i>
December 2009	Information Commissioner instructs YJB to disclose full PCC manual.
December 2009	CPT publishes its report on UK (following 2008 visits): ' <i>The CPT recommends that the United Kingdom authorities discontinue the use in juvenile establishments of manual restraint based upon pain compliant methods... The delegation met a number of juveniles who had been restrained and they all complained of the painful techniques employed; particular mention was made of a nose grip whereby the nose was pulled back and a finger rubbed hard across the base of the nostrils. Any force used to bring juveniles under control should be the minimum required in the circumstances and should in no way be an occasion for deliberately inflicting pain. The CPT recommends that the United Kingdom authorities ensure that all custodial officers abide by this precept more particularly; the use of the nose grip should be discontinued</i> '.
January 2010	YJB lodges appeal against Information Commissioner decision.
May 2010	CRAE writes to new Secretary of State for Justice about releasing the PCC manual and passing on information to children.
June 2010	CRAE writes a second time to Kenneth Clarke about releasing the PCC manual and passing on information to children.
30 June 2010	YJB notifies the Information Tribunal that it has withdrawn its appeal.
30 June 2010	Crispin Blunt, Minister for Youth Justice, writes to CRAE to notify us of withdrawal of appeal, stating the YJB will send the full PCC manual 'in the next few days'. (Letter received 5 July).
5 July 2010	YJB agrees to give CRAE £3,000 costs, partially covering in-house legal costs incurred preparing for the Tribunal.

References

¹ In May 2005, a 16 year-old girl in Rainsbrook STC told CRAE's national co-ordinator that a member of staff said this to her whilst holding her head down during restraint. The girl had already told staff she couldn't breathe. She burst into tears when recounting this incident.

² R (C) v Secretary of State for Justice, HC [2008]. Paragraph 12.

³ Smallridge, P. and Williamson, A. (2008) Independent review of restraint in juvenile secure settings. Page 43.

⁴ UN Committee on the Rights of the Child, Forty-second session, Geneva, 15 May-2 June 2006, General

Comment No. 8 (2006): The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia) (CRC/C/GC/8, 2 March 2007). Paragraph 15.

⁵ R (C) v Secretary of State for Justice, HC [2008]. Paragraph 10.

⁶ Rule 38(3), The Secure Training Centre Rules 1998.

⁷ Rule 38(2), The Secure Training Centre Rules 1998.

⁸ Written answer to Parliamentary question, February 19 2007: Hansard column 321W

⁹ Written answer to Parliamentary question, 15 June 2009: Hansard columns 68W-70W

¹⁰ Written answer to Parliamentary question, 16 June 2009: Columns 272W-274W

¹¹ Letter to CRAE's legal director from former Ministers David Hanson and Beverley Hughes dated 24 November 2008.

¹² Hart, D and Howell, S (2004) Report on the use of physical intervention across children's services. National Children's Bureau

¹³ The Lord Carlile of Berriew QC (2006) An independent inquiry into the use of physical restraint, solitary confinement and forcible strip searching of children in prisons, secure training centres and local authorities secure children's homes. The Howard League for Penal Reform. Recommendation 23.

¹⁴ Ministry of Justice (May 2010) Population in custody monthly tables. April 2010. England and Wales.

¹⁵ Smallridge, P. and Williamson, A. (2008) Independent review of restraint in juvenile secure settings. Page 47.

¹⁶ Memorandum by The Youth Justice Board for England and Wales included in JCHR (March 2008) The use of restraint in secure training centres. Ev 39.

¹⁷ YJB (2006) Managing the behaviour of children and young people in the secure estate Page 11.

¹⁸ Guardian letters, 22 June 2007, <http://www.guardian.co.uk/society/2007/jun/22/youthjustice.guardianletters>

¹⁹ R (Carol Pounder) v HM Coroner for the North and South Districts of Durham and Darlington, the Youth Justice Board and others, HC [2009]. Paragraph 67.

²⁰ Written answer to Parliamentary question, 28 June 2007: Column 861W

²¹ In December 2005, Baroness Stern asked the then Home Office Minister Baroness Scotland in a Parliamentary question 'whether Mr Peter Boatman, employed as a consultant by the Youth Justice Board, is also the Director of Operations of Pro-TECT Systems, established in 2000 to act as the sole United Kingdom distributor for all Taser International products'. The former Minister replied: 'I understand that he is. The Youth Justice Board retained Mr Boatman's services because he is a recognised expert on restraint techniques. He and his fellow consultant Mr Tony Bleetman, a consultant surgeon, had earlier provided advice to the police inquiry into the death of Gareth Myatt'.

²² Chamberlain, C, Ryan, M and Tunnard, J (2008) A review of safeguarding in the secure estate. Youth Justice Board.

²³ Ibid, page 14.

²⁴ YJB press release, 21 June 2007 'Good order and discipline within secure training centres'.

²⁵ Memorandum by the Ministry of Justice included in JCHR (March 2008) The use of restraint in secure training centres. Ev 17.

²⁶ Written answer to Parliamentary question, 15 June 2009: Hansard column 67W

²⁷ Letter to CRAE's legal director from former Ministers David Hanson and Beverley Hughes dated 24 November 2008.

²⁸ Ibid.

²⁹ R (Carol Pounder) v HM Coroner for the North and South Districts of Durham and Darlington, the Youth Justice Board and others, HC [2009]. Paragraph 69.

³⁰ Alan Travis Children's jail staff given wider powers of restraint Guardian newspaper 19 June 2007

³¹ Guardian letters, 21 June 2007, <http://www.guardian.co.uk/society/2007/jun/21/youthjustice.guardianletters>

³² UK Government's response to UN Human Rights Council's recommendation, August 2008

³³ House of Commons debate 1 Nov 2005: Column 236WH

³⁴ Alan Travis 'Karate chop approved to restrain children' Guardian newspaper, September 26 2005

³⁵ MEMORANDUM by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visits to the United Kingdom (5-8 February and 31 March-2 April 2008). Issue reviewed: Rights of the child with focus on juvenile justice. October 2008.

³⁶ Smallridge, P. and Williamson, A. (2008) Independent review of restraint in juvenile secure settings. Page 16.

³⁷ Ibid.

³⁸ Report of the serious case review panel upon the circumstances surrounding the death of AR at Hassockfield secure training centre on 9th August 2004 (Part II). Pages 10-11.

³⁹ Section 7, Education Act 2005.

⁴⁰ Joint Committee on Human Rights (November 2009) Children's rights. Ev 59.

⁴¹ The call for a public inquiry initially focused on the horrific circumstances surrounding the death in March 2002 of 16 year-old Joseph Scholes who, despite being extremely vulnerable, was placed by the YJB in a young offender institution (Prison Service accommodation).

⁴² Joint Committee on Human Rights (March 2008) The use of restraint in secure training centres. Paragraph 111.

⁴³ Smallridge, P. and Williamson, A. (2008) Independent review of restraint in juvenile secure settings. Page 59.

⁴⁴ <http://www.independent.co.uk/news/uk/care-home-children-had-bones-broken-inspectors-say-staff-caused-injuries-using-restraint-techniques-devised-for-prisons-1486718.html>

⁴⁵ <http://www.yjb.gov.uk/en-gb/yjs/Custody/Securetrainingcentres/>

⁴⁶ Smallridge, P. and Williamson, A. (2008) Independent review of restraint in juvenile secure settings. Page 23.

⁴⁷ HC Debate, 11 January 1994 vol 235 cc20-122.

⁴⁸ Initial reports of States parties due in 1994: United Kingdom of Great Britain and Northern Ireland. 28/03/1994. CRC/C/11/Add. 1. Paragraph 574.

⁴⁹ <http://www.howardleague.org/francescrookblog/former-employee-secure-training-centre-charged-with-violence>

⁵⁰ Sir William Utting (1997) People like us. The report of the review of safeguards for children living away from home. The Department of Health and the Welsh Office. Pages 16-17.

⁵¹ Day, C, Hibbert, P and Cadman, S (2008) A literature review into children abused and/or neglected prior custody. Youth Justice Board. Page 49.

⁵² Report of the serious case review panel upon the circumstances surrounding the death of AR at Hassockfield secure training centre on 9th August 2004 (Part II). Page 7.

⁵³ The YJB's annual report and accounts for 2008/09 show it spent £991,000 on consultancy.

⁵⁴ Extract of letter from CRAE's national co-ordinator to Kenneth Clarke, Justice Secretary, 25 May 2010.

⁵⁵ Left the YJB to join the Government as Parliamentary Under Secretary of State at the Department of Health; appointed to the Privy Council in June 2006.

⁵⁶ An advisor on torture to Amnesty International and the Council of Europe and the author of three books on torture – Guardian article 'Young at heart', 16 August 2006.

⁵⁷ Awarded an OBE for services to youth justice in June 2004.

⁵⁸ Section 47 of the Children Act 1989 requires local authorities who have reasonable cause to believe a child is suffering from, or is likely to suffer from, significant harm, to carry out enquiries to enable them to decide whether they should take any action to safeguard or promote the child's welfare. The local authority must, as far as is reasonably practicable, ascertain the child's wishes and feelings and give them due consideration having regard to his age and understanding. The Munby judgment (November 2002) confirmed that *'the duties which a local authority would otherwise owe to a child either under section 17 or under section 47 of the Act do not cease to be owed merely because the child is currently detained in a YOI'*. The same duties apply in secure training centres; a point highlighted in the 2006 version of Working Together to Safeguard Children, the Government's statutory guidance on protecting children: *'The Local Authority has the same responsibilities towards children in custody as it does towards other children in the authority area'*. (The guidance was revised and re-issued in March 2010).