



Ministry of JUSTICE

National Offender
Management Service

| National Security Framework | | Ref: NSF 2.1 |
|--|---|---|
| CONTROL AND ORDER FUNCTION | | |
| Use of Force – Implementation of Minimising and Managing Physical Restraint | | |
| This instruction applies to :- | | Reference :- |
| NOMS Agency staff (Headquarters) Prisons | | AI 04/2014 PSI 06/2014 |
| Issue date | Effective Date | Expiry Date |
| 21 February 2014 | 7 March 2014 | 1 month after effective date to give time to amend PSO1600. |
| Issued on the authority of | NOMS Agency Board | |
| | All staff responsible for the development and publication of policy and instructions <input checked="" type="checkbox"/> NOMS HQ <input checked="" type="checkbox"/> All prisons <input type="checkbox"/> High Security Prisons only <input type="checkbox"/> Contracted Prisons <input checked="" type="checkbox"/> Governors | |
| For information | All staff in prison establishments. | |
| Provide a summary of the policy aim and the reason for its development/revision | This PSI introduces Minimising and Managing Physical Restraint, the new system of physical restraint for use in the Young People's estate. This PSI only applies to those establishments and units in the Young People's estate where MMPR has been implemented. | |
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| Associated documents | MMPR Training Manual | |
| Replaces the following documents which are hereby cancelled: None | | |
| Introduces amendments to the following documents: | | |
| PSO 1600 – Use of Force | | |
| Audit/monitoring : | | |
| Deputy Directors of Custody, Commissioners and Controllers will monitor compliance with the mandatory actions set out in this Instruction. | | |

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EXECUTIVE SUMMARY

Background

- 1.1. PSI 06/2014 amends PSO 1600 Use of Force to introduce the separate policy for use of force in the Young People's estate where Minimising and Managing Physical Restraint (MMPR) has been fully implemented. It details the circumstances in which force can be used and the framework for justifying the use of force. PSO 1600 remains.
- 1.2. This PSI is supported by a comprehensive set of six volumes covering all areas of MMPR. Volume 5, "Physical Restraint" is the MMPR Manual which is used by accredited instructors to deliver training to staff in the Young People's estate. This is a restricted document but is available in a redacted form in the National Security Framework and on the Ministry of Justice website. (see para 1.1).

Desired Outcomes

- 1.3. *All use of force must be reasonable, necessary and proportionate.*

Application

- 1.4. This PSI applies only to establishments and young people's units in which MMPR has been implemented.

Mandatory Actions

- 1.5. *Governors of establishments where MMPR has been implemented must ensure that all appropriate staff within their establishment are aware of the contents of this instruction.*

Resource Impact

- 1.6. The roll out of MMPR has already been resourced.

Contact Details

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(signed)

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Introduction

- 1.1 This Section only applies to the Use of Force (including restraint) in the NOMS under-18 secure estate. It has been developed to align with the Ministry of Justice's overarching Restraint Policy Framework which applies to the wider Under-18 secure estate (attached at Annex B) and to meet the organisational requirements of NOMS policy on the Use of Force. In the Young People estate the system of restraint and associated behaviour management is known as "Minimising and Managing Physical Restraint" (MMPR). Training and guidance in relation to use of force is given within the MMPR manuals (Volumes 1-6) and the associated Personal Safety Training manual. Information on the MMPR syllabus and redacted training manuals is available at the link below ¹.
- 1.2 The MMPR system (which also applies across the wider under-18 secure estate in Secure Training Centres) provides staff with behaviour management techniques to recognise young people's behaviour and use de-escalation and diversion strategies that minimise the need to resort to the use of force. The MMPR system, which includes physical restraint techniques, is designed to continually analyse the effectiveness and safety of these techniques and the manner in which establishments use them.
- 1.3 A roll out of the MMPR system in the under-18 secure estate commenced in Secure Training Centres in October 2012 and in the NOMS under-18 estate in late 2013. *Links to the comprehensive MMPR training manuals are provided above and staff must ensure they follow the correct link to avoid confusion with the Use of Force Training Manual.*

2. Governor's responsibilities

- 2.1 The Children Act 2004 imposes an explicit duty on the Governors and Directors of Young Offender Institutions (YOIs) to make arrangements to ensure that their functions are discharged having regard to the need to safeguard and promote the welfare of young people. The Government is committed to providing a secure estate that ensures safety for young people (i.e. persons aged under 18) and staff.

3. Legislation

- 3.1 In relation to the use of force generally, the Young Offender Institution Rules 2000, r. 50 (made under the Prison Act 1952, s. 47) provides as follows:

50.—(1) An officer in dealing with an inmate shall not use force unnecessarily and, when the application of force to an inmate is necessary, no more force than is necessary shall be used.

(2) No officer shall act deliberately in a manner calculated to provoke a prisoner.

4. Types of force

4.1 Personal safety

¹ MMPR syllabus and training manuals available at:
<http://www.justice.gov.uk/youth-justice/custody/behaviour-management>

- 4.1.1 Personal safety techniques can be used by any member of staff who works in an establishment. *Personal safety techniques must never be used where there are alternative means of resolving the situation without recourse to a use of force.*
- 4.1.2 In a situation where personal safety is an issue, it will in certain circumstances be permissible to use force outside of the accepted and accredited MMPR restraint techniques. Personal safety techniques are taught for use in the circumstances when all other methods of controlling or avoiding a violent situation (e.g. by verbal de-escalation, pressing an alarm bell and awaiting assistance, running away etc) either have failed or are impractical, and the individual concerned is acting in self-defence or for the protection of a third party (e.g. another member of staff or young person). These techniques should only be used when MMPR techniques are not possible, (e.g. the officer is isolated and/or there are insufficient staff on-hand to enable an appropriate technique to be used).
- 4.1.3 Whilst there are some specific personal safety techniques taught during personal safety training, these are taught as examples; members of staff are not restricted to using these techniques in self defence or in the protection of others. *Any use of force, however, must be reasonable and necessary in the circumstances, proportionate to the threat posed and only the minimum force necessary may be used.*
- 4.1.4 *The use of a personal safety technique must only involve such force as is necessary in all the circumstances.* Personal Safety techniques are most often used by isolated staff with the aim of getting away from the violent situation as quickly as possible. Only the necessary amount of force, in order to get away from the situation or for use in self defence, can be legally justified and defended in law.
- 4.1.5 *The Use of Force Form for the Young People's estate (Annex C) must be completed whenever a personal safety technique has been employed. The member of staff must justify their actions, why force was used and why the level of force was used.*

4.2 **Batons**

- 4.2.1 *A personal issue baton **must not be carried** within the young people's part of the YOI estate.*

4.3 **Restraint**

- 4.3.1 Physical restraint, in the context of the wider under-18 secure estate, is the use of physical force to control a young person using approved methods.
- 4.3.2 *In all cases where restraint of any type is used on a young person, staff must be able to demonstrate the following:*
- *Wherever possible they have attempted to manage the behaviour of the young person by persuasion and reasoning prior to and during the use of restraint;*
 - *That they have applied the lowest level of restraint necessary for the shortest amount of time necessary;*
 - *That they have acted in the best interests of the young person or others;*
 - *That they have made a clear statement within their use of force report regarding their understanding of the risk to themselves or others.*
- 4.3.3 *The physical restraint of a young person must always be viewed as the last resort. Staff must always consider and assess the likelihood of de-escalation strategies*

achieving the desired outcome before resorting to the use of any type of physical force. It is accepted though that some situations may be sufficiently violent or dangerous for it to be necessary to intervene immediately, without first attempting to de-escalate the situation, in order to protect someone from injury. At all times, the minimum amount of force necessary should be applied during the application of any physical restraint.

- 4.3.4 *Restraint (like any use of force) must not be deployed as a punishment, or to provoke a young person (see r. 50(2)). It arises from a need to protect the young person or to prevent the young person from doing harm to others or to property. The use of restraint should not be understood and applied from a purely adult perspective, but in the context of what we know about child and adolescent development. This includes the physical and emotional characteristics of young people who are still maturing and developing with very wide ranging needs and a lower capacity to understand their circumstances and many may exhibit a very diverse range of behaviour.*
- 4.3.5 The only restraint techniques which may be used are those set out in Volume 5 of the Minimising and Managing Physical Restraint syllabus.
- 4.3.6 *A Young Person Use of Force Form (Annex C) must be completed whenever there has been use of a restraint technique.*
- 4.3.7 *The degree and means of restraint must be proportionate to the risk of harm, and restraint should not routinely be used as a response to non-compliance.* However, Governors have a duty to maintain order and control, and in exceptional circumstances, the use of restraint on passive, non-compliant young people may be the only reasonable option available in view of the long term interest of the young person or others and the high risk of disorder due to impact on the wider regime and the possible reaction of other young people.
- 4.3.8 Examples may include: a young person being extremely disruptive but not violent in class and refusing to leave the room or listen to repeated attempts to persuade him to cease; or passive concerted indiscipline such as sit-down protests which are judged likely to lead to wider risks to the establishment. A minimal use of force in these instances can be considered to be legitimate, justifiable and necessary in order to prevent harm arising from actions, which although passive, could lead directly to wider disorder and create danger and harm to other young people and staff.
- 4.3.9 In these circumstances a lawful order can be effected by using the low level guiding holds within the MMPR restraint syllabus. If the young person is completely uncooperative, it may be necessary to carry him out using the authorised restraint procedure. *Other, more rigorous forms of restraint, including pain-inducing techniques, must not be used unless the young person becomes violent.*
- 4.3.10 *In the circumstances set out above (i.e. without aggression/violence from the young person) the use of force must always be the last option and must be planned and authorised in advance by an officer of custodial manager rank or above. The authorising officer must be assured that all other options including persuasion and negotiation have been tried and have proved ineffective for the use of force to be considered justified.*
- 4.3.11 *With all such uses of force, including low level uses of force, a Young Person Use of Force Form (Annex C) must be completed.*

4.4 **Other low level uses of force outside of restraint**

- 4.4.1 It is recognised that there will be other circumstances where staff will need to apply a minimal amount of force to young people. This might include a hand on the chest to

stop a young person pushing forward, or a guiding hand to usher someone away. This use of force is neither personal protection or a formal MMPR restraint as it falls short of the low level guiding holds within the MMPR syllabus. It is not unlawful or prohibited to apply providing that the force applied is minimal and it does not cause physical injury of any type.

- 4.4.2 In circumstances set out above, the member of staff should only complete a Use of Force Form if he or she feels injury may have inadvertently occurred, or if the young person has been confrontational or upset during the incident and as a result there is a need to create a formal record in case the event needs to be examined in the future.

5. Application of pain-inducing techniques

- 5.1 In very limited circumstances the use of approved pain-inducing restraint techniques within MMPR may be necessary. A pain-inducing technique should not be used where a non-pain inducing alternative is possible and can safely and effectively achieve the same objective. The use of pain-inducing restraint techniques will only be lawful in the limited circumstances where it is necessary to protect a young person or others from **an immediate risk of serious physical harm and where there is no other viable means of achieving this**. *The minimum necessary amount of force must be used.*
- 5.2 The use of such techniques (as with the use of any restraint technique) should always be necessary, reasonable and proportionate in view of the risk of harm which is being addressed.

6. Medical considerations

- 6.1 It is important that staff involved in applying restraint or using force of any kind are aware of the signs and symptoms that may indicate that a young person is in medical distress. Such an incident will need to be treated as a medical emergency rather than a restraint incident.
- 6.2 *Where members of healthcare staff are on duty they must attend all planned restraint incidents.*
- 6.3 Whenever reasonably practicable, a member of healthcare staff will attend every unplanned incident where staff have restrained a young person/s (e.g. by ensuring that they respond to alarm bells).
- 6.4 If the use of force supervisor or any other member of staff considers that a young person's abnormal behaviour may be due to mental illness or drug abuse, advice should be sought urgently from healthcare staff, where possible before any restraint techniques are employed.

7. Ratchet handcuffs

- 7.1 As with pain induction, the use of ratchet handcuffs will form part of the wider syllabus of approved restraint techniques.
- 7.2 The application of ratchet handcuffs is permissible, where it can be justified, as an alternative to physical restraint techniques or to a prolonged physical restraint technique. *The application of ratchet handcuffs must never be an automatic response and must always be reasonable and proportionate and with the aim of preventing harm occurring to the young person or others. Every application of ratchet handcuffs must be reported with a Use of Force Report completed and must be authorised by the Incident Manager or Use of Force Supervisor.*

7.3 The application of ratchet handcuffs should be considered during procedures involving the movement and re-location of young people where their use may negate or reduce the continued need for physical restraint techniques.

8. Incident management

8.1 When restraint is used it falls into one of two categories, planned or unplanned. In either case it is important that the use of force is managed at an appropriate level.

8.2 Each member of staff involved in the incident whether it is planned or unplanned, plays a vital role in ensuring any restraint is applied ethically, appropriately, proportionately and monitored accordingly to ensure any medical emergency is dealt with immediately in the correct manner.

8.3 The management of any incident involving restraint requires both an incident manager and a use of force supervisor to oversee the incident until its conclusion. It is a requirement that staff identified to fulfil these roles have attended an Initial MMPR course and have undertaken the required refresher training.

8.3.1 **Incident Manager** – Overall responsibility for the management of resources and logistics throughout an incident until it is concluded – takes no active part in the restraint. Ordinarily this role should be undertaken by a band 5 Custodial Manager.

8.3.2 **Use of Force Supervisor** – Responsible for monitoring the physical restraint techniques that are applied during an incident – takes no active part in the restraint. Ordinarily this role should be undertaken by a band 4 Supervising Officer or band 4 Prison Officer Use of Force specialist.

8.4 It is recognised that in some circumstances, for example in an unplanned restraint incident, staffing levels and the need to resolve the incident quickly may, preclude the appointment of an Incident Manager or a Use of Force Supervisor. *In these circumstances the initiating member of staff, or where there are three members of staff present, the number one, will assume the role of the Use of Force Supervisor of the team until such time as an appropriate grade assumes control; this must be achieved at the earliest opportunity.*

8.5 *A Use of Force Supervisor must be appointed to monitor each individual being restrained. Use of Force Supervisors must not monitor multiple restraint incidents. In the case of multiple incidents where insufficient Use of Force Supervisors are available, control and monitoring becomes the responsibility of the number one of the team. The Incident Manager should articulate this at the earliest opportunity.*

8.6 *All establishments must ensure that a member of the medical/ healthcare staff attend, whenever reasonably practicable, every incident where staff are deployed to restrain young people.*

8.7 *The member of healthcare staff must monitor both the young person and members of staff, and provide clinical advice to the Incident Manager, Supervisor and/ or team in the event of a medical emergency.*

8.8 *Any clinical advice provided by health care staff must be adhered to by all.*

9. Full search under restraint

9.1 *Full searches following relocation under restraint are not always necessary and must only be carried out on reasonable suspicion or intelligence that a prohibited article is secreted on the young person.*

- 9.2 No young person will be full searched in the sight of another young person, or in the sight of any person of the opposite sex. (YOI Rules 2000, r. 43(3)).
- 9.3 *The authority required for a full search under restraint must be given by the Duty Manager. If the Duty Manager cannot be contacted then the Incident Manager or Use of Force Supervisor in charge of the relocation must make the decision and must first consider:*
- *all other searching options;*
 - *that every effort has been made to resolve and decelerate the situation in order to conduct the search without using restraint techniques.*
- 9.4 *Where authority has been given, the full search must be carried out in accordance with the guidance on searching in NSF 3.1 - Searching of the person (PSI 48/2011). A full search under restraint must be recorded on the Use of Force Report Form (Annex C).*
- 9.5 *The option of cutting off the clothing using safety scissors must be considered only where necessary and must be balanced against the risk of prolonged use of restraint and the consequent psychological impact on the young person and staff. (The cost of replacement clothing is irrelevant in such circumstances.) The young person must be provided with alternative clothing during the search.*

10. Aftercare of Young People and Staff

- 10.1 After the application of restraint on a young person the following processes are necessary:
- ensuring staff and young person are medically assessed as soon after the incident as is practicable;
 - that their well-being is maintained;
 - carry out a structured debriefing for the young person;
 - carry out a structured debriefing for staff directly involved in the incident;
 - sharing information with relevant individuals and organisations external to the establishment (e.g. local safeguarding children boards, families/carers of Local Authority in the case of Looked After Children).
- 10.2 Following a restraint, child protection procedures should be initiated if a young person is injured or complains about the intervention.
- 10.3 Both young people and staff should undergo a separate structured debriefing process, the outcome of which should be recorded in writing.
- 10.4 The debriefing of the young person will be in two stages. The initial debrief should be undertaken as soon as practical after any use of force, to:
- check their well being;
 - ensure they understand what has happened;
 - ensure they understand what is going to happen.
- 10.5 The full debrief will take place (in the presence of an advocate if the young person wishes their attendance) within 48 hours. The purpose of the debrief is to agree an action plan to encourage positive behaviour by the young person, and to minimise the likelihood of future behaviour deteriorating to the point at which there is a need to use further physical restraint.

- 10.6 The debriefing of staff will take place in two stages. The initial debrief should take place as soon as practical after any use of force, in order to:
- ascertain if any staff need medical treatment;
 - ensure all staff involved are aware that they are required to complete Use of Force or Incident Reports whilst the incident is fresh in their memory.
- 10.7 A full debrief with individual members of staff will take place after all use of force statements have been completed and collated. The purpose of the full debrief is to ensure that all staff understand the context of the incident and to reflect on any learning regarding managing difficult behaviour.
- 10.8 The outcome of all debriefings should be recorded in writing.

11. Governance/data collection

- 11.1 *Each establishment must demonstrate robust governance arrangements. Such arrangements are the means by which the management of each establishment is accountable for and can provide assurance that all of the key elements of a restraint system are operating as intended and to specified standards.*
- 11.2 *Governance arrangements must be in place to keep detailed and accurate records of any use of force. Establishments must use the approved MMPR data collection forms and procedures for collecting and reporting use of force incidents (Annex C).*
- 11.3 Individual establishments are responsible for managing incidents, monitoring local practice (local oversight of incident management), identifying required changes to practice and applying lessons learned.
- 11.4 All uses of force are investigated locally and any action, if required, is taken. This might, for example, be in the form of addressing staff training needs, offering guidance or taking disciplinary measures when required.
- 11.5 *Establishments must have clear arrangements to ensure that each individual use of force incident is recorded and reported.*
- 11.6 Establishments will record restraint data on a technique-by-technique basis, including additional details on the reason for restraint, the background to the incident, the staff involved, the de-escalation methods that were deployed, and a comprehensive narrative of each incident.
- 11.7 Injuries and/or medical warning signs will also be recorded and, as far as possible, these will be clearly linked to the physical restraint techniques that were used if such injuries or warning signs are believed to be a direct result of an application or misapplication of a particular technique. Establishments will record this information and submit it to the YJB and NOMS. Both organisations have a duty to respond to any concerns about the way in which an establishment is using force or the safety and effectiveness of the techniques within the MMPR syllabus.
- 11.8 *Once recorded, establishments must ensure that relevant people/agencies are informed about any use of force. These include as a minimum: the young person's 'home' local authority (either through the YOT worker and/or a young person's social worker), the young person's parent/carer, the young person's key worker/personal officer.*
- 11.9 *A report must be produced (at least quarterly) summarising the use of force information and any recommended actions. Processes must be agreed with the relevant Deputy Director of Custody to share or discuss the findings of the report. This must be conducted at least quarterly.*

12. Training

- 12.1 The MMPR syllabus is designed to be safe, young-person centred, built upon ethical principles and to enhance staff skills in de-escalation and diversion to minimise the recourse to use restraint.
- 12.2 *All operational staff (irrespective of grade) working in young people's establishments or dedicated units holding young people must be trained and assessed as competent in the MMPR syllabus.* The Initial MMPR course for new staff is 7 days. Once trained, staff must attend a 1 day refresher course every six months where their competence will be assessed. Staff transferring to a young people's establishment must complete a five day up-skilling course.
- 12.3 Staff who do not meet the required standard of competence will be referred for further training to ensure that they achieve the required competency level.
- 12.4 *MMPR techniques must not be used on young people by staff not trained in those techniques and deemed competent to use them.*
- 12.5 Local training and practice is quality assured by the MMPR national team within NOMS who are responsible for the MMPR syllabus and by local instructors and senior managers at each establishment.
- 12.6 *Establishments must arrange for all new staff (including OSGs, teachers, admin grades, YOT workers etc) to undergo a local training course in personal safety techniques based on a risk assessed need which takes account of normal contact and levels of supervision with young people.* Personal safety techniques will be delivered to new operational staff alongside the MMPR syllabus.

ANNEX A**RELEVANT LEGISLATION****Section Three (1) Criminal Law Act 1967:**

“A person may use such force as is reasonable in the circumstances in the prevention of a crime, or in the effecting or assisting in the lawful arrest of offenders or suspected offenders unlawfully at large”

Prison Rule 47 / YOI Rule 50:

Para. 1 “An officer in dealing with a prisoner shall not use force unnecessarily and, when the application of force is necessary, no more force than is necessary shall be used.”

Para. 2 “No officer shall act deliberately in a manner calculated to provoke a prisoner.”

Similar powers are conferred upon prison custody officers by the Criminal Justice Act 1991.

Use of Force and Human Rights

The Human Rights Act has two basic purposes.

1. The law of the European Convention on Human Rights (E.C.H.R.) and specifically the rights and freedoms set out in the convention will be actionable before the UK courts.
2. Courts and tribunals, public authorities and Government Ministers will have to act in a way that is “compatible” with the law of the Convention. Failure to do so may be unlawful, although not a criminal offence.

When making a determination as to whether the level of force used was lawful in any particular instance the courts will take cognisance of the articles under the E.C.H.R.

The rights which are most likely to be directly interfered with in situations where force is used are:

Article Two: The right to life.

Article Three: Prohibition from torture, inhumane or degrading treatment.

Article Eight: The right to respect for private and family life.

Article Two: The Right to Life

1. Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:
 - A. In defence of any person from unlawful violence.
 - B. In order to affect a lawful arrest or to prevent the escape of a person lawfully detained.
 - C. In action lawfully taken for the purpose of quelling a riot or insurrection.

Article Three: Prohibition from Torture, Inhumane or Degrading treatment

The activities prohibited by Article Three were characterised by the European Court in *Ireland v UK* (1978) as:

TORTURE: Deliberate inhuman treatment causing very serious and cruel suffering.

INHUMANE TREATMENT: Treatment that causes intense physical and mental suffering.

DEGRADING TREATMENT: Treatment that arouses in the victim a feeling of fear, anguish and inferiority capable of humiliating and debasing the victim and possibly breaking his or her physical or moral resistance.

Where extreme or excessive force is applied, or where the application of force is maintained for longer than necessary (even if its use is to achieve a lawful aim) this may amount to torture, inhumane or degrading treatment. This may include the unnecessary / prolonged use of ratchet handcuffs.

Article Eight: The right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the protection of health and morals, or for the protection of the rights and freedoms of others.

Article Eight provides a qualified right which can be interfered with, providing one of the conditions in paragraph two applies.

Article Eight is not just a right to privacy. It has been held to include respect for an individual's physical and moral integrity. For this reason, an assault may amount to a breach of Article Eight.

Common Law

Common law is the law as determined by legal cases that are heard before judges. 'Precedence' is determined by the most recent decision taken by the highest court i.e. in the UK, the House of Lords.

"The common law has always recognised a person's right to act in defence of themselves or others. If a person has to inflict violence on another in doing so such action is not unlawful as long as their actions are reasonable in the circumstances as they sees them.

The test to be applied for self defence is that he/she acted reasonably in the circumstances as he/she honestly believed them to be in the defence of himself/herself or another."

The use of force must be based on an honestly held belief that it is necessary, which is perceived for good reasons to be valid at the time.



USE OF RESTRAINT POLICY FRAMEWORK FOR THE UNDER-18 SECURE ESTATE

The Children Act 2004 sets out an explicit duty on the Governors and Directors of Young Offender Institutions (YOIs) and Secure Training Centres (STCs) to make arrangements to ensure that their functions are discharged having regard to the need to safeguard and promote the welfare of children. The Government is committed to providing a secure estate that ensures safety for children (that is, persons aged under 18) and staff.

The behaviour of children can present challenges to staff in the secure estate. However, the overriding objective is to ensure that the need for restraint is minimised. When recourse to restraint is necessary it is essential that staff have the skills and training to apply appropriate techniques as effectively and safely as possible, legally, and always in the best interest of the child.

Purpose of this policy framework

1. The purpose of this document is to set out the Government's policy on the use of approved restraint techniques across the under-18 secure estate, which encompasses the legislation and guidance that governs under-18 YOIs, STCs and Secure Children's Homes (SCHs).
2. This framework sets out the principles and core expectations guiding the use of approved restraint techniques. It also makes reference to the legislation that governs the use of restraint in the under 18 secure estate and sets out the Government's position on the use of pain induction techniques and ratchet handcuffs.
3. This framework will be amended as necessary and in light of any subsequent legislative changes.
4. Operational policy on how an establishment manages instances of restraint is covered in underlying service provider guidance that this document signposts.
5. This framework covers only those methods of restraint for children that have been approved by the Secretary of State. So this framework does not cover:
 - a) Low level physical interventions are non-restrictive. They can be used, for example, with the intention of coaxing a young person away from a confrontational scene. Although they are not approved restraint techniques, low level physical *interventions are a use of force and therefore their use must be reasonable and proportionate to the circumstances;*
 - b) Any necessary defensive action taken by individual members of staff in order to protect themselves from attack from children, which is governed by the law on self defence.

The under-18 secure estate

6. A discrete secure estate for under-18s was created in 2000, when the YJB was given responsibility for commissioning and purchasing custodial places for under-18s. It brought together three pre-existing types of establishment:
 - under-18 young offender institutions (YOIs), mostly run by the National Offender Management Service (NOMS), are generally large establishments for 15-17 year old boys;
 - secure training centres (STCs) run by private contractors, are medium-sized establishments, originally for boys and girls aged 12-14, now accommodating, additionally, girls and boys aged 15-17 with particular risks and/or needs;
 - secure children's homes (SCHs) provided by local authorities. SCHs are small in size accommodating younger boys and girls and young people with particular risks or needs.

Legislation on use of restraint

7. The key pieces of legislation and guidance governing the use of restraint in the under-18 secure estate are:
 - ***The Young Offender Institution Rules 2000 (rule 50), made under the Prison Act 1952;***
 - 50.—(1) An officer in dealing with an inmate shall not use force unnecessarily and, when the application of force to an inmate is necessary, no more force than is necessary shall be used.
 - (2) No officer shall act deliberately in a manner calculated to provoke an inmate.

Also (not in NOMS establishments)

- ***The Secure Training Centre Rules 1998 (rules 37 and 38), made under the Prison Act 1952;***
- ***The Children's Homes Regulations 2001 (amended in 2011), made under the Care Standards Act 2000.***

Supporting guidance

8. The YJB has issued general, overarching, guidance to all three sectors on the use of restraint, as part of its 2006 code of practice, *Managing the Behaviour of Children and Young People in the Secure Estate*. The latest edition of the code builds on this framework and outlines the Youth Justice Board's expectation of how providers should manage incidents of restraint.
9. For under-18 YOIs, *Prison Service Order (PSO) 1600* sets out the NOMS policy on use of force.
10. STCs are not at present subject to any sector-specific guidance. The STC contracts reflect the STC Rules and the operators then issue operating procedures to staff.

These procedures contain detailed guidance on how staff should deliver their contractual obligations and comply with the STC rules. The YJB comments on these documents to ensure compliance with contractual obligations.

11. Specific guidance has been issued to SCHs: SCHs are children's homes *and must comply with the National Minimum Standards for Children's Homes 2011* (which provide more detail about how the regulatory framework should be put into practice), and the *Revised Children Act 1989 Guidance and Regulations Volume 5: Children's Homes*, which was issued in 2011. *These documents set out the approach to restraint that must be followed in these establishments.*

What techniques are permissible in the under-18 secure estate?

12. Under rule 38 of the STC Rules 1998, the Secretary of State is responsible for approving methods of restraint proposed for use in STCs. The YOI Rules 2000 are not expressed in the same terms but the Government considers it appropriate that this responsibility should also apply in respect of under-18 YOIs.
13. As regards SCHs there are currently no prescriptive requirements relating to specific restraint techniques or systems. However, statutory guidance for children's homes including for SCHs requires that before their staff might be expected to use any specific method of restraint they will need to demonstrate that they fully understand the risks associated with the technique concerned.
14. *Regulations, guidance and National Minimum Standards for Children's Homes require that restraint must be proportionate and no more force than is necessary should be used.* This will be the minimum amount of force necessary to avert injury or serious damage to property, applied for the shortest possible period of time.

Ethics and expectations

15. The Government has accepted the following as the underpinning principles for the use of restraint in the under-18 secure estate, including escorts responsible for journeys to and from establishments.

The status of children

- All persons under-18 and detained by the state are children. As a matter of law, they retain the same protection (provided by domestic and international legal frameworks) which is afforded to children who are not in custody. *The welfare of children is of paramount importance, and this principle must remain at the forefront when making decisions about care for and management of children detained by the state.* Children should have a say in how they are cared for and managed. They should be able to voice their concerns over restraint confidentially and to an independent person. When they wish, they should be able to do so with support from an independent advocate.

Use of restraint

- *The use of restraint must always be necessary, proportionate and in accordance with the law. The use of restraint carries a potential to harm the child who is restrained, and such risks must be kept as low as possible in the circumstances. The restraint techniques and holds must be developed and applied as part of an effective overall strategy for managing behaviour.*

Restraining children involves special considerations

- *Restraint must not be deployed as a punishment.* It arises from a need to protect. The use of restraint should not be understood and applied from a purely adult perspective, but in the context of what we know about child and adolescent development. This includes the physical and emotional characteristics of children as maturing, still developing young people with very wide ranging needs and capacity to understand their circumstances, who will exhibit a very diverse range of behaviour.

A safe system of restraint requires effective governance

- *Each establishment must demonstrate robust governance arrangements.* Such arrangements are the means by which the management of each establishment is accountable for and can provide assurance that all of the key elements of a restraint system are operating as intended and to specified standards.

High quality training is essential for safer restraint

- *The quality and frequency of training is vital to safe restraint. Training must be child focused, built upon the above principles and must enhance staff skills in de-escalation and diversion to minimise the recourse to restraint.*
16. *The Government has also agreed a set of core expectations that secure establishments must abide by.*
- a) *Physical interventions must not be used as a punishment.*
 - b) *Restraint should only ever be used against children as a last resort where it is absolutely necessary to do so, where no other form of intervention is possible or appropriate and in accordance with the law.*
 - c) *The resort to and extent of restraint must be proportionate to the assessed risk of physical harm to the child or others, including staff or other children.*
 - d) *The use of restraint must be integrated into an overall approach to managing the challenging behaviour of children in secure establishments that provides alternatives to restraint that have a realistic chance of success.*
 - e) *Each proposed restraint technique must have been individually assessed to consider its safety, effectiveness, and its transferability for use on children.*
 - f) *Each proposed restraint technique must be straightforward to execute in practice. An independent assessment should consider the technical complexity of each restraint technique, such as the number of separate steps involved in its application.*
 - g) *Following an incident of restraint, there must be formal procedures under which those involved are given the opportunity to have a structured discussion with an appropriately trained person, preferably who is independent of the restraint incident. This is to ensure that any risk of harm to all concerned is minimised, and to avoid the likelihood of any restraint incident recurring with that child.*
 - h) *Staff must be trained in the safest possible application of restraint techniques and only fully trained staff may be authorised to use restraint techniques. Only members of staff who are properly trained and competent to use restraint techniques should undertake them.*

- i) *Governance arrangements must be in place to keep detailed and accurate records of the use of restraint.*
- j) *Staff should, where possible, be made aware in advance of the particular needs and circumstances of the child being restrained. Examples include any relevant medical conditions or pregnancy.*
- k) *Any intervention must be in compliance with the relevant rules and regulations for the establishment, and carried out in accordance with methods in which the member of staff has received training.*
- l) *A medical examination must be arranged immediately if there is any evidence of injury, or if the child complains of discomfort or pain, or requests a medical examination.*

The use of pain-inducing restraint techniques

- 17. The Government recognises that in very limited circumstances the use of pain-inducing restraint techniques may be necessary. Although pain-inducing restraint techniques will form part of the wider package of approved restraint techniques, they are covered expressly in this framework because their use raises particular sensitivities, and the Government therefore believes there is merit in setting out a clear policy statement on their use.
- 18. The use of pain-inducing restraint techniques as part of a system of restraint must be restricted to circumstances where it is necessary to protect a child or others from an immediate risk of serious physical harm. The minimum necessary amount of force must be used.
- 19. Under these very limited circumstances, pain-inducing restraint techniques can be lawfully used as a means of restraint. *These techniques must never be used where a non-pain inducing alternative is possible and can safely and effectively achieve the same objective.* However, the use of a pain-inducing restraint technique is justifiable if that is the only viable and practical way of dealing with a violent incident which poses an immediate risk of serious physical harm to the child, other children or staff or others. The use of such techniques (as with the use of any restraint technique) should always be necessary, reasonable and proportionate in view of the risk of harm which is being addressed.
- 20. Guidance for children's homes (including SCHs) requires that physical interventions to restrain children can only be justified within a context in which children are offered positive care that meets their individual needs and respects their personal integrity. Techniques of restraint that rely on pain are specifically prohibited in this sector.

Ratchet handcuffs

- 21. As with pain induction, the use of ratchet handcuffs will form part of the wider package of approved restraint techniques. Because their use raises additional sensitivities, they are also included within this framework.
- 22. The application of ratchet handcuffs is permissible, where it can be justified, as an alternative to physical restraint techniques. Careful consideration should be given prior to using ratchet handcuffs.
- 23. The application of ratchet handcuffs may be deemed to be preferable as an ethical

and safer alternative to using physical restraint techniques. Ratchet handcuffs may be applied in order to prevent an incident of restraint accelerating or the continued need for physical restraint techniques. The application of ratchet handcuffs should be considered during procedures involving the movement and re-location of young people where their use may negate the continued need for physical restraint techniques.

24. *The application of ratchet handcuffs must always be reasonable and proportionate and with the aim of preventing harm occurring to the young person or others. Every application of ratchet handcuffs must be reported.*