



Ministry
of Justice

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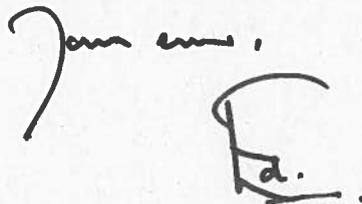
18th November 2018

Dear Joe,

THE USE OF PAIN INDUCING TECHNIQUES IN THE YOUTH SECURE ESTATE

You will recall that I wrote to you on 17th October to confirm that Charlie Taylor had agreed to lead this Department's review into the inclusion of pain-inducing techniques in the Use of Force policy framework that applies in the secure youth estate.

Terms of Reference have recently been agreed for this piece of work and I am writing to share a copy with you. If you would like to discuss the review in more detail my office will be happy to put you in touch with the officials who are providing secretariat support to Charlie.

Yours sincerely,


EDWARD ARGAR MP

TERMS OF REFERENCE

An Independent Review into the use of techniques which deliberately induce pain during restraint in the under-18 secure estate

1. Background

- The Government has commissioned a review to consider the case for changes in policy and procedure in relation to the use of techniques which deliberately cause pain in systems of restraint used on those under the age of 18 years in Young Offender Institutions (YOIs) and Secure Training Centres (STCs); and during situations where children are being escorted outside the secure estate.
- Ministry of Justice (MoJ) policy regarding the use of restraint in the under-18 secure estate has been in place since 2012. Since then MMPR (Managing and Minimising Physical Restraint) syllabus has been rolled out to STCs and YOIs, and a new behaviour management framework which sets out the framework for positive relationships between staff and young people across the custodial estate for children and young people is being developed.
- The introduction of a secure school will also further change the operational landscape, and so a review of policy in this area will ensure that it remains appropriate for the entire youth estate and in line with the latest research.

2. Status, timings and relationship with the Ministry of Justice and Youth Custody Service (YCS)

- The Review will have no statutory or delegated powers. Its function is to provide dispassionate and expert advice to the Ministry of Justice and YCS.
- This review will be established by the Ministry of Justice and managed from the Youth Custody Policy Team in the Justice Analysis and Offender Policy Group.
- Charlie Taylor was invited to lead the review by Minister Argar on 17th October 2018. Previous undertakings to Bhatt Murphy and Article 39 were that the review would be completed in twelve months. We currently envisage that the review will report back to Ministers in Summer 2019.
- Administrative secretariat support will be provided by officials from the MoJ Youth Custody Policy Team through supplying and collating evidence and documents, and ensuring that the full range of stakeholders with an interest can make their views known.

3. Activities

- i.* Review the pain inducing technique element of the Use of Force policy framework for the under-18 secure estate, focusing specifically on consideration of techniques which deliberately cause pain within the MMPR syllabus.
- ii.* Consider the use of techniques which can deliberately cause pain in both custody and escort situations.
- iii.* Consider any evidence that has become available since the publication in 2016 of the *Review of International Evidence and Practice on Non-Pain Inducing Techniques and Systems of Restraint*, or was not considered by the publication¹.

¹ The publication assessed the feasibility of having a restraint system in the youth secure estate that did not include pain inducing techniques. It concluded that this was not possible, but highlighted the need for more robust research in this area.

4. Scope

- The following areas will be within the scope of the review:

- ***Consideration of the use and impact of pain-inducing techniques on young people aged under-18***, including (but not limited to) consideration of:

The role of techniques which deliberately cause pain within the Use of Force policy against the context of wider behaviour management reforms and strategies.

The impact of (or justification for) using pain inducing techniques, noting that the use of other forms of restraint may have greater physical and/or psychological trauma to the young person being restrained.

Evidence from MMPR medical experts on the evidence for retaining techniques which deliberately cause pain in the syllabus for custodial and escort situations, including previous medical advice or information provided to the Independent Restraint Advisory Board.

Case studies to illustrate techniques for managing behaviour, including the use of techniques which deliberately cause pain or resolution of situations where pain isn't used.

Consideration of the safety of staff working in custody, escort providers and other frontline workers.

Evidence about the impact of restraint and techniques which deliberately cause pain on young people with mental health issues.

Links with the ongoing review of safeguarding policy and procedures in the YCS.

A full Equalities Impact Assessment will be undertaken.

- ***Restraint and pain-inducing techniques in Escort Situations***, including (but not limited to) consideration of:

The evolution and extent of the prison escort contracts.

Policy frameworks which exist for escorts between SCHs, STCs and YOIs, and including other types of transportation or escort situations (e.g. to Court, to medical facilities, for compassionate visits or for ROTL/mobility etc).

Differences in policy for transfer to SCHs for reasons of welfare and/or criminal justice, and policy on resolution of restraint incidents at SCHs where pain cannot be used.

Case studies to illustrate the management of behavioural issues young people transferred from SCHs to YOIs and STCs.

- ***Other jurisdictions and detention settings***, including (but not limited to) consideration of:

Policy on use of restraint and techniques which deliberately cause pain in Court Situations, including escort to/from transport, to Court cells, to/from the Courtroom, and whilst in the dock.

Policies on the use of restraint and techniques which deliberately cause pain which apply to the Police and other government departments, including those that apply to settings managed by Department for Education, Home Office and Department for Health and Social Care. This will include, but is not limited to: Police, Immigration Centres, Border Force, Mental Health settings, educational facilities.

International comparisons beyond the 2016 YJB report

- **Data**, including (but not limited to) consideration of:

Comparison of the use of restraint and techniques which deliberate cause pain between those aged under 18 and other ages (including adults), including data collected by escort services.

Use of restraint by staff operating in Courts.

Serious injuries and warning signs.

Safety of front line staff and information about injuries.

Management of behaviour in other settings, including SCHs / alternative provision / schools.

5. Media, communications and correspondence with third parties

- All enquiries from the media should be directed to the Secretariat in the Youth Custody Policy Team.
- The lead for the review should not speak directly to the media about the review unless authorised to do so by the sponsor.