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By email and post

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Dear Christopher Yong

Pain-inducing restraint during escort to secure children's homes and secure training centres

The Howard League for Penal Reform has been concerned about the inappropriate use of force on children in the secure estate for many years (see, for example the Carlile Inquiry, Twisted and the Carlile Inquiry ten years on).

The Howard League believes that too many children are held in secure establishments, reducing their life chances and increasing their risk of reoffending. Where children are detained they must be treated with dignity and care. The authorisation of painful use of force techniques in STCs, YOIs and on escort vehicles to children in secure children's homes is entirely inappropriate. We therefore welcome the Ministry of Justice's review.

We have had sight of the Article 39 submissions and agree with them.

In addition to the points made by Article 39 we highlight the following points

Escort experience

We receive hundreds of calls each year to our advice line and represent many children in prison. The escort experience can be extremely distressing. While it is good to hear that there have been no recorded instances of the officially permitted painful techniques, we have certainly been told of recent experience of children of unacceptable levels of pain being used. One child told us she was manhandled into a transport van to a point where she ought not have been certified as fit for transport. Another child told us that transport staff deliberately turned on the heating in the transport van for the duration of a long journey following a verbal confrontation. We are also aware that in some instances the escort journeys for children are often extremely long due to the reduction of the secure estate and in particular, secure children's homes, in recent years. We have come across instances where children have been transported from one end of the country to the other.

The risks associated with the possible use of painful techniques during escort

In addition to the obvious risks associated with the deliberate infliction of pain by adults on children and those set out in the Article 39 submission, there are three key concerns posed by the possibility of the use of painful restraints during escort.

First, it is well established that the first night in custody and remand periods are a crucial time where people are at increased risk of suicide and are anyway experiencing extreme distress. By definition, children will have been escorted immediately prior to their first night and will be at increased risk of being escorted throughout the remand period in order to attend court.

Second, if a child is subject to painful restraint techniques during escort it is likely to colour the child's experience and attitude to being detained. In our experience, children who are detained often have a general distrust of authority figures which makes it hard for them to trust secure estate staff. The deliberate use of pain on escort would only intensify those feelings and further damage the likelihood of children in secure children's homes and STCs having confidence in the ability of staff to keep them safe/

Third, in our experience, children often do not complain or engage with complaints processes. Therefore, it is particularly hard to rigorously monitor and investigate instances of use of pain and the picture that the Ministry is able to build of the use of force on children during escort becomes largely one of self-report.

Benefits of removing authorisation for painful use of force techniques during escort

Conversely there are obvious benefits of removing the possibility of using painful restraint techniques during escort.

It sends out the correct message to private contractors that is consistent with treating a child in transport to secure settings properly and with dignity.

It removes the possibility of justifications for the use of painful restraint techniques that can be further traumatising.

It goes a tiny way towards redressing the huge power imbalance that remains between children in the secure estate and the adults paid to oversee them.

We hope this is useful to you in your deliberations and would be happy to engage further.

Yours 

