

For the attention of Mr Charlie Taylor
Sent via email: Robert.Lawman@justice.gov.uk

Friday, 05 July 2019

Dear Mr Taylor,

RE: The use of pain inducing techniques in the youth secure estate

We welcome the opportunity to contribute our voice to the work we understand you are currently undertaking for the Ministry of Justice to review the inclusion of pain-inducing techniques in the Use of Force Policy framework. We write on behalf of our members, of which we have over 19,500 who are working across the child health sector. Our mission is to transform child health through knowledge, innovation and expertise. Our vision is a healthier future for children and young people across the world.

Young people in the youth secure estate are among the most vulnerable in our society. They have usually experienced severe deprivation and adverse experiences in their previous lives. They have been subject to secure detention as a last resort. It is important that this experience addresses all of their needs and supports their rehabilitation back into society. In recognition of this, RCPCH recently took a leading role in updating and publishing healthcare standards for children and young people in secure settings. These standards, first published in 2013 and refreshed in 2019, help healthcare professionals, commissioners, service providers, regulators, managers and governors ensure that these young people receive the care they need to improve their health outcomes.¹

The RCPCH believe that preventive approaches and de-escalation should be used to manage challenging behaviour and that physical restraint should be used only when it is absolutely necessary. As per the standards referenced above, all healthcare practitioners should be trained in the principles of the method of restraint where relevant to the setting (for example Minimising and Managing Physical Restraint awareness module (MMRP) or Restrictive Physical Intervention Training (RPI)), to support clinicians to understand potential risks and injuries.

In particular, we want to address the use of restraint techniques that are 'pain inducing', that is to say those techniques that are designed to cause pain and work by deliberately inflicting pain. Pain-inducing restraint techniques are included in the current guidance for restraint in young offenders' institutions.²

¹ RCPCH. Healthcare Standards for Children and Young People in Secure Settings, June 2019.
https://www.rcpch.ac.uk/sites/default/files/2019-06/rcpch_healthcare_standards_for_children_and_young_people_online1.2.pdf

² Ministry of Justice, Minimising and Managing Physical Restraint—2012—Volume 5—Physical Restraint

At the end of February 2019, the Independent Inquiry into Child Sexual Abuse reported that a habitually violent atmosphere in young offenders' institutions and secure training centres has been made worse by the approach of these institutions to restraint, strip searching and pain inducing techniques. The Inquiry noted that this form of control is particularly intimidating to children who have been sexually abused and concluded that the use of pain inducing restraint is a form of child abuse and must cease.³

We support the UNHCR rights of the child in everything that we do at RCPCH. The charity Article 39 have provided a detailed breakdown of the ways in which pain-inducing restraint is a breach of children's human rights in their own submission to your review⁴, which we will not repeat. However, we strongly concur that the deliberate infliction of pain on a child is incompatible with international human rights law. Article 37(a) of the UNCRC states unconditionally that: "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment."

In view of the above, RCPCH takes the position that pain-inducing restraint techniques are a form of child abuse, violate children's rights and must be prohibited.

We would welcome the opportunity to discuss our position in more detail to support your review.

Regards



Dr Alison Steele
Consultant Paediatrician
RCPCH Officer for Child Protection

³ Independent Inquiry into Child Sexual Abuse. Sexual Abuse of Children in Custodial Institutions: 2009-2017 Investigation Report, February 2019.

<https://www.iicsa.org.uk/reports/cici>

⁴ Article 39. Submission to Charlie Taylor Review, May 2019 - <https://article39.org.uk/wp-content/uploads/2019/05/Article-39-submission-Charlie-Taylor-Review-7-May-2019.pdf>