



The Association of Youth Offending Team Managers (AYM) response to Proposed Use of Force Policy of HMPPS

About the AYM

The AYM is a professional association representing the majority of youth offending teams (YOT) and their managers in England.

Section 39 (1) of the Crime and Disorder Act 1998 requires the co-operation of the named statutory partners to form a YOT. Section 38 (1, 2) identifies the statutory partners and places upon them a duty to co-operate in order to secure youth justice services appropriate to their area. These statutory partners are the local authority, police, the probation service, and health. To support the YOT, additional partners may also be recruited to the joint strategic effort to prevent offending by children and young people.

The Association is able to draw on the wealth of knowledge and the breadth of members' experience to promote public understanding of youth crime issues and to play its part in shaping the youth crime agenda.

Our members run services providing community-based supervision for children and young people who offend. We also work closely with staff in secure units and young offender institutions to ensure that young people in custody have as smooth a transition as possible back in to the community.

The AYM welcomes the opportunity to provide a response to the proposal by HMPPS on the Use of Force Policy.

In response to the documents provided by HMPPS, the AYM would like to make it clear that we are strongly opposed to the use of force, and specifically the use of pain inducing techniques, within any of the secure settings, however we are aware that there are a small number of incidents where this may be required to prevent loss of life.

The AYM would like to see a single framework specific to the needs of children that is built upon a clear behaviour policy and that use of force is used in extreme cases and is used as a last resort.

The research is clear that many of the children who are placed in the secure estate are already suffering from the impact of a variety of adverse life experiences, such as being victims of crime or exploitation, witnessing domestic violence, witnessing violence in a community setting, or other such traumatic events. Coupled with this we know that there are large proportions of children who have high support needs in

relation to mental and emotional well being and speech, communication and language needs.

On this basis, the risk of re-traumatizing the child through the use of ratchet handcuffs, the use of force or the use of a full search under restraint is unacceptably high. The use of force also has the potential to promote the use of power/harm to respond to behaviour and we should be working with children to model behaviour. As outlined in Use of Force Policy Framework (draft) 2.8 the use of force can have a significant negative impact on the individual children, and also on the regime and establishment as a whole. Consequences of the use of force such as damaged relationships between staff and children, and reduced compliance with the regime could lead to a circular issue, which would lead to an increased use of force.

We would advocate that the use of de-escalation techniques, relationship based practice and restorative justice would be far more suitable methods to manage behaviour within the secure estate, and this would mirror the message that has been given to professionals by children, that they are much more likely to engage if processes are done 'with' them, rather than 'to' them. AYM would support these methods within a policy and would suggest that these methods are prioritized over any use of force techniques.

Specific issues identified in the 'Managing and Minimising Physical Restraint' policy:

4.1.1 - Are all staff sufficiently trained? How many hours of safeguarding training do they undertake? The AYM would advocate that there needs to be greater understanding across the children's estate about the impact of trauma and how this influences brain development. The AYM would also like to see stronger links with local safeguarding boards and these boards actively being responsible for ensuring children are safeguarded within their areas.

4.1.2 - "Certain circumstances" - are these defined? There is a risk that if this is too ambiguous it can lead to individual officer interpretation and it is for this reason the AYM would advocate that there needs to be a clear definition and this should include where there is a serious threat to life.

4.1.5 - Who reviews the forms? Is there external oversight? The Charlie Taylor review recommending oversight and governance and the policy would benefit from defining what this should look like.

4.3.4 - "To protect property" Is this valid and appropriate? This links into proportionate and to protect property is not an immediate threat to life. Again, this needs to be clarified.

4.3.7 - Use of force on passive child? The AYM would advocate that the use of force for passive non-compliance should never be used. Children who are experiencing trauma within an oppressive environment will undoubtedly be in a heightened state of anxiety which will make them more likely not to follow instructions and comply with rules. Responding to a child who is not complying with the rules should not contain the option for restraint but rather should trigger a solution focused conversation to seek

resolution, thereby reinforcing the concept of restorative and relationship-based approaches.

5.1 - Pain inducing restraint on child? Why not just restraint? The AYM would like to have seen the recommendations from the report into the use of Pain Inducing Techniques incorporated into the policy.

6.2 - What if health care staff are not on duty?

9 - Full search under restraint? Is this ever justified on a child?

9.5 - Cutting off clothes? How does this marry with Children Act 2004 duty to safeguard? This needs to be clarified and under what circumstances.

10.2 - Are these external safeguarding procedures?

The policy for children requires more work to ensure that it incorporates the recommendations from the Charlie Taylor review into the Use of Pain Inducing Techniques and is focused on the needs of 'children' and not 'young people'. The AYM would be keen to work alongside the YCS to develop a behaviour management policy that met the needs of children in custody.