



Standing Committee for Youth Justice

## **Call to end the use of pain inducing techniques in the children's secure estate**

The Standing Committee for Youth Justice (SCYJ) is an alliance of sixty non-profit organisations working to improve the youth justice system in England and Wales.

The SCYJ has held longstanding opposition, as a point of principle, to the deliberate infliction of pain on children as part of any system of restraint. We join a wide range of bodies and organisations that have called for a ban on the use of pain-inducing techniques as a mechanism of controlling vulnerable children in the secure estate.

### **We urge the Ministry of Justice and the Youth Custody Service to prohibit the use of pain-inducing techniques on children and across child custody as a whole.**

SCYJ believes restraint regimes must comply with international Human Rights law, and opposes the use of pain-inducing techniques on children. The deliberate infliction of pain on children breaches Article 3 of the European Convention on Human Rights (ECHR), which prohibits torture, inhumane or degrading treatment or punishment, and is similarly in conflict with Article 37 of the UN Convention on the Rights of the Child (UNCRC), which grants every child the right to protection from cruel treatment. Every human rights body has called for the prohibition of the deliberate use of pain on children, including the UN Committee on the Rights of the Child and the UN Committee against Torture.

The deliberate use of pain is damaging to children and causes unnecessary harm. The use of these techniques is also a fundamentally flawed model of how to resolve conflict and develop trusted relationships between staff and children. All children, wherever they are accommodated, should be protected from these harmful techniques and must have their rights upheld.

### **The emergence of new evidence underlines the urgent case for the need to prohibit these damaging techniques without delay**

Last week, the Chief Inspector of Prisons re-affirmed his Inspectorate's position that deliberate pain-inducing techniques should not be used on children under any circumstances. This was re-stated in recommendations from inspections of Oakhill STC<sup>1</sup> and Feltham YOI<sup>2</sup>. Inspectors found that poor practice places children at significant risk of harm, where pain-inducing techniques continue to be used to deal with incidents where there is no immediate threat of serious harm, in the context of a lack of effective oversight and scrutiny.

The Joint Committee on Human Rights' (JCHR) have recently repeated their call for the prohibition of pain-inducing techniques of restraint<sup>3</sup>. The Equality and Human Rights Commission has also published the *Human rights framework for restraint*<sup>4</sup> that reasserts their opposition to the deliberate infliction of pain on children. We also note the conclusions of the Independent Inquiry into Child Sexual Abuse that pain-inducing restraint should be seen as a form of child abuse that is likely to contribute to a culture of violence that must be prohibited.<sup>5</sup>

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<sup>1</sup> See: <https://files.api.ofsted.gov.uk/v1/file/50081527>

<sup>2</sup> See: <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2019/06/Feltham-A-CYP-Web-2019.pdf>

<sup>3</sup> Joint Committee of Human Rights (2019) *Youth detention: solitary confinement and restraint*. London: House of Commons and House of Lords

<sup>4</sup> See: <https://www.equalityhumanrights.com/sites/default/files/human-rights-framework-for-restraint.pdf>

<sup>5</sup> Independent Inquiry Child Sexual Abuse (February 2019) *Sexual abuse of children in custodial institutions: 2009-2017*, page 102.

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These recent findings provide additional and urgent reasons for the Government to change its policy now. We urge the current review, conducted by Charlie Taylor, to recommend strongly the prohibition of pain-inducing techniques, when it reports to Ministers shortly – the Government should publish the evidence collected by the review and take urgent action.

**The SCYJ is strongly opposed to the deliberate use of pain on children and we call on the Government to end the use of pain-inducing restraint within the secure estate without delay.**

The priority for the Government must be an immediate ban of pain-inducing techniques. Alongside this, in order to develop an improved future approach to promoting positive behaviour and responding to challenges in custody that is in the best interests of children, an evidence-informed consultative process should develop recommendations including but not limited to:

- contextual factors (including staffing levels) required to enable child-focused approaches in all institutional settings and opportunities for extended and more effective deployment of preventive techniques (to reduce all forms of restraint);
- consideration of the legal, policy and operational framework for the protection of children from serious harm, including the guidance and governance to cover such protection;
- a comprehensive needs-analysis of the necessary training and support for staff; and
- how to ensure greater transparency in governance and scrutiny of the use of all forms of restraint.

*The contents of this document do not necessarily reflect the views of all member organisations of the SCYJ.*



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