Policy name: Building Bridges: A Positive Behaviour Framework for the Children and Young People Secure Estate

Re-issue Date: 27 January 2020   **Implementation Date**: 01 April 2019

Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled:

The Youth Justice Board (YJB) Behaviour Management Code of Practice 2012

Introduces amendments to the following documents (e.g. PSIs, PSOs, Custodial Service Specs):

Relative sections of PSI 08/2012 Care and Management of Young People, which remain active in Wales but are hereby cancelled in England. These sections are as follows:

Sections 2.14 to 2.16, 2.18, 2.20 and 2.23: Promoting and Maintaining Good Behaviour
Sections 2.24 to 2.29: Managing Challenging Behaviour
Sections 5.14 to 5.17: Offending Behaviour Interventions

Note: The Incentives Policy Framework (IPF) and PSI 05/2018 Prisoner Discipline Procedures Adjudications remain in place for YOIs.

Action required by:

Public Sector Young Offender Intuitions (YOIs) and Secure Training Centres (STCs), Contracted STCs and Secure Children's Homes (SCHs).

All related services that are provided within these Secure Settings e.g. Education and NHS England healthcare providers and related services e.g. Escort Providers

The Framework covers England. Work is underway liaising with Welsh Government to implement the framework in Wales in 2019.

Mandatory Actions: All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.

Note: The Framework is not mandated for the behaviour of children held in Secure Settings on welfare grounds, though there is an expectation that many of the principles would be aligned to offer a parity of treatment for custodial and welfare children in the same home.

For Information: By the implementation date Governors[1] of Public Sector Prisons and Contracted Prisons must ensure that their local procedures do not contain the following: references to the YJB Code of Practice 2012 and the sections of PSI 08/2012 Care and Management of Young People which have been amended above.

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[1] In this document the term Governor also applies to Directors of Contracted Prisons.

Governors and Heads of Establishments must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010).

How will this Policy Framework be audited or monitored: The Youth Custody Service (YCS) will audit this Framework annually via a specifically tailored Expectations Performance Assessment Modules (EPAM).

Resource Impact: No direct resourcing impacts have been identified.

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Approved by OPS for publication: Michelle Jarman-Howe, Joint Chair, Operational Policy Sub-board

Revisions

Date	Changes
28/3/19	Changes to para 5.4, 5.9 and 5.20
27/01/20	Changes - as a result of publication of the Incentives PF - to page 1, para 5.4, 5.5

CONTENTS

1. Context

1.1 Building Bridges has been commissioned and agreed by the YCS Behaviour Management Steering Group, which includes representation from the Youth Custody Service (YCS), the Youth Justice Board (YJB), NHS England, Medway STC, MTCNovo, GEOamey, G4S, the Secure Accommodation Network (SCH's), MOJ Commissioning, HMI Prisons, Ofsted, HMPS Effective Practice, Care and Quality Commission, The Association of Youth Offending Team Managers and Unlocked Org.

1.2 The population of children and young people in custody has reduced significantly over the last five years, resulting in a proportionate increase in those convicted of more serious offending. These children and young people are likely to have more complex needs and to be suffering the harmful effects of adverse childhood experiences (ACE) or trauma in one or more forms[2].

1.3 Building Bridges has been informed by:

- The Framework for Integrated Care (SECURE STAIRS), which is being led by NHS England and delivered in partnership with Department of Education, Youth Justice Board, Her Majesty's Prison and Probation Service, Youth Custody Service and the Ministry of Justice. This is introducing trauma-informed care which is formulation-driven, evidence-based and takes a whole-systems approaches to supporting children and young people within the Children and Young People Secure Estate (CYPSE) One of the core principles of the SECURE STAIRS framework is that the day-to-day staff are at the centre of the intervention, recognising that they have a pivotal role in developing the environmental and relational conditions that can manage risk, promote positive behaviour and safety (relational security) and create change with the children and young people. As such, the environment and the relationships within it are proposed as the primary agents of change for children and young people within secure settings. Additionally, the framework explicitly acknowledges and addresses the day-to-day stresses experienced by primary caregivers, and the need to support them in their role with children and young people. The creation and maintenance of a trauma-informed therapeutic milieu is therefore a critical and essential task in its own right.

- The psychologically informed Public-Sector Youth Custody Service and NHS England Behavioural Management Strategy.

- Feedback from a group of young people in Wetherby Young Offenders Institute (YOI) and the YJB's Youth Advisory Panel (see 6.1).

2. Purpose

2.1 Building Bridges sets out the framework for developing positive relationships between staff and children and young people across the CYPSE. It includes addressing the needs of children and young people who are particularly complex, with high levels of harm, need and vulnerability. The framework covers:

- incentivising and promoting positive behaviour;
- minimising behaviour that can cause harm;

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[2] Youth Justice Board (YJB) Effective Practice in Youth Justice 'In-brief: Trauma-informed youth justice' September 2017.

- working effectively with unacceptable behaviour to provide a safe and controlled environment for children, young people and staff.

2.2   The Secure Settings addressed in this Framework are specifically designed for children and young people: Services should be tailored to address individual stages of development, emotional maturity and potential to develop skills and learn to lead a crime free life whilst supporting children and young peoples' unique and protected characteristics.

2.3   Building on the concept that 'every interaction matters', the approach of all those living and working within the Secure Setting should pro-social model what good and respectful behaviour looks like, and should always be linked to the thinking and emotions experienced by individual children or young people.

2.4   Building Bridges recognises that while not always acceptable, and often complex, all behaviour is understandable in context. Children and young people's behaviour occurs as a response to a wide range of historical and current individual and environmental factors: When individual needs are met and environmental factors are stable and conducive to positive behaviour, individuals and groups are more likely to engage, participate and develop positively. It is also likely that opportunities for behaviour to deteriorate will be significantly reduced. The Framework therefore places a strong emphasis on a preventative approach based on the following features:

- **Leadership** which nurtures the development of **pro-active cultures** where 'every interaction matters' and provides an opportunity for positive re-enforcement;
- The development of **a supported, skilled, and resilient workforce** who embed a positive pro-active approach and are able to remain child centred in the face of challenging behaviour;
- The development of **trusting, respect based and collaborative relationships** between children, young people and staff, which form a central basis for learning about empathy and building positive relationships;
- Regimes focused on achieving **the benefits of reward and positive reinforcement**;
- **A strategic approach** to reinforcing positive behaviour which informs process and practice and enables the Secure Setting to continually improve;
- **Services tailored to meeting individual needs**, particularly those of vulnerable or challenging children and young people, which model and teach children and young people self-regulation skills and strategies for self-control which enable them to take responsibility for their actions;
- **Open, transparent and responsive processes** based on the principles of procedural justice and underpinned by a commitment to safeguarding children and young people;
- Approaches to **diverting, de-escalating and managing challenging behaviour** which minimise the use of separation and restraint;
- The assumption that **a clean and well cared for environment** is an important contributor to the development of self-respect and trust and that the environment is appropriate for children and young people and that it meets their needs.

2.5   This document must be followed in conjunction with:

- legislation relating to both children and children in Secure and Care Settings;
- YJB Constructive Resettlement Strategy;
- relevant PSI's, PSO's and Framework documents;
- and Civil Service values.

It in no way replaces these requirements.

3. Evidence

3.1 The cohort in custody report a higher prevalence than the general population in the following areas:

- mental health issues, with over a third having a diagnosed mental health disorder.
  e.g. Hagell A (2002) The Mental Health of Young Offenders. Bright Futures: Working with vulnerable young people. London: Mental Health Foundation; Lader D, Singleton N and Meltzer H (2000) Psychiatric Morbidity among Young Offenders in England and Wales.

- traumatic brain injuries (TBI's), with studies suggesting that 65-76% of young people in custody reported some form of TBI.
  e.g Williams, H. (2012). Repairing shattered lives: Brain injury and its implications for criminal justice. Barrow Cadbury Trust.

- over a third have been a looked after children prior to custody (LAC).
  HM Government - Healthy Children, Safer communities: A strategy to promote the health and well-being of children and young people in contact with the youth justice system 2009. P.14.

- self-harm concerns, with 50% been assessed through the NHS CHAT process as having self-harm concerns.
  e.g. Manual for the Comprehensive Health Assessment Tool (CHAT): Young People in the Secure Estate, p.10.

- learning disabilities and special education needs, with over three quarters having a history of temporary or permanent exclusion and serious difficulties with literacy and numeracy.
  e.g. Parke S (2009) Children and Young People in Custody 2006–2008. An analysis of the experiences of 15–18-year-olds in prison. Social Exclusion Unit (1999) Bridging the Gap: New opportunities for 16–18 year olds not in education, employment or training.

- substance misuse involvement.
  e.g Healthcare Standards for Children and Young People in Secure Settings June 2013 p.7. HM Government - Healthy Children, Safer communities: A strategy to promote the health and well-being of children and young people in contact with the youth justice system 2009. P.14.

- sexual exploitation concerns, with 15% of LAC children subject to this concern and increase in child sexual exploitation and gang affiliation.
  e.g. Child Sexual Exploitation in Gangs and Groups, Final Report. London: Office of the Children's Commissioner 2013.

- gang affiliation causing increased conflict and aggression within the estate.
  e.g. HM Inspectorate of Prisons: Children in Custody report 2015/16.

3.2 Research on disproportionally within the cohort shows the following:

- BAME young men face disproportional outcomes at court in comparison to BAME young females and adults. *e.g. MOJ Exploratory analysis of 10-17 year olds in the youth secure estate by black and other minority ethnic groups.*

- BAME young people are disproportionally represented within the children and young people's secure estate. *e.g. Lammy, D. 2017. The Lammy Review An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System.*

- Whilst the overall population of the youth estate has been decreasing, the decrease within the BAME young people is reducing at a slower rate. *e.g MOJ Black, Asian and Minority Ethnic disproportionality in the Criminal Justice System in England and Wales.*

3.3   Research on leadership and setting culture shows that:

- a culture that combines flexibility, control and transformational leadership is helpful in creating the conditions for positive change.
  e.g. van der Helm, P., Boekee, I., Stams, G. and van der Laan, P. (2011). Fear is the key: Keeping the balance between flexibility and control in a Dutch youth prison.

3.4   Evidence from inspections suggest that there is a 'clear link between children and young people's relationships with staff and their perceptions of, and engagement with, behaviour support systems'. *e.g. HM Inspectorate of Prisons thematic review of Incentivising and Promoting Positive Behaviour March 18, sec 1.3).*

Research supports this finding:

- children and young people's behaviour cannot be influenced in a positive manner until there is a connection with them;
- dealing with the misbehaviour is secondary to the need to build the relationship, without it the foundations of trust do not exist to effect change.
  e.g. Positive Discipline creating respectful relationships in homes and schools: Positive Discipline, 'connections before correction'.

3.5   Research on behaviour change shows positive reinforcement is more effective at shaping people's behaviour than punishing them i.e.:

- positively reinforcing desirable behaviour is able to motivate children and young people to repeat and sustain rewarded behaviour;
- appropriate and explained consequences to negative behaviour support positive change through building the connection with children and young people;
- Consequences seen as punishment rarely drive sustained change in behaviour and increases the risk of negative responses e.g. aggression and damaged relationships with staff.
  e.g. Gooch, K. and Treadwell, J. (2015). Prison Bullying and Victimisation. Birmingham Law School report.

3.6   Research on implementing incentive schemes shows that they work best when:

- there is a clear understanding by all involved in the care of children and young people, as well as the children and young people themselves, of what the scheme is trying to encourage – i.e. what desirable behaviours it is trying to promote;
- increasing desirable behaviour is the main focus of the scheme, rather than punishing negative behaviour;
- the response to behaviour is immediate and consistent;
- staff have training in behaviour support principles;
- the scheme is carefully monitored to ensure it remains consistent, transparent, fair and is focussed on positive reinforcement.
  e.g. Gooch, K. and Treadwell, J. (2015). Prison Bullying and Victimisation. Birmingham Law School report.

3.7   Research on interventions demonstrate that to be successful they require:

- delivery within a robust evidence-based framework which maintains effective practice;
- communication between staff, children and young people to be strengthened through a mutual understanding, respect and fairness;

- staff to be positive role models for children and young people when providing guidance and support.

  e.g. Adler, R., Edwards, S., Scally, M., Gill, D., Puniskis, M., Gekoski, A. and Horvath, M. (2016) What works in managing young people who offend? A summary of the international evidence. Ministry of Justice Analytical Serie and Hawkins, P. and Smith, N. (2006). Coaching, Mentoring and Organisational Consulatancy: Supervision and Development. Maidenhead: Open University Press.

3.8   Research on procedural justice research shows that:

- when people believe a process of making decisions or applying rules is fair and just, it increases their confidence and trust in staff and they are more likely to accept and abide the outcomes, by decision and rules, even if it is not in their favour;
- when children and young people perceive authority is being used in a more procedurally just way, evidence suggests that significantly less misconduct and violence, better psychological health, and lower rates of reoffending after release will result.

  e.g. Lipsey, M. (2009). The primary factors that characterize effective interventions with juvenile offenders: A meta-analytic overview. Victims and Offenders.

3.9   Research on resettlement suggests the cohort in custody:

- have better resettlement outcomes when leaving custody if more culturally responsive practices have been followed.

  e.g. Wright, S., Francis, V. and McAteer, L. (2015). Recognising diversity in resettlement. A practitioner's guide. Beyond Youth Custody.

4.   **Outcomes**

4.1   Positive behaviour is promoted, recognised and rewarded.

4.2   Children and young people's strengths and needs (including historical and current individual and environmental factors) are understood and specifically addressed in plans to support good behaviour.

4.3   Staff are recruited, supported and equipped to be resilient and to provide an effective service to children and young people.

4.4   Complaints, formal requests and incidents that require formal investigation are dealt with swiftly, fairly and rigorously.

4.5   Challenging behaviour is managed safely and justly through approaches which minimise its reoccurrence and ensure the safety, confidence and the welfare of all children, young people and staff.

5.   **Requirements**

Leadership and Culture Setting

5.1   The Senior Leadership Team in the Secure Setting must embed a child-centred and preventative culture that:

- outlines the cultural vision and values for the Secure Setting and clearly articulates the principles underpinning positive behaviour e.g. respect, dignity and integrity;
- emphasises positive reinforcement and the benefits of reward;
- reinforces the importance of developing trusting and respectful relationships and of working in a collaborative way with children and young people;
- encourages a calm, ordered, and respectful living environment.
- creates processes and approaches to training and supporting staff which supports children and young peoples' unique and protected characteristics.

A Supported, Skilled and Resilient Workforce

5.2   The Head of the Secure Setting must ensure that every member of staff knows what behaviours are expected of them and they receive appropriate supervision, support and training. This includes:

- an understanding of restorative approaches which provide a basis for empathy and understanding and the skills to proactively manage potential issues and resolve conflict;
- an understanding of child development, attachment and trauma, and relational approaches to managing challenging behaviour;
- recognising and responding to behaviour as a communication that is directly linked to an individual's thinking and emotions, their history and the context in which they are displaying that behaviour;
- support following traumatic incidents (violence, self-harm or suicide).

Building Positive Relationships

5.3   All staff must take responsibility for developing and modelling positive and respectful relationships with children and young people, in which they:

- promote relationships that are based on fairness, honesty, respect, objectivity and trustworthy interactions;
- work in a way that avoids labelling children and young people and demonstrates a belief in their ability to change;
- understand the child or young person's context, 'story' and needs and not just their criminogenic factors/offence history;
- work in a collaborative way, involving and engaging children and young people in matters that impact on them;
- work positively with challenging and potentially violent behaviour.

5.4   Heads of Secure Settings must 'put in place processes and products that make sure that each child or young person understands the positive behaviour expected of them and of staff'. This should include:

- the benefits of positive behaviour and how this is rewarded;

- how negative behaviour will be addressed in order to maintain safety, protect children, young people and staff and to enable those engaged in it to learn and develop;
- the channels and support available to raise concerns if they experience negative behaviour from other children, young people or staff.
- Note: In YOIs The Incentives Policy Framework (IPF) is in place.

5.5   Heads of Secure Settings must demonstrate a commitment to consulting with children and young people about issues that affect them, and put in place processes to support this e.g. review the fairness and effectiveness of Incentives systems with a representative forum of children in the establishment.[3]

5.6   Heads of Secure Settings must ensure parents/carers and relevant professionals are kept informed about children and young people's achievements and challenges and any activity taken to provide support and/or manage inappropriate behaviour. They should also be involved in helping to develop plans as they are likely to know what will work best.

5.7   All staff must take a consistent and proactive approach to addressing bullying and violence. This should include:

- swiftly and consistently challenging low level bullying;
- investigating all instances of bullying and violence;
- both perpetrators and victims should have plans to provide support and address issues put in place and should be monitored for an appropriate period;
- responses to incidents should focus on identifying underlying causes;
- offering conflict resolution by trained staff.

5.8   The Secure Setting must demonstrate a commitment to addressing discrimination and disadvantage and to promoting equitable outcomes for children and young people by:

- treating children and young people fairly and without prejudice or discrimination;
- respecting differences in gender, sexual orientation, transgender, culture, race, ethnicity, disability and religious belief systems, and appreciating that all participants bring something valuable and different to the group/Secure Setting;
- challenging discrimination and prejudice;
- putting clear systems in place to identify and address related issues;
- providing training for staff in understanding different forms of need and discrimination and how to take effective action to address these;
- monitoring process and practice, including regular reviews which consider and address issues identified through the evidence collated, in order to continually improve outcomes.

Regimes Focused on the Benefits of Reward, Positive Reinforcement and the Application of the Principles of Procedural Justice.

5.9   The Secure Setting must operate a system of reward, recognition and reparation that focuses primarily on rewarding and promoting good behaviour, whilst helping children and young people to understand what is unacceptable behaviour and its consequences. This should:

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[3] This supports the Lammy Report 2017, recommendation 24, page 53. Guidance on Incentive Forums can be found in The Incentives Policy Framework (IPF)

- be communicated clearly to all children and young people from the point of induction in ways that they are able to understand;
- provide sufficient distance between incentive levels to motivate children and young people to progress;
- make sure that any consequences, restrictions or sanctions are swiftly implemented, proportionate, short in duration and seek to avoid scenarios where children and young people have nothing left to lose;
- include management oversight and training for staff that makes sure that the scheme is implemented consistently and fairly;
- is supported by restorative approaches which provide the opportunity for children and young people to understand and experience conflict resolution and reverse the loss of privilege with opportunities to make amends;
- be regularly reviewed in consultation with children and young people so that their experiences can inform the schemes development.
- Note: In YOIs The Incentives Policy Framework (IPF) and PSI 05/2018 Prisoner Discipline Procedures Adjudications are in place

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A Strategic Approach to Reinforcing and Sustaining Positive Behaviour

5.10   A strategy (or strategies) must be put in place to support positive behaviour, keeping both violence by children and young people and the use of restraint by staff to a minimum. This should be supported by plans to make sure it is fully implemented and should include:

- the identification of local trends and issues and plans to address them;
- the use of a) preventative approaches which minimise and diffuse incidents and b) restorative approaches which help to repair harm and resolve the underlying causes of the behaviour;
- a portfolio of interventions to address offending behaviour and associated needs of children and young people, which should reflect the diversity, individuality and educational abilities of the children and young people in their care;
- the Secure Setting approach to supporting children and young people with exceptionally complex needs;
- how the strategy will be communicated to staff so they are fully engaged in its delivery and how staff who fail to adhere to the approach can receive further training or other appropriate measures;
- monitoring systems that identify the extent of compliance and are used to improve service delivery.

Services Tailored to Meeting Individual Needs, Particularly Those of Vulnerable or Challenging Children and Young People

5.11   The Heads of Secure Settings must ensure every child or young person has assigned to them an appropriate key worker and/or caseworker whose role is to establish frequent, purposeful contact with them and be the point of contact for outside agencies and families.

5.12   The Heads of Secure Settings must ensure children and young people are be supported to learn and understand self-regulation skills and strategies for self-control to enable them to take responsibility for their actions, through trauma informed therapeutic sentence planning and interventions.

5.13   Children or young people who have been identified as particularly vulnerable, or who have displayed challenging behaviour, must have an individual care plan based on a shared understanding of their needs across the Secure Setting and should receive related support to meet their assessed needs. These must be developed with child or young people's active engagement and take in to account their levels of understanding. They should also include:

- children or young people's strengths, abilities and interests;
- expectations of positive behaviour, including potential triggers for unacceptable behaviour along with strategies for avoiding or defusing this;
- achievable and meaningful targets that are relevant to sentence planning goals;
- consideration of the most appropriate application of reward schemes to exceptionally complex children and young people e.g. working with short term and achievable targets;
- clear links and effective coordination with sentence planning activity and other professionals involved;
- regular reviews with a multi-disciplinary team, inclusive of education and healthcare, which are clearly recorded;
- quality assurance.

Open, Transparent and Responsive Processes, Underpinned by a Commitment to Safeguarding Children and Young People

5.14   Heads of Secure Settings are subject to the Section 11 duties of the Children Act 2004 as set out in the Working Together to Safeguard Children 2018 and all behavioural support practices within Secure Setting are subject to national safeguarding and child protection requirements. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729914/Working_Together_to_Safeguard_Children-2018.pdf

5.15   Each Secure Setting must have in place an annually reviewed safeguarding children policy designed to promote and safeguard the welfare of children. This should cover all relevant operational areas as well as key supporting processes, which would include issues such as child protection, risk of harm, restraint, separation, staff recruitment and information sharing. Public Sector Secure Setting must also meet safeguarding requirements set out in PSI 08-2012 Care and Management of Young People.

5.16   All adults working, volunteering or visiting Secure Settings are acting in a 'position of trust and must act appropriately. They are responsible for:

- prioritising the welfare of children and young people;
- providing a safe environment for children and young which includes having a good awareness of issues to do with safeguarding and child protection and taking action when appropriate by following principles, policies and procedures for child protection/safeguarding, whistleblowing and e-safety;
- staying within the law at all times;
- modelling good behaviour for children and young people to follow;
- challenging all unacceptable behaviour and reporting any breaches;
- reporting all allegations/suspicions of abuse.

5.17   The Head of the Secure Setting must put in place and operate an effective complaints procedure, based on a problem-solving approach[4] and the principles of procedural justice. This includes:

- promoting the right to complain in ways each individual child or young person could understand;
- responding in a timely manner, including dealing with some complaints urgently where this is required;
- providing timely feedback on outcomes;
- promoting and providing access to independent advocacy support;
- notifying the relevant local authority of any complaint which involves an allegation against staff, or which raises child protection concerns;
- monitoring the operation of the complaints procedure, including the rate of positive outcomes, to learn lessons and improve the service.

5.18   The Head of the Secure Setting must ensure that children and young people have access to an independent advocacy service that is:

- child/young person-led;
- confidential (within the limits of child protection and security requirements);
- widely advertised;
- supported so that the necessary meetings with children and young people can take place in a timely manner, in as private a space as appropriate.

Diverting, De-escalating and Managing Challenging Behaviour

5.19   The policies and culture of the Secure Setting must emphasise the importance and effectiveness of de-escalating and defusing potentially violent situations. These options:

- should be exhausted before other solutions are employed;
- should include the use of restorative approaches;
- be supported by training and psychological support for staff.

5.20   Removing children and young people from their normal location, or separating them from their peers, should only be used as a last resort and where this is the best approach to meeting the needs of that young person and/or to managing risks posed to other children, young people and staff. It should:

- be proportionate to the child or young person's needs and risks;
- be authorised by a senior member of staff;
- be reviewed frequently to ensure they are still justified;
- be followed by efforts to help the young person understand why the action was taken;
- be followed by a plan for reintegration, which should take place as soon as possible;
- continue to provide access to regime activities, particularly education;
- Note: There are some differences in the rules around removal from association across YOI's, STC's and SCH's. Establishments must ensure they comply with the relevant legislation and guidance for the sector (see 6.8).
- Note: In YOIs PSI 05/2018 Prisoner Discipline Procedures Adjudications remain in place

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[4] The Lammy Report 2017, recommendation 27, pg 54. See also 6.13 below

5.21   Heads of Secure Setting should ensure the use of an approved system of restraint which aims to maximise the safety of children and young people and to effectively manage the risk of harm. Restraint should only be used as a last resort. Restraint should:

- only be used when all other processes have been attempted and been unsuccessful;
- keep the risks of harming a child or young person as low as possible in the circumstances;
- be necessary, proportionate and in accordance with the law;
- be followed by a process of reintegration, including the use of restorative approaches where relevant;
- be overseen by robust governance arrangements e.g. where they exist, Use of Force Committees should be ethnically diverse and involve at least one individual, such as a a member of the prison's Independent Monitoring Board (IMB), with an explicit remit to consider the interests of prisoners.[5]
- make sure all uses of control and restraint are properly authorised and correctly recorded;
- ensure staff are adequately trained in skills that both minimise the use of restraint and equip them to manage restraints effectively and safely;
- Note: There are some differences in the rules around restraint across YOI's, STC's and SCH's. Establishments must ensure they comply with the relevant legislation and guidance for the sector (See 6.5 - 6.7).

A Well Cared-For Environment

5.22   The Head of the Secure Setting must ensure that a safe, secure, clean and decent environment is provided in order to help foster self-respect and trust, and ensure it is appropriate for children and young people.

6.   **Guidance**

6.1   The young people from Wetherby YOI and the YJB's Youth Advisory Panel were asked what would help them to behave more positively in Secure Settings. Their key messages are as follows:

- Rewards & Sanctions: Praise from staff is as important as reward and made a real difference to them. Rewards need to be easy to understand, delivered consistently and without bias, be received quickly and be achievable.
- Staff: It is important that staff take the time to understand the young people they interact with. When young people 'open up', staff should make the time and space to listen – young people may never have done this before. The young people suggested that being 'too professional' was sometimes a barrier and there was a need to 'break down the distance'. They also said that there should be more checking/monitoring if staff are 'ok' to do the job they do.
- Training: Young people understood the need for restraint but said staff should train in restraint 'so they get it right' – they should move to 'lesser' holds as soon as possible. Young people also suggested more training on how to listen to what they are saying could help in the development of positive relationships.
- Complaints: The young people's experience was mixed, with some finding the process an important safeguard and a way of being heard and others not feeling that their

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[5] The Lammy Report 2017, recommendation 25, pg 54.

issues had been taken seriously or responded to. They suggested processes need to be seen to be fair and to operate swiftly if young people are to have confidence in them.

6.2   The Framework for Integrated Care (SECURE STAIRS) provides a whole system approach to trauma-informed care. Further information can be found here: Health and Justice, Children and Young People

Note: One of the core principles of the SECURE STAIRS framework is that the day-to-day staff are at the centre of the intervention, recognising that they have a pivotal role in developing the environmental and relational conditions that can manage risk, promote positive behaviour and safety (relational security) and create change with the children and young people. As such, the environment and the relationships within it are proposed as the primary agents of change for children and young people within Secure Settings. Additionally, the framework explicitly acknowledges and addresses the day-to-day stresses experienced by primary caregivers, and the need to support them in their role with children and young people. The creation and maintenance of a trauma-informed therapeutic milieu is therefore a critical and essential task in its own right.

6.3   The Behaviour Management and Violence Reduction Toolkits are analytical tools which enable Secure Settings to:

- evaluate their performance;
- identify trends in behaviour, in order to develop appropriate and timely responses;
- demonstrate where good practice is having an impact.

They can be requested through the YCS information team:

YCSInformationTeam@justice.gov.uk

Rules and Guidance on Restraint and Separation

6.4   Each type of secure provision within the CYPSE has its own set of rules. These are very similar, but do differ in some specific areas addressed in this framework:

Restraint

6.5   General regulations and guidance on the use of force can be found here:

- Minimising and Managing Physical Restraint Guidance
- PSO 1600 - Use of Force

6.6   The use of restraint on children and young people across the CYPSE is uniformly permissible to prevent escape, injury to self or others and damage to property. The differences across sectors include:

- SCH's are permitted to restrain to prevent serious damage to the property of any person and to use chemical restraints in complex cases. They are also prohibited from using pain inducing techniques (Children's regulations 2015 – restraint, p.47 9.41-9.61).
  Guide to the Children's Homes Regulations including the quality standards

- STC's are permitted to restrain for inciting another trainee to escape from custody, injure themselves or others and damaging property (Secure Training Centre Rule 37 Use of Force and 38 Restraint).
  http://www.legislation.gov.uk/uksi/1998/472/contents/made

- YOI's are permitted to restrain for causing a disturbance/offence against discipline and a Governor can order a young person to be restrained (YOI Rule 50 – Use of force, YOI Rule 52 – Restraint).
  The Young Offender Institution Rules 2000

  The Young Offender Institution Rules 2000

Segregation/Separation Rules and Guidance

6.7   Removing children and young people from associating with their peers across the CYPSE is uniformly permissible to prevent serious harm to self, others, or property and must be recorded. The differences across sectors are that:

- SCH's have no limit specified for the time a child is separated for (Children's Regulations 2015 – separation, p.50 9.65).
  Guide to the Children's Homes Regulations including the quality standards

- STC's have a maximum time of 3 hours a child or young person can be separated for, and they must be observed every 15 minutes and the whole-time period recorded. Separation is not permitted a as punishment (Secure Training Centre Rule 36 removal from association).
  http://www.legislation.gov.uk/uksi/1998/472/contents/made

- YOI's must get separation approved by a Governor, needs reviewing within 3 days and cannot exceed 14 days. Removal from wings or units and confinement to rooms can be used as a punishment for breaching discipline rules (YOIs: Rule 49 - Removal from association).
  The Young Offender Institution Rules 2000

A Problem-Solving Approach to Complaints

6.8   Recommendation 27 of The Lammy Report 2017 stated the following:

'Prisons should adopt a 'problem -solving' approach to dealing with complaints. As part of this, all complainants should state what they want to happen as a result of an investigation into their complaint'. Lammy went on to provide the following illustration: 'The Prison Reform Trust/Zahid Mubarek Trust report makes a further recommendation, that a 'problem-solving approach' could contribute to greater trust in the complaints system. 260 In practice, this means using the complaints process as an opportunity to fix problems, not simply make judgements about wrong-doing. For example, an investigation may conclude that a prisoner has been improperly denied their property, but not due to discrimination. A problem-solving approach would not just deliver a verdict, but ensure that the property is returned swiftly and make recommendations about how to avoid a repeat of the problem in the future. A simple way of encouraging this approach would be for all complainants to state what they want to happen as a result of the investigation. Simple measures like this would contribute to a change in culture in prisons, helping break down the 'us and them' mentality among many prisoners which can lead to poor behaviour and even disorder'. (The Lammy Report 2017, pg. 54).