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**YOUNG PEOPLE IN CUSTODY MAKE FEW FORMAL COMPLAINTS, BUT
SOME THEY MAKE ARE SERIOUS, SAYS OMBUDSMAN**

Complaints from young people in custody are relatively few, but can touch on important issues such as segregation and the use of force, said Prisons and Probation Ombudsman (PPO) Nigel Newcomen. Today he published a bulletin on lessons that can be learned from his investigations.

The bulletin draws on recommendations from investigations into complaints from young people (aged under 21) in custody, whether a secure training centre (STC) or a young offender institution (YOI). It identifies eight lessons from past investigations and focuses on three aspects of the management of young people in custody: adjudications, use of force and segregation.

The PPO receives a disproportionately small number of complaints from those under 21. In June 2016, there were 5,349 young people under 21 years old in custody, 6% of the population. But between April 2011 and September 2016, only 278 complaints were made by this group, accounting for just 1% of all complaints to the PPO. A number of cases examined were submitted on behalf of young people by third parties such as Barnardo's and the Howard League. Complaints about property make up the largest category of complaints to the PPO from both those over and under 21. However, complaints from young

people include a higher proportion of complaints about staff behaviour, home detention curfew and adjudications.

Adjudications are the internal disciplinary hearings conducted in YOIs when a young person is charged with breaking the YOI rules. They are essentially designed for adult prisoners and can be confusing and intimidating for young people. If a young person is found guilty at an adjudication hearing, various punishments may be imposed. The PPO considers complaints to ensure the adjudicator followed the proper procedures, conducted a fair hearing and imposed a proportionate punishment. It is important that young people have support if they need it to understand the process and charge against them.

Young people in custody can be extremely challenging to manage. There has been an increase in the number of assaults on staff in young people's establishments and the 18-21 prison population has also seen a rise in recorded violence. The National Offender Management Service (NOMS) developed a new behaviour management and restraint system, Minimising and Managing Physical Restraint (MMPR), which aims to encourage de-escalation and minimise the use of restraint. Use of force on young people must always be a last resort. There are no completely safe restraint methods and even approved techniques can be applied incorrectly. Between April 2011 and October 2016, the PPO upheld seven complaints about the use of force and recommended disciplinary action against staff in two cases.

Staff have to manage occasionally challenging behaviour by young people but sometimes a range of separating and segregating procedures are used, the combined effect of which can be unnecessarily oppressive. Those under 18 may not be segregated as a punishment, but may receive a punishment of removal from unit (RFU). While subject to RFU, the young person must take part in normal compulsory regime activities, including work, education, PE and training with other young people but will be held separately for the remaining time. Adjudicators must ensure that RFU does not become segregation under another name.

The bulletin highlights the following lessons to be learned:

- young people facing an adjudication should be encouraged to seek advice from an advocate, and this should be recorded in the Record of Hearing;
- when force is used, staff must use the correct techniques and camera footage should be used to review incidents and identify concerns;
- where body-worn video cameras are available, they should be used to record spontaneous incidents where force is used;
- any use of force is likely to be distressing for young people and it is essential that a face to face de-brief takes place afterwards;
- local investigations into the use of force should focus on whether it was reasonable, necessary and proportionate;
- the segregation of a young person must always be accompanied by a strategy of intervention to support the young person;
- local policies on segregation, incentives and earned privileges and behaviour management must be clear and consistent; and
- when young people are subject to regime restrictions as a result of challenging behaviour, time out of cell, association, privileges and access to purposeful activities should be recorded in a single document to ensure that young people are not effectively segregated without due process.

Nigel Newcomen said:

“My office receives a disproportionately small number of complaints from those aged under 21. Despite their small number, complaints from young people include some serious allegations about their treatment. As a result, these investigations have identified some important lessons which, if implemented, could ensure safer and fairer treatment, and the appropriate tailoring of some adult custodial procedures so that they are more suitable for young people.”

- ENDS -

NOTES TO EDITORS

1. A copy of the report can be found on our website from 21 February 2017. Visit www.ppo.gov.uk.
2. The PPO investigates all deaths in prison, to examine the circumstances surrounding the death and establish whether anything can be done to help prevent avoidable deaths in the future. The PPO investigates complaints made by prisoners to understand what happened and correct injustices when found.
3. A previous publication by the PPO, *Learning From PPO Investigations: Why Do Women and Young People In Custody Not Make Formal Complaints?* published in 2015, can be found [here](#).
4. On 8 February 2017, the Ministry of Justice announced that the National Offender Management Service (NOMS) will, from 1 April, become Her Majesty's Prison and Probation Service. More information can be found [here](#).
5. Please contact Jane Parsons, PPO Press Office, on 020 3681 2775 or 07880 787452 or Olly Barnes on 020 7633 4008 if you would like more information. Alternatively please send requests or feedback to Prisons and Probation Ombudsman, PO Box 70769, London, SE1P 4XY.