

Ending Violence against Children in Custody

Findings from research with
children and young people



Children's Rights Alliance for England
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Contents

1. Introduction	4
1.1 National context: background	5
1.2 National context: project implementation	8
1.3 Demographic information.....	9
1.4 Methodology	11
2. Key findings: Ending violence against children in custody	14
2.1 What is violence?.....	15
2.2 Violence between young people in custody	18
2.3 Violence in custody between staff and young people	25
2.4 Responses to violence in custody.....	33
2.5 If you were in charge.....	40
2.6 Messages to people in authority about ending violence in custody ..	47
3. Recommendations	50
Annex A: Legal standards on violence in custody in England	52
Annex B: Ending violence against children in custody - Focus group discussion/interview schedule.....	57

1. Introduction

Children in custody, like all children, have the right to be free from all forms of violence. This report presents the findings of research carried out with children and young people with experience of custody. It highlights the views and opinions of children and young people about their personal experiences of violence in custody and their recommendations for how it can be reduced or eradicated. This report is published as part of the *Ending Violence against Children in Custody* project, coordinated by the Children's Rights Alliance for England (CRAE).

About CRAE

CRAE protects the human rights of children by lobbying government and others who hold power, by bringing or supporting test cases and by using regional and international human rights mechanisms. CRAE provides free legal information, raises awareness of children's human rights and undertakes research about children's access to their rights. CRAE mobilises others, including children and young people, to take action to promote and protect children's human rights.

About the project

The European Commission funded project *Ending Violence against Children in Custody* aims to support and empower children and young people with direct experience of custody to campaign for violence-free custodial settings. The project is focused on the direct testimonies of children and young people with experience of custody and provides a platform for them to campaign for change.

The project is based on the definition of violence found in Article 19 of the United Nations Convention on the Rights of the Child which guarantees every child the right to protection from physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.

The *Ending Violence against Children in Custody* project was carried out with five European partners:

- International Juvenile Justice Observatory - Belgium
- Defence for Children International - the Netherlands
- The Commissioner for Children's Rights - Cyprus
- The Ludwig Boltzmann Institute of Human Rights - Austria
- Save the Children - Romania.

The project has two main elements: a **research** phase – consisting of a desk based legal analysis of the international and domestic rules governing the use of force in custody and interviews with children and young people - and a **campaigning** phase.

The overarching aim of the research phase of the *Ending Violence against Children in Custody* project was to highlight children and young people's experiences of violence in custodial settings and seek their suggestions as to how violence could be eradicated.

This is a report on the focus groups and interviews conducted by CRAE in England. The findings and recommendations from the focus groups conducted by partner organisations and desk-based research will be incorporated into a single project report. The recommendations in each of the country reports will inform youth-led campaigns in Austria, Cyprus, England, the Netherlands and Romania.

1.1 National context: background

Children in custody in England

The age of criminal responsibility in England is 10-years old. Children below the age of 10 cannot be charged with criminal offences. The age of criminal responsibility in England is significantly lower than in most European countries. In 1995, 2002 and 2008 the UN Committee on the Rights of the Child called for the minimum age of criminal responsibility to be raised in England.

Grounds for detaining children in custody in England:

As of August 2012, 1,643 under-18s were in custody in England - of these:

- 410 were on remand;
- 277 were serving long term sentences;
- 956 were serving Detention and Training Orders (of two years or less).¹

Children and young people aged 10 -16 years-old can be detained by the police in police cells following arrest for suspicion of committing a criminal offence under the Police and Criminal Evidence Act 1984 (PACE). 17 year-olds can be detained under PACE as if they are adults.

¹ <http://www.justice.gov.uk/statistics/youth-justice/custody-data> Accessed 30 October 2012

Children and young people aged 10 -17 years-old can be remanded to custody following a charge of committing an imprisonable offence, bail having been refused by a court.

Children and young people aged 12 -17 years-old can be sentenced to custody under a Detention and Training Order for between four months and two years (half the period to be spent locked up) under the Powers of Criminal Courts (Sentencing) Act 2000.² Children and young people aged 10 -17 years-old can be sentenced to indefinite or long-term custody for murder and other 'grave' crimes under sections 90-92 of this Act.³

Children and young people deemed to be 'dangerous' can be given an indeterminate sentence for public protection (DPP) under the Criminal Justice Act 2003 (section 226).⁴ Children and young people deemed 'dangerous' offenders can be sentenced under Section 228 of this Act. The sentence is made up of two parts – a custodial term appropriate to the gravity of the offence and an extended licence.

Children and young people aged 10 and over may be sentenced to custody for breach of an ASBO under the Crime and Disorder Act 1998.⁵

A civil order under section 25 of the Children and Young Persons Act 1989 can be made for placement in 'secure accommodation' of children of any age in local authority or residential health care if they are deemed likely to injure themselves or others (or are persistent runaways at risk of significant harm). A civil order under this Act relating to under-13s requires authorisation from the Secretary of State.

Custodial settings within the juvenile justice system in England

There are three kinds of custodial settings within the juvenile justice system in England where children and young people may be detained:

- Secure Children's Homes
- Secure Training Centres (STCs)
- Young Offender Institutions (YOIs).

² Powers of Criminal Courts (Sentencing) Act 2000 s100

³ Powers of Criminal Courts (Sentencing) Act 2000 s 90-92

⁴ To be abolished once the Legal Aid and Punishment and Sentencing of Offenders Act 2012 comes into force

⁵ Crime and Disorder Act 1988 s 1

The juvenile justice system in England (and Wales) is overseen by the Youth Justice Board (YJB). The YJB is responsible for work to prevent offending and re-offending by those under the age of 18, and for ensuring that custody is safe, secure and addresses the causes of their offending. In most instances, the Youth Justice Board is responsible for determining in which setting a child or young person will be detained.

Secure children's homes are run by local authorities and hold children and young people aged 10-17. There are 10 secure children's homes in England. They hold anywhere between eight and 34 young people. Secure children's homes house the youngest and most vulnerable young offenders. They also house children detained under section 25 of the Children Act 1989.

STCs are run by private companies and hold young people from the age of 12-17. There are four STCs in England, each holding between 50 and 80 children and young people. Young people who are considered too vulnerable for a YOI may also be sent to a STC.

YOIs are run by the National Offender Management Service and by private contractors. There are 12 YOIs in England ranging in size and capacity (from 60 to 400 people). There are nine male-only units holding boys aged 15-17. Young people are housed in wings with between 30 and 60 people in each one. Three of the YOIs are female-only units holding 17-year olds girls. Some YOIs share sites with adult prisons.^{6 7}

Children and young people may also be detained in police vehicles and cells and in vans transporting them from court to custody.

In England, under-18s are protected from violence in custody by a range of measures enshrined in criminal law, domestic and international human rights law, prison law and child law. Annex A summarises the main provisions which regulate the use of violence against children in custody in England.

⁶ <http://www.justice.gov.uk/youth-justice/custody/placing-young-people-in-custody/types-of-custodial-establishment> Accessed 1 August 2012

⁷ <http://www.justice.gov.uk/offenders/types-of-offender/youth> Accessed 1 August 2012

1.2 National context: project implementation

In carrying out the research which forms the basis of this report, CRAE supported young people with experience of being in custody to form a Young Investigation Team (YIT). The YIT members were trained and supported to conduct focus groups and interviews with children and young people with experience of custody and to elicit their views and experiences. YIT members were also responsible for reviewing the research findings and drafting recommendations for change (pages 50-51).

The focus groups and face to face interviews in England took place in a range of settings: one YOI, two Local Authority secure children's homes and in the community – supported by a local Youth Offending Service. All of the interviewees had direct experience of custody. Most of the participants in the research also had experience of being in police custody. In addition to talking about their experiences of violence in custodial settings, interviewees shared their views and experience of violence when in police detention and whilst being transported between court and custody.

The findings in this report do not represent the views and experiences of all young people in custody. CRAE did not have access to the full range of custodial settings and spoke to only a small sample of children and young people. The majority of participants in the research were younger teenagers (13-15 years old) in secure children's homes. A smaller number of young people with experience of YOIs were also involved in the project.

Rather than being representative of all young people in custody, the research sought insights from a range of children with first-hand experience of custody into the extent to which they enjoyed their right to be free from violence whilst in custody, and how realisation of this right could be promoted.

Although the majority of the interviewees involved in this research were resident in secure children's homes, many of the recommendations presented in this report for ending violence against children in custody could be applied to all youth custodial settings in England.

Secure children's homes, where the majority of the research took place, are smaller settings (with no more than 34 young people at any one time), with high staff to resident ratios. STCs and YOIs hold greater numbers of young people. They have

much lower staff to resident ratios. It is likely that many of the issues that young people describe in relation to violence in secure children’s homes may be heightened in STCs and YOIs. One interviewee raised this point in a focus group. He said that he felt that the small number of residents and the relatively high proportion of staff in his institution (a secure children’s home) reduced tensions and meant that, although there was some violence, people learnt how to get on together: *‘in here there is only a little amount of us so we’re always seeing each other...learning how to [get] along with each other...’* (Male, 14). He contrasted this to larger institutions, such as YOIs, where there were more residents and fewer opportunities to get to know people properly and develop positive relationships.

1.3 Demographic information

The data set out in this section is taken from the project monitoring forms completed by all participants in the focus groups and interviews.

Young Investigation Team

Five young people were recruited as members of the Young Investigation Team and supported to carry out interviews. Three of the YITs were living in secure children’s homes at the time of the research and two were living independently in the community.

Age:

Two YIT members were over-18 (both had experience of custody when under-18). Three YIT members were under-18.

Age	Number of YIT members
14	1
15	1
16	1
17	
18	1
19	
20	
21	1

Gender:

There were two female members and three male members of the YIT.

Ethnicity:

White	1
Black	2
Mixed heritage	2

Disability:

None of the YIT members considered themselves to be disabled.

Focus group participants

22 young people participated in focus groups or face to face interviews. The majority of children and young people who participated in the focus groups and interviews were living in custodial settings at the time of the research. Where young people were in the community they were living in a range of settings: with parents and carers, other family members and independently.

Age:

21 of those interviewed were under-18. The youngest was 13; the majority were 15 and 16 years-old. One 17 year-old was interviewed. One 18 year-old (with experience of custody when under-18) participated in the interviews.

Age	Number of YIT members
13	1
14	3
15	8
16	8
17	1
18	1

Gender:

There were seven female interviewees and 15 male interviewees.

Ethnicity:

White	12
Black	1
Mixed heritage	8
Other ethnic group	1

Disability:

Two young people considered themselves to be disabled, one was not sure.

1.4 Methodology

This section of the report describes the methodology used by CRAE to engage children and young people as both members of the YIT and participants in the focus groups and interviews.

Recruitment of the YIT

CRAE employed a number of methods to recruit children and young people to the YIT:

- A project flyer was circulated to all CRAE members, put on CRAE's website and sent through various networks;
- A letter was sent to all locally-based Youth Offending Teams (YOTs); explaining the project, enclosing the flyer, and asking if any young people would like to be involved;
- Contact was made with Ministry of Justice and YJB officials;
- Individual contact was made with secure children's homes (following approval from the YJB).

In addition, CRAE contacted NGOs working with former young offenders and individuals working in relevant professional associations, including the Association of Youth Offending Team Managers; Children's Rights Officers and Advocates; Participation Works Network for England; the Secure Accommodation Network; the National Association for Youth Justice; and the Standing Committee for Youth Justice.

Briefing sessions were carried out across the country in order to share information about the project and to encourage children and young people to register interest in joining the YIT.

In November 2011, CRAE hosted a day-long meeting for YIT members. Sessions at the meeting included an introduction to the project, a review of the role of the YIT, an introduction to focus group research and a discussion about what might make the project successful and possible challenges. A follow-up training residential for YIT members was held in January 2012. The programme included information on the UN Convention on the Rights of the Child, discussions about the project timetable, reviewing the YIT role description, interview practice and discussions around violence and experiences of violence in custody. Two YIT members attended the residential.

Three young people were recruited as YIT members at a later stage of the project in two secure children's homes and led focus groups in their respective settings.

Focus groups and interviews

Despite some initial problems in securing access to custodial settings to carry out the research, CRAE was able to conduct interviews with 22 young people. The majority were in custody when the interviews took place. All of the interviews took place between February and April 2012:

- CRAE staff conducted pilot interviews in February at a secure children's home
- In March and April CRAE staff recruited, trained and supported YIT members in a secure children's home to conduct interviews with their peers
- In April an interview took place in a YOI, following permission from the YOI and YOT
- In April an interview took place with two young people who had been in a YOI but were now living in the community with the support of the local Youth Offending Service
- In April CRAE staff recruited, trained and supported YIT members in a second secure children's home to conduct interviews with their peers.

Staff from the establishment and CRAE staff were present at all of the interviews carried out at the secure children's homes, although the interviews were led by YIT members. A member of CRAE staff led the interview at the YOI but no staff from the institution were present.

All of the interviews followed an agreed schedule. All project partners also used the same monitoring forms and consent forms. The interview schedule can be found in Annex B.

All participants were asked to consent to participate in the focus groups and for permission to record the interviews. Where permission was not given to record the interview with a dictaphone, detailed notes were taken.

Once all of the interviews were complete, the findings were drawn together by CRAE staff. Three follow-up sessions were then held with YIT members and other young people who had previously participated in the research to review the findings and key messages and draft the report's recommendations (page 50-51).

2. Key findings: Ending violence against children in custody

In line with the overarching objectives of this project, the participants in the research were specifically asked about their experiences of violence in custody, both in relation to violence between children and young people and in relation to violence between staff and young people. The interview questions did not focus on other aspects of children and young people's experiences of custody, although inevitably other issues were raised by the interviewees throughout the conversations.

The children and young people were asked a range of questions relating to violence in custody including what they understood by the term "violence", when, why and how violence is likely to occur in custody, how staff and young people intervene to prevent violence and suggestions for reducing violence in custodial settings. This chapter sets out the main findings from the focus groups and interviews.

Section 2.1 Explores what young people understand by the term "violence".

Section 2.2 Presents young people's views and experiences of violence in custody. It focuses predominantly on young people's views and experiences of violence between young people.

Section 2.3 Presents young people's views and experiences of violence in custody between staff and young people.

Section 2.4 Explores how staff and young people intervene in, and respond to, incidents of violence in custody. It focuses on alternatives to the use of force.

Section 2.5 Sets out young people's suggestions for what they would do to end violence in custody if they were in charge of their custodial settings.

Section 2.6 Presents messages to people in authority for ending violence against children and young people in custody.

Chapter 3 of this report presents the recommendations for ending violence against children in custody, developed with input from YIT members.

2.1 What is violence?

Summary:

- Violence includes a range of physical acts.
- Violence also takes other forms, including verbal and emotional bullying and threatening and intimidating body language.
- Racism is a form of violence.
- Growing up in an environment where violence takes place can make violence in custody feel “normal” for some young people.
- Violence in custody happens between young people, and between staff and young people.

Participants in all of the interviews were asked what they understood by the term “violence”. In all of the interviews the immediate response was that violence was a physical act. The young people listed a range of forms that physical violence could take. Many of the young people also stated that violence could take other forms such as verbal and emotional violence. The majority of young people felt that bullying was a form of violence. Some young people also considered racism to be a form of violence and felt that police officers often employed racist bullying as a means of threatening and humiliating young people. A number of interviewees said that violence often felt “normal” as it was something they had grown up with – others did not agree with this position and felt that just because a person had grown up in a violent environment, violence was not “normal”. When talking more specifically about violence in custody, interviewees explained that violence (both physical and emotional) could take place between young people and between staff and young people.

Young people listed the following acts when asked about their definition of violence:

- Fighting
- Punching
- Kicking
- Assault
- Stabbing
- Name-calling
- Slapping
- Aggression
- Head-butting
- Rape
- Murder
- Manslaughter.

A small number of young people felt that violence was purely physical:

...That's more like hitting and punching; rather like physical violence rather than anything else. So it's more like physical rather than anything. So it could be hitting, kicking, punching, spitting, biting; anything, because it's just physical... (Female, 13)

The majority of participants said that violence can also take other forms. Examples given included: verbal violence such as swearing, name calling and personal comments, emotional violence, and writing threatening letters or text messages. In the majority of interviews, participants were very clear that they considered bullying to be a form of violence:

...You see, fighting, it doesn't necessarily have to be physical. It could be mental as well. It could be... well, like emotional. Obviously, when you're upset, people emotionally fight in a sort of way, even through text message, or Facebook; when you're like just saying, oh, yes, I'm going to punch you up, or something. That's practically violence except it's all words. It sort of links to bullying as well sometimes.... (Male, 14)

One young person said that violence could be conveyed through body language, words and looks. Many young people said that violence in the form of humiliating or threatening language (either by other young people or staff – and especially police officers) could easily escalate into physical violence.

One male explicitly said that racism was a form of violence and this issue was touched on in other focus groups. In one focus group at a secure children's home, the young people talked about what they considered to be violence in the context of contact with police officers – they described police using racist language, swearing at family members and stop and searches on black children and young people.

Throughout the discussions some young people talked about violence being normal – both in custody and outside. *'It [violence] just is. It's just normal. Like you get used to it and it's just like you get used to everybody fighting and disagreeing and you just get used to it so its normal'* (Female, 13). Other young people expressed similar views. They talked about growing up in a household where there was lots of violence

and becoming used to it. Not all young people took the same view - some felt that just because a young person experienced violence when they were growing up, this did not mean that violence was normal or ok for them.

When talking about violence in custody, all of the young people said that violence occurred in custodial settings and were clear that violence occurred both between young people and between staff and young people:

'[Violence can be] from staff to kids, kids to kids and kids to staff.' (Male, 15)

'[Fights are] between kids...like kids and staff or staff that fight, like the kids. Normally its just kids fighting'. (Male, 15)

The majority of the young people interviewed had some experience of being restrained by staff in custodial settings and several also described experiencing violence when in contact with police officers – both in terms of physical force and other forms of humiliating and degrading treatment. Some young people described personal experiences of restraint in their current setting and had detailed knowledge of different methods of restraint used in custodial settings. Section 2.3 of this chapter presents the views and experiences of young people about the use of force by staff in the custodial workforce and in the police force.

2.2 Violence between young people in custody

Summary

- Violence is a common experience in custody.
- Violence can be caused by young people trying to assert their status, anger, frustration and boredom and gang or postcode conflicts playing out in custody.
- Violence can escalate quickly in custodial settings.

Interviewees were asked to consider all stages of the process of being in custody and to explain when violence is most likely to occur, the causes of violence in custody, who is likely to inflict violence, how violence makes them feel and react and to describe incidents of violence. This section focuses on young people's views and experiences of violence between young people. Interviewees' views and experiences of violence between young people and staff in custody are presented in section 2.3 of this report.

Several young people said that violence was most likely to occur on entry to custody as people pick on weaker or more vulnerable young people and try to assert their status. For others, violence was a more day-to-day occurrence. Interviewees identified feelings of anger, boredom and frustration as causes of violence, which can often escalate quickly in custodial settings. A number of young people said that gang disagreements could play out in custodial settings, often leading to violence between young people. A small number of interviewees suggested that some prisoners might experience violence as retribution for their offence.

When violence happens in custody

All of the young people said that violence occurred in custody. Young people were asked if there were particular times in their experience of custody at which violence was more likely to occur. One male said it just happened in day-to-day settings. Several young people said that violence, and bullying in particular, was more likely to happen when a young person first arrives in custody (*'...bullying I suppose can happen when you first come...'*), whereas fighting *'can happen whenever'* (Male, 17).

I think that after you get sentenced, basically, you're going to [be] certainly attacked in here, but it's your choice how you want to... You can take it calm or go and get yourself in trouble and stuff like that... (Male 14).

A male in a secure children's home said that entering custody was also a time when you might '*get dragged in*' (Male, 14) by people who have been there for a long time, and this could get you into trouble or cause the loss of privileges. A female said that violence might be likely when entering custody as young people were confused and scared on arrival and might '*lash out at people. You don't want to let them in... You don't want to trust them just in case they let you down*' (Female, 13).

Young people in one secure children's home said that they felt that there was less violence in their unit than in other custodial settings. They identified particular YOIs as being settings where violence was more likely to take place:

It depends where you are because in [name of YOI] or somewhere someone... [will get] hot water and salt and sugar and then they throw it in someone's face and it'll scar their face. (Female, 15)

I was expecting to be going to somewhere like [name of YOI], there's going to be lots of people, everyone's going to want to fight you, you can't do nothing, you're just going to be in your cell 24/7. (Male, 15)

Violence inside vs outside

Many of the interviewees said that there was a difference between the kinds of violence they experienced outside – in the home, streets and wider community and that experienced in custody. Several said that the violence was worse outside, that there was more of it and that people rarely stepped in to stop it:

And you don't have the staff around to stop it. Because they can restrain you. They can stop you from doing it or they can prevent it from happening all together, whereas if you're out... (Female, 15)

Two young males talked about the various situations that could lead to violence outside and said that '*when you're in a place like this, it cuts down a bit of them because you're not trying to impress anyone; no one to impress. You're not going to get basically attacked and no one trying to help you*' (Male, 14). A number of young people also talked about having other weapons outside so violence being of a different nature.

One female said that violence inside was worse, *'because you can't get away from it'* (Female, 19). Other young people had similar views:

...Because like there [outside], there you can walk away, you don't have to see them again but in here you see them all the time... (Male,15)

It [violence] was more inside... there's people that are inside, that don't like what other people get sent down for, and its just more of an excuse to go and beat them up. (Female,16)

Causes of violence in custody

All of the interviewees were asked to consider what causes violence in custodial settings. Several interviewees explicitly linked violence to being in custody: the boredom and routine, living in a contained and highly pressurised atmosphere with lots of people locked up together. Several young people identified high levels of stress and frustration and living very closely with people you might not like as factors that create a situation where violence is possible. One group of young people talked about the role of stress and isolation from friends and family in causing violence: *'I think people are violent, yes, because they're getting stressed out, they don't see their family...'* (Male, 15). Many interviewees in this group felt that enabling better links with friends and family, more family visits and greater contact might help to reduce feelings of frustration and therefore reduce incidents of violence.

One male commented that violence was different inside because things happen faster and that situations can escalate very quickly:

...it gets more hyped up when you're in custody. So everybody's waiting for something like that to happen...It's because we're in there and we can't change it... So it's just you're always in one place and you're doing the same routine and you might all get fed up and want to change and do something else, but you can't, so it gets you frustrated. That's what I think. (Male, 15)

Other young people agreed that incidents can happen quickly and spiral out of control, often becoming violent quite quickly:

...And first of all it's a disagreement, and then it gets bigger and then it blows up into a full fight. So it can happen, fights can happen over the stupidest things... (Female, 13)

Violence inside custodial settings was also linked to status and hierarchy - fights break out as people try to assert their position over the other young people. This was linked to fear, as young people tried to exert control and not be seen as weak.

You don't want to do it, but it's either do that or let everybody walk all over you, and you'd rather fight than let everybody walk all over you. So you're just like you don't want to seem like the weak one, so you try to do everything you can to try to not be the weak one because the weak one's an easy target and you just get loads of people bullying you all the time... (Female, 13)

...if you want a fight you think you are tougher than some other people... (Male, 15)

If it was on the out and that happened, someone would just walk away, and like, whatever. But because we're in here, and you think... what's it called? Reputation; you can't let your reputation get put down by anybody. If one person sees you demeaning [?] like that, or one person takes the mickey out of you, then other person see it and think, well, really we can do that. (Male, 15)

[People] try and push your buttons and that... (Male, 14)

Conflicts over neighbourhoods and gangs were identified as a specific cause of violence in custodial settings:

...Like everyone gets on you. And plus there's people from different areas where people have riots and stuff like that, and also disputes, and also in one area could be a gang, in an area could be another gang, and they meet up. That sort of violence as well... (Male, 15)

[Violence happens inside because of] people from different areas coming in and people disagreeing with one another... (Male, 15)

This theme was picked up by a young person who had been in a YOI. He said that people *'fight about postcodes, where they're from...'* (Male, 17). Another of the males who had been in a YOI was very clear that he felt that violence that happens between young people "inside" is often related to things that happen outside. In one interview the young people said that this was not such an issue in their unit as the young people came from a wide geographical location but thought it could definitely be a problem if there were several young people from one area inside together.

Several young people said that violence between young people in custody takes place simply because the system places a number of young people, often with serious problems, in a confined space together: *'...you won't be able to stop fighting in prison because you're getting loads of criminal kids together'* (Male, 16).

Other factors that were identified as causing violence in custodial settings included anger, individual young people not getting the support they need, or having a difficult upbringing:

People tend to use violence when they're angry. (Male, 15)

If you're the person that likes to fight and stuff like that, why do you like to fight? Maybe it's because you're angry. Maybe it's just because you're not like getting something you want. (Male, 14)

Or sometimes it's from a bad childhood. (Male, 14)

...And so it depends on how you got brought up, because if your parents want you, then they really care about you... And it depends if they're physically violent to you. But if they are, then you'll probably get beaten up quite a lot, so then it's just like you get used to it, so when you come to a place like this you're like I don't really care, I'm used to it, so you just get used to it...
(Female, 13)

How violence makes young people feel and behave

In all of the focus groups young people discussed how violence makes them behave and feel.

Interviewees described a range of emotions on seeing violence from feeling happy, finding it funny, getting a “buzz”, through to being confused and scared, feeling wary and wanting to retaliate or respond. Some young people described feeling frustrated when a violent incident took place as it often happened at the worst times and would delay planned activities from happening – this would create further frustration.

Two different responses to violence were highlighted in one focus group:

... it has two effects. It makes you even more vulnerable and scared and not want to come out of your room, or it encourages you to start fighting and stuff. And if you're much more of a fighter, then it depends how serious the fight was. But say for instance the person punched you in the head and it started to bleed out of your ears or something like that, then maybe it can warn them, saying maybe I should chill down a little bit; or, yes, I'll carry on fighting and just carry on knocking other people out. (Male, 14)

They went on to say that some young people might come out fighting and try to ‘dominate the place’ (Male, 14), whilst others might stay in their room. They also said that people might stay in their room for two reasons – either they are scared, or if they go out they are likely to get into a fight and as a result, lose privileges. They therefore stay inside to avoid this.

A male in a secure children’s home had a similar view that experiencing violence in custody could make you more likely to fight: ‘...it makes a lot of people more angrier, more hyper...’. Young people in the same unit said that violence can make you ‘anxious’ (Male, 15), and explained that if a group of young people saw a fight going on they might start banging on windows and throwing things.

Young people using violence against each other as a punishment or retribution:

Two young males who had been in a YOI said that if a person had been convicted for rape or another sexual offence they were more likely to get attacked by other prisoners. The same young people said that other prisoners inflicted violence upon rapists as a punishment. Similar opinions were given in an interview in a secure children's home:

Like, if you're in for rape, yah, then you might be, for an eight year old girl, then obviously none of the men are really going to like you. If you think, so obviously they're going to use it as an excuse for violence there, for the rest of his life, until he comes out. (Female,15)

Two of the interviewees who had been in a YOI also said that some young people were fearful of being attacked in prison. They described an incident where a young person had been too scared to have a shower because he was scared of being sexually assaulted by other prisoners. They eventually told him to wash and reassured him that nothing was going to happen.

Other interviewees described incidents where prisoners were violent towards each other as a punishment or when seeking retribution. These incidents appeared to have taken place in other custodial settings to family members (particularly older brothers) or friends.

It happened to my older brother... [Another prisoner] boiled this kettle and put hot water in this thingy and shook it and chucked it straight in his face. (Male, 15)

Some interviewees said that people who were racist, "mouthy" and had bad attitudes were likely to be involved in violent incidents.

2.3 Violence in custody between staff and young people

- Staff usually intervene to stop violent incidents in custody and sometimes use force to do so.
- Staff can sometimes intervene using force too quickly, for illegitimate reasons or using force to an excessive degree.
- Staff are inconsistent in their use of force as an intervention.
- Staff often contribute to violence in custody, both by provoking it and by using violent methods to end it, which tends to make a situation worse.
- The use of force differs between custodial institutions, some are more violent than others.
- Force used in police cars, police stations and police cells is often greater than the use of force by staff in other custodial settings.

When asked about their experiences of violence in custody, interviewees described situations where staff had used force on young people. Many recognised that staff often had good reason to use force but some described specific instances in which they did not accept the use of force as legitimate. Some felt that staff often used restraint too quickly, to an excessive degree and for spurious reasons. A number of interviewees felt that staff are often inconsistent in their application of rules about when to intervene and use restraint. Several young people said that custodial settings have different rules over when restraint is used and the kinds of techniques employed.

Several young people identified specific triggers that might cause violence between young people and staff. This included staff goading them by bringing up their offence, giving them “aggro” or asking them to do things without justification – this often caused young people to “kick off” and use violence. A number of interviewees also stated that the use of physical force by staff on young people often made matters worse, and ultimately created more violence.

Many interviewees commented that the use of force by staff is much greater in police vehicles or stations and cells compared to custodial settings. Police officers were said to be more likely than staff in other custodial settings to deliberately inflict both physical and verbal violence on young people – this was one of the main areas

where young people called for significant and immediate changes to be made in order to reduce violence.

Violence in custody between staff and young people

Some young people said staff often caused young people to behave violently. They felt that sometimes staff might goad them by bringing up their offence, giving them “aggro” or asking them to do things without justification - this often caused young people to “kick off”. In one secure children’s home, a group discussed a particular situation called “guiding” that could provoke feelings of frustration and potentially lead to a violent incident. This is where young people are sent to their room and staff walk closely along side them, often touching their arms or backs and telling them to get to their rooms. The interviewees said that this often caused a situation to escalate into more violence as the young people got angry with the physical contact from the staff.

Several young people commented that the use of physical force by staff was likely to make a situation worse, and ultimately more violent. One female said that she would get angrier when the police used force on her, because she was being hurt. This in turn made them use more force on her. She said that she would have preferred to have been left to calm down on her own: *‘people restraining you just makes you worse’* (Female, 19). Other young people echoed this point (in relation to both police and custodial settings) and said that having time and space to calm down was often the best way of calming down a situation without using force.

Several young people talked about the differences between their experiences when in contact with police and when in child-specific custodial settings. Many of the discussions in the focus groups suggested that young people experience particularly high levels of violence when in contact with the police - on the streets, when arrested and when in stations and in police cells – compared to when in custodial settings. One young woman said that she would always prefer to be in a prison cell than a police cell – she said that police staff were rude and that they were not watched as much so they could “get away” with more in terms of the language they used and also with regard to using physical force: *‘they would ram my arms up my back’* (Female, 19). Several young people singled out police officers as using excessive force when dealing with young people:

Improve the way officers handle young people. (Male, 15)

...Police don't care how old you are. [in relation to poor treatment] (Female, 19)

They're [the police] going to hit you. (Male, 14)

A number of young people commented that the force used by police officers was excessive. One female described several experiences where contact with police officers resulted in excessive use of force:

*In police stations I've had my finger slammed in cell doors and everything. And I've almost broken my jaw when he slammed us down on concrete...
... They knew my finger was there, my little finger... but they kept shutting the door on it and the next morning it was like swollen and then when basically I was kind of... I was violent to the police and they like pushed us to the floor and whacked like... and my chin cracked on the concrete and everything and then they didn't like care about it... They weren't bothered about it like. They just use violence and everything... (Female, 16)*

I've had like bleeding wrists, cut wrists and everything from police from handcuffs. Like they put them on proper tight and then my wrists bleed and everything. Or they're bruised for like the next two weeks... (Female, 16)

And it's like if they're using like them leg restraint things... they dropped me on the floor before. Like there was a bench in the cell to the floor. They didn't put the mat under, like they're meant to, or anything like that, they just dropped us on the floor and sat on us and it's like, well... what am I meant to do? Obviously my face is just going to hit the floor, isn't it, because I'm not going to be able to do anything... And then they just say, oh, yes, she was drunk, she was trying to fight, and like if I'm handcuffed and I've got leg restraints on, I'm not exactly going to be able to beat you up, am I? (Female, 16)

Some interviewees said that police officers made assumptions about them which played out in racist and threatening language and behaviour. One male described two incidents that he felt were examples of police officers "playing by their own rules" and threatening and intimidating young people:

... There was an incident in a police cell. I was taken out, the police officer slammed the door, he swore and restrained me for no reason... They can get away with it, my leg was hurt because the door was slammed on it. I complained but it was dropped. (Male, 15)

They put me in a police cell with a crackhead... He was mentally ill. I was 13. He was drunk – I thought he was going to kill me... It was to scare me... They took me out after a while... (Male, 15)

One male felt that there needed to be better recording of what police are saying and how they are saying it. He particularly thought cameras with sound recording should be installed in police stations, cells and cars, to ensure that the words and actions of police officers and other staff in custodial settings could be recorded. He thought that this would help reduce incidents of violence (Male, 15). Young people in the group felt that this would help if they needed to make a complaint about an incident.

Staff reactions to violence in custody: use of force

There was general consensus that staff stepped in to stop fights and to separate young people. Several young people were clear that staff had to use restraint as part of their job, in order to prevent further violence:

They try to stop it, isn't it? Like they try and talk to you, if it's worse than talking they'll just try and hold you back, they'll call for other staff to come help. They stop it all the time... (Male, 15)

They jump up straight away and break it up... They're just trying to do their job. (Male, 15)

One male said that he thought using force did prevent young people from getting at each other and injuring staff (Male, 15).

One group of young people talked about prison officers in another custodial setting letting young people fight and not intervening to stop it:

Or you could be locked up somewhere else, and like the prison officers will just let you fight until you're getting beat up... (Male, 15)

Yes, because those officers may not like you, so they'll just leave the younger people or person just to kick your head in. (Male, 15)

One female in a secure children's home said that most of her experience of painful restraint was in police stations where leg restraints and handcuffs were used. She remarked that the system was different in the secure children's home:

... They... like try and take you to your room and like remove all the stuff you could use to hurt yourself or something. Or they'd like sit on you but they'd like keep you on the floor until you'd calmed down... (Female,16)

When describing how staff intervene to stop violence, one young man said that sometimes staff could use too much force: *'sometimes it's not right, they go over the top a bit...they hurt people'* (Male, 16). Another young male in the same group said that staff are *'rough... some staff get pissed off about if you're refusing, and you're getting thrown on the floor and you hit another staff then they get behind you'* (Male, 15). This behaviour was linked to staff exerting power and control over the young people, *'because they've got keys and radios they think they can boss us about...'* (Male, 15).

Several young people echoed the view that staff could be excessive with the restraint they used when intervening in an incident:

...What they do with the wrists...My wrist could snap easily if they hold that too tight....Stop that, find a better way to restrain. (Female, 14)

Right, eight, nine of them just grab you, throw you in your room. What happens if your head bounces off your bed and die something like that? (Male, 15).

Young people in another interview described staff running from all directions when an incident occurred:

Staff they just come running...[name of young person] kicked off in the gym and he just started throwing the bench and everything and then staff didn't just come in from one door, they come in from the tennis court door, from the corridor... (Male,14)

Another young female described how it feels to have several staff piling on to a person at once: '*... You're only little and there's six of them on top of you*' (Female, 14).

In addition to using excessive force, several young people felt that staff intervene too quickly and get the '*wrong end of the stick*' (Male, 15). One group of males in a secure children's home talked about "play fighting". They said that it was normal for teenage boys to play fight and be boisterous, but some staff '*jump on it too quickly*' (Male, 15), which can make the situation much worse.

Young people felt that staff often respond without taking the time to understand what is actually happening and that young people get in trouble even though they were responding to, rather than instigating a situation:

... Basically you're the one who's retaliating, and you're the one who gets in trouble, there are more people getting away free [unclear], but you're sat there getting in trouble because they've heard you, not them. So then you won't have a chance to say what you want to say... (Male, 15)

One female was concerned that there was a lack of consistency in the use of force by staff. She contrasted her experiences in the secure children's home with her experiences of restraint in a STC and commented that different settings have different rules about the use of restraint:

But like in [name of STC], because I've been there before, they'd use like different methods, so like the thumb [distraction technique]... you know, like different pressure points and stuff?... They're a lot more violent in what they do. (Female, 16)

... So, [in name of STC] they'll say that you would get restrained and they might have to use those sort of methods whereas here they said they try and not be violent, like they try and just... Like they might accidentally hurt you if they're taking you to the ground because that could happen but like with the police you don't know what to expect because they're all different... (Female, 16)

Interviewees also highlighted inconsistencies within institutions:

There are certain people... who get treated completely differently, so they can swear and abuse members of staff... Like it will take...forever for them to be taken down to their room...whereas if it was someone else, we'd get taken straight down to our rooms and get consequences and stuff... (Female, 16)

Another male in her unit agreed that there should be one rule for all young people. Similar views were expressed in relation to the behaviour management systems in place in custodial settings. Young people felt that there needed to be more consistency across settings about how staff administer these systems and when they allocate rewards and punishments to young people in custody.

Staff using violence as a punishment, denigration or as a means of coercion:

Many young people said that staff did not use violence as a punishment but described experiencing painful restraint when staff intervene in an incident:

No, it's not used as a punishment but it ends up sometimes that violence is there because like some girl went to [hit] a member of staff for some reason and she got rugby-tackled to the floor and ended up like [unclear] her head and getting carpet burns all up her kind of thing. So, it wasn't like intentional or anything...(Female, 16)

One male said that restraint was not just used to prevent people hurting themselves or others but might be used when staff want them to do something, such as go to their rooms: *'you are just sitting on the couch and they grab hold of you...'* (Male, 15). One female said that violence didn't necessarily occur at a particular stage of the process of being in custody *'unless you kick off, and then like they try to restrain you, and they like kind of punch you to get your arm behind your back. So they punch you in the back trying to get your arm behind your back'* (Female, 13).

Two young males who were interviewed in the community (but had been in a YOI) said that staff might use violence as a punishment, but it depended on the individual guards. They talked about guards *'banging you in the ribs'* (Male, 16).

Other young people talked about staff using violence as a punishment, either in other establishments or the one they were currently in:

In other places it happens anyway just open the young person's room while they're in there. Because they know there's no cameras in there, give them a few digs, give them a black eye or something and walk out like nothing's happened. When they try and report it the staff will be like, oh that's a lie there's no CCTV evidence. (Male, 14)

I got smacked, my shoulder. I got smacked against the door for just messing around. I wasn't putting anyone at risk. I wasn't putting myself at risk... (Female, 15)

Although the majority of young people did not feel that staff used force as a form of punishment or coercion, interviewees discussed the idea that other young people might expect violence at the hands of staff in prison. One young male (aged-16) in a secure children's home described how another male on entering the unit had asked, '*when will staff come and beat me up...?*', he was surprised that this hadn't happened yet.

2.4 Responses to violence in custody

Talk to me on the level, don't shout, if you shout at me you won't get nowhere. If you talk on a level I'll listen to you and I'll calm down and I'll try and reason. (Female, 15)

- Some staff intervene to stop violence by talking to the young people involved, which is much better.
- Young people often try to stop violent situations through talking to the other young people involved.
- The relationship between a young person and an individual staff member is critical to whether the staff member can calm a situation down without using force and also whether a young person will report a violent incident to them.

All of the interviewees were asked about how both staff and young people react to violence in custody and the kinds of interventions that are made.

The overwhelming view was that the use of force by staff when responding to a violence incident often made a situation worse. All of the participants in the research advocated taking time to calm a situation down by talking to the young people involved, giving them space, and understanding what works for the individual.

Some interviewees described how they personally intervened in to try and calm down violent incidents – either between young people or in a conflict between a young person and staff member. They said that talking calmly to the young people involved, and encouraging them to think about the consequences of their actions, has positive results in terms of diffusing violence.

There were mixed views from the interviewees about the systems in place for reporting and resolving instances of violence in custody. Several were not confident about talking to staff about violence, either informally or through a complaints process. This was because they do not want to be regarded as a “snitch” or a “grass” or because they did not trust the issue to be dealt with properly. This was a particular issue when making a complaint about staff. There also appeared to be a lack of confidence in mediation as a means of resolving problems. Very few settings had

mechanisms for enabling staff and young people to sit down and discuss violence in custody. Several young people said that a positive and trusting relationship with staff is critical to whether they can talk to them about violent incidents.

Staff reactions to violence in custody: non-violent interventions

Several of the interviewees said that staff did try to respond to violence, or a situation that looked like it was becoming violent, by talking to the young people involved. It was felt that this was a more effective long-term means of resolving a situation than restraint. There was a strong feeling from all of the young people that talking and listening to try and resolve conflicts and prevent violence needed to happen more often:

...Well the restraining, it works to a certain degree, because it will stop you at that particular time...I find that the talking does a lot more... (Male, 15)

Several young people said that staff tried to stop situations from becoming violent by keeping specific individuals away from each other. Some young people said that this sometimes made things hard for the whole group, but acknowledged that it helped by stopping a fight from breaking out.

The majority of young people said that talking to a young person in a quiet place and taking the time to let them calm down was the best way to diffuse a situation:

...People think it's weak because it's a verbal approach, but it actually makes you sit down and think about it. I've got angry and then my key worker or somebody would talk to me, and then I'd think about everything. I don't want to get extra time, so I've got to relax and just leave it and let it go. (Male, 15)

All of the young people interviewed felt that staff should help young people calm down rather than intervening straight away with physical force – even if this approach is harder in practice. They felt that this would be the best way of resolving a situation. Participants in one group said that staff intervention can often agitate a situation. They felt that the best thing to help calm a situation down, or preventing it from escalating into further violence, was the involvement of an individual who can be trusted and with whom the individual young person gets on – this could be either a member of staff or a young person.

A 15 year-old male in a secure children's home described a situation where a particular member of staff had stepped in to calm things down and told the other staff present to 'back off' so that he could calm down. He reflected that it was good that the individual staff member had taken responsibility and challenged the other staff, because he knew that giving a bit of space to calm down would be the best thing to do in the situation. He said that the staff member had guts to challenge the other staff like that and he immediately calmed down in this situation.

Young people intervening to stop violence

Many of the young people described how they had stepped in to try and stop a fight from taking place:

One of my friends wanted to fight someone and if you assault someone you're probably going to get extra time so I told him not to do it. (Male, 15)

I remember like... I can't remember who it was, there were two young people that were arguing. I just pulled one along and it was just like, calm down, because I knew that was going to lead to a fight. (Male, 14)

Several described mediating between young people who were in disagreement, where it looked like a situation could escalate into violence – although acknowledged that this was not always successful. They also described talking to the young people involved and encouraging them to think about the consequences of their actions:

I've seen a lot of violence in here that's stopped. I've stopped violence. It's just if you see something might be happening, sometimes step in and say, look, leave it, there's no point in doing it... (Male 15)

And I see staff explaining to people, like they say to them what I said basically, and it just makes you stop and think about it But it happens; you've got to take responsibility for your actions. That's part of the consequences... (Male 15)

One young man in a secure children's home described how he had stepped into a fight between two boys to prevent a female member of staff from being hurt. Another male in the same group said that a young person had '*talked to me nicely and it made me calm down*' (Male, 15). He went on to say that having somebody just talking to or focusing on the individual is what helps calm a situation down.

Talking to staff about violence

There were mixed views from the young people about whether they could talk to the staff about violence in custody:

Well, you can talk to anyone because like normally if you're annoyed and you're pissed off and you're going to say, oh, this person... this member of staff did this, they hurt me and blah blah blah and then they'd say, well, do you want to talk about... with that member of staff and normally they would kind of resolve it with you and say, look, I'm sorry for doing that. And whether you take that apology or not... they said it... (Female, 16)

Lots of the young people appeared to be wary of talking to staff about violence and were concerned about being regarded as a "snitch". One male said '*they can [talk to staff] but that's snitching; sort it out yourself...*' (Male, 16).

The individual staff-young person relationship appears to be critical as to whether a young person feels they can talk to them about a violent incident and in the ability of a staff member to calm a situation down without resorting to the use of force. Several young people talked about the importance of trust and being able to build strong relationships, based on trust, with staff who would listen and respect what they were saying. Several young people acknowledged that they would consider talking to a trusted member of staff if there was a problem. These trusted individuals were deemed to be important when talking about violence and helping the young person to reflect on what had happened:

Sometimes when you talk it through with that member of staff, you can build up that trust with that staff member. (Male, 15)

...That's down to trust with the relationship with the staff, down to building that trust up, and also staff respecting what you are saying...(Male, 15)

There are some members of staff where you'll go, I wouldn't speak to that person, that person won't listen. I wouldn't speak to that person, that person does nothing, or that person is here for getting the money in, go home. But then there is some members of staff where he'll go, yes, I will speak to that person, I do get along with that person, that member of staff does everything, that member of staff respects everything you say, and also has a point of view for other people as well and does listen to you and respects everything you do say... (Male, 16)

In an interview in a secure children's home, a young male also said that it was important that if a young person was talking about a violent incident to staff, that the member of staff was honest and open about what they were going to do with that information. He understood that staff might have to discuss the information with other people but said that this should be discussed with the individual first. This would create more trust and would make it more likely that young people would talk to staff if there was a problem.

A small number of interviewees said that staff sit and talk to a young person after they have been restrained as a kind of debriefing, however he said that this often made a young person angrier: *'they strip your room if need be. They talk to you about what happened, sometimes...'* (Male, 15).

Mediation, advocacy and having someone to talk to

Several young people discussed mediation sessions facilitated by staff. There were mixed views about how useful and effective they are:

Interviewer Does mediation help after violence has happened?

Interviewee Sometimes it does. (Male, 16)

Interviewer Do you think mediation is a good source of trying to get at the problem...

Interviewee Sometimes it can be, because you can sit around and talk about what's happened, and go away happy. Sometimes you can be, just getting on fine. Sometimes you could go to mediation, wait until it's done and punch them. (Male, 15)

One of the young people in the group said that mediation had worked for him - he described a calm situation where he talked to a member of staff about what had happened. One group of young people in a secure children's home said that

mediation often did not resolve anything, and that after a mediation session, young people are fine for a couple of days but are then likely to fight each other again. They are then required to have another mediation session. This creates a cycle of fighting and mediation which never gets resolved.

A similar view was echoed in other interviews. Young people described sitting down with other young people to discuss a problem but this not really resolving the matter and conflict erupting again.

Some young people talked about the need for independent, external professionals to come in and provide support rather than relying on staff from the institution. This would be an opportunity for young people to talk about their problems and circumstances.

Interviewees in one of the focus groups in a secure children's home explicitly named an independent advocacy provider who visited the unit to provide opportunities for young people to talk about issues. A female in the same unit said that she had used the advocacy service to discuss a particular problem. She also said that her key workers were really good if she needed to talk to them about something. A young male in a YOI knew that there was an advocacy service in the institution that he could visit if he wanted. Although he didn't know if there was anyone else he could talk to if he had a problem, he thought there probably was and that he could find out who this individual was.

Complaints

There were mixed views as to whether young people would make an official complaint about violent incidents. One male (in a YOI) said that a person could probably talk to staff about violence but some people might not want to, as they have their own way of dealing with things. He also thought that you needed more than one person to make a complaint, otherwise it would not be taken seriously: *'think more than one will have to say about it... Definitely has to be more than one...'* (Male, 17).

Many young people acknowledged that it was possible to make a complaint but felt that there were consequences for doing so. One male commented that there was a noticeable difference in staff behaviour when there were external visitors from the YJB present and said that young people had been threatened and warned not to share particular information, or they might get *'shipped out'* to a STC or YOI (Male,

15). The group went on to discuss how staff often *'back each other up'* (Male, 15) and collude on a story. Young people in a secure children's home commented that you need to make a complaint in order for things to change, but staff talk very negatively about you if you make a complaint, *'so it's got to be really serious to make a complaint...'* (Male, 15).

A number of young people felt that their complaints are never listened to or taken seriously. One male interviewed in a secure children's home said *'nothing ever happens'* in relation to complaints (Male, 15).

In contrast, one young woman felt that the complaints system in custodial settings was much better than the system in police settings. She said that in custodial settings it is easier to make a complaint and you do feel that it is being listened to. She also said that information about complaints was included in the initial induction process on entering the unit. She felt that there was no point making a complaint in police settings: *'No one tells you how to make a complaint properly and they don't get taken seriously'* (Female, 19).

Working together with staff to stop violence

Only a few young people said there were opportunities to sit down with staff to try to prevent violence in custody and to talk about how the place is run or changes that they want to see.

One group in a secure children's home mentioned a system of key workers that they could talk things through with and described meetings with an external group that came into the unit to gather young people's views and experiences. The same group also described a system where "reps" could meet with staff and talk about things that young people were not happy with or wanted to change, although it was not clear whether matters such as the use of force by staff had ever been raised in these meetings. Another group described regular monthly meetings with an external organisation who asked them for information about how the institution is run and suggestions for improvements. This was seen as useful, although it was noted that the last meeting ended in a fight.

One young person said that suggestions for change were often not listened to and that it was only negative behaviour that attracted attention.

2.5 If you were in charge...

I think if I ran a place like this, I would concentrate more on how to solve the problem... (Male, 14)

- Some young people do not think it is possible to end violence in custody.
- Young people advocate reducing violence through talking calmly and staff taking the time to listen to them.
- Young people want staff they can relate to, with similar backgrounds and experiences, who genuinely like young people and are prepared to listen to them properly.
- Young people want staff who are pro-active and engage them in activities. This would help to prevent feelings of boredom and frustration.
- Staff are often overstretched and more should be employed so they have the resources to monitor and understand what is really going on.
- Building positive relationships between staff and young people can make a major difference and help to prevent violence.

All of the interviewees were asked what they would do if they were in charge of their custodial setting and to describe the kinds of people they would employ. Many young people were pessimistic about being able to create violence-free custody. Some felt that this was because it was not possible to change human nature and that some people just wanted to fight. Others believed that the system of custody itself contributed to violence and locking people up who have problems will inevitably lead to violence.

Young people were also asked about the kinds of people they would employ if they were in charge, in order to reduce violence in custody. The majority of young people raised staff attitudes and behaviour as something the young people wanted to challenge and change. Almost all of the young people called for staff to come from similar backgrounds to the young people in custody. They wanted staff that were open-minded, had a sense of humour, were able to listen effectively and could see beyond the reasons for them being in custody to the individual person. Several interviewees said that they would employ staff who genuinely liked young people. A commonly expressed view was that staff are over-stretched and stressed out. More

staff would help alleviate this problem and ensure that there are sufficient staff to monitor what is happening and keep track of the dynamics in the institution. A number of young people said that they wanted staff who were “pro-active” and were willing to engage them in activities such as football. It was noted that this might combat the feelings of frustration, boredom and stress that often lead to violent incidents breaking out. Family visits were also identified as something that would alleviate stress and frustration.

What I would do to end violence here

When asked what they would do to end violence if they were in charge of their institution, a significant number of young people were clear that they felt that nothing could be done to create violence-free custody. One young man was very negative about the possibility of change: *‘if people are going to fight they’re going to fight’...* (Male, 17). A similar view was expressed by another young male in an interview in the community. He was very pessimistic about human nature and its ability to change: *‘To improve that you’d have to improve people; you’re not going to improve people...’* (Male, 17). The same point was made by several other young people:

...It depends on people – you can’t change people (Female, 19)

...Can’t stop violence...(Male, 16)

...I don’t reckon you can end violence...To be honest I don’t think it [violence] will actually stop. I don’t think it will stop...(Male, 15)

There’s always going to be violence in places like these...Because someone could come from somewhere, someone come from another place and have problems with that as well. There’s still going to be violence (Male, 15)

One young woman said that although she didn’t think you could stop violence from happening, there were definitely things that could be done to reduce it. Several interviewees made suggestions as to how violence could be reduced, if not prevented altogether in their institution. A number of young people said that talking and explaining things could help to resolve a situation and prevent violence from escalating:

I would probably talk to people about how it affects others...So you don't really use violence, because violence isn't good, because it doesn't resolve anything. It just makes everything worse rather than resolves anything...

(Female, 13)

A number of young people talked about the need for something for young people to take out anger on:

I don't know. Give them something to take the anger out or something, like a real punching bag...(Male,15)

Suggestions made in three of the interviews were for young people to '*Shake hands and then get stuck in!*' (Male, 15). They felt that the best way to sort out a situation was to let the young people involved fight it out: '*just get in a ring and shake hands before you go in and shake hands when you get out*' (Male, 14).

One young woman said that young people should be made to discuss their issues with each other in a calm environment without staff present. Staff could then be outside and step in if there were any problems – but the focus should be on the individuals involved resolving the situation themselves. Another young male suggested that there could be a system of education, cooperation and group rewards which would hopefully encourage young people to get along better and reduce violence in the unit.

In one group, interviewees said that they would encourage more mixing between young people – and especially between males and females. There was a suggestion that this might reduce frustration and possibly reduce violence.

Who would you employ if you were in charge?

Several young people commented that some staff were really good: '*most of the staff in here I think are amazing...*' (Female 16), and others were not. They also acknowledged that staff have a hard job to do, often in challenging circumstances. However, they felt that staff attitudes and behaviour were things that really needed to change. In one focus group in a secure children's home, one male said that some staff are '*brilliant but some are dickheads*' (Male, 15). The other young people in the group agreed with this view.

Several participants in the interviews raised the issue of staff attitude. Whilst some of them openly acknowledged that staff were often given “aggro”, they said that staff ‘give aggro back too’ (Male, 16). They often riled young people by making personal comments about family members and this created frustration and contributed towards tense situations.

If staff speak to you in sarcastic tones it just pisses you off even more. Just to make a joke out of it because they know they can go home and we’re stuck here... (Female, 14)

One male said that when staff are in a bad mood they often ‘take it out on us... we get the consequences’ (Male 15). Another male in the group said that staff often remind young people what they have done and bring up the past, which riles young people. They also said that staff should not judge them:

...Well a couple of weeks ago, because I only came here like a month ago now, today. So a couple of weeks ago I was in assessments, and because none of the staff met me, and because someone was making racist comments to me in my house, I got mad and threw a chair. Straight away the staff judged me, didn't even meet me...But they didn't meet me, so how can they judge me for something, someone who they haven't met yet...They need to get to know you before they judge you, because then they've met me and then it's a different story. (Male, 15)

Other young people agreed that it was important for staff to be able to see beyond the reasons for them being in custody:

...[Employ] people who are just open-minded. They're not just going to read reports and think, oh, she's down for attempted murder or offensive weapon or something, we need to regularly restrain her and we're going to need to try and do it...(Female, 16)

A high value was placed on the need for a good sense of humour, being cheerful and smiling, not insulting or “dissing” young people, the ability to relate to young people and being able to strike a balance between being firm, laid back and not being too quick to respond.

Several young people said that if they were in charge they would employ staff with similar experiences and from similar backgrounds to themselves:

...I think them people who've perhaps been in care, and have done wrong, do understand what's been going about, do understand what we're going through, do understand. Basically we're away from our family, we don't see our family loads, we love our family, but yet we're locked up... [E]mploy staff members who are in a position where they have been in custody when they were young, are going to change their life around. And they have changed their life around, so they want to tell them, and say listen, I was like this when I was younger, but now I've turned my life around, I do want to help young people... (Male, 15)

This view was echoed in all of the interviews. Young people said that if they were in charge of the establishment they would employ people who know how to work with young people, not necessarily those who have been in trouble themselves, but people who can understand what young people have been through or are going through:

...People who've had violence...can say, listen I am proving myself, I do want to turn my life around. I turned my life around, yes, I want to work in this place to help get the kids back on track like I have done... Look where I am now.... (Male,16)

...People that have been in this establishment and obviously people that have been through places like these so they, they'll think then I don't want them to get treated how I got treated. (Male, 15)

It was also seen as essential to employ staff who had been given, and were able to follow, a clear set of rules on restraint and the use of force. One young female was very clear that all staff should know and understand these rules and they should be consistent in their use:

[There should be a] Method... So like for everyone to follow, not just...all custodial places to follow. So, it could have three steps or something, so like you could verbally warn someone and then you might like approach them and like be a bit firmer and then you might restrain them. But if you had to skip

steps because they were trying to punch your lights out, then obviously you could... But for everyone to actually follow that and to actually name it as something, so like the something method instead of just some people taking the piss and just doing what they think they need to do... (Female,16)

And to have one rule but for them to use it on every single person... (Female, 16)

The same young person said that it seems that the rules in the centre are always changing. She said that this puts extra pressure on the staff, makes really stressed, and can create a negative or tense environment: *'they wouldn't mean to snap but they would'* (Female, 16). She called for better communication with staff when there are changes to rules or requirements and more staff training to reduce pressure on staff.

Similar views were expressed by young people in another interview: *'I would make sure that some of the rules don't get bent'* (Male, 14).

The more beneficial for the young people is if the staff knows how to use restraint, how to use it properly, and how to get on with the young people. (Male, 15)

For some young people it was also important to have more rules more generally. Some interviewees in a secure children's home felt that that their custodial setting was not strict enough and that there could be more rules.

A number of the interviewees felt that more staff should be employed in custodial settings. Many young people acknowledged that staff had hard jobs to do and were often stressed by being under-resourced, dealing with constant rule changes from management and having to manage lots of young people at once. They felt that there needed to be more staff to see what is happening and to properly understand the dynamics between young people.

...What I think would reduce a lot of violence in here, yes, is staff don't see things or hear things as much as young people. Personally, I think you need more staff, and more staff to hear and listen than look at the things that are going on. Because say the houses are pretty big, there's four people on the

couch, four people sat in the dining area, there's another four in another dining area..., they don't know what's going on over there, they don't know what's going on over there... So basically they're not observing what's going on... (Male, 15)

Several young people said that they wanted staff in custodial settings who were “pro-active” and ‘will do activities and have fun’ (Male 16). They talked about the importance of staff taking the initiative and encouraging the young people to participate in more physical activities, such as football. The young people felt that this would have a direct impact on feelings of frustration and boredom and help reduce stress and anger that often leads to violence. One interviewee in a secure children’s home said that there often weren’t enough staff to enable the young people to engage in activities: ‘...when you want to do activities, we haven’t got the staff...’ (Male, 16). He went on to explain that this led to violence as the young people were frustrated by not being able to get outside and that staff were also frustrated by being under-resourced. Other young people in the same unit said that staff were often reluctant to take young people outside, particularly if it was raining. They said that there had been occasions when they hadn’t been out of their house for three days when it had been raining and called for staff who were willing and happy to take them out and engage them in physical activities regardless of the weather.

2.6 Messages to people in authority about ending violence in custody

Listen to people actually. Listen to people and listen to people in here and what their opinions are, and be open. (Male, 14)

- Listening to young people and developing trust can help to reduce violence in custody.
- People in authority need to challenge stereotypes of young people and how they are talked about in the media and politics.
- More needs to be done to find out the causes of a child's or young person's problems and develop solutions to overcome these.
- People in charge should come and live in custody and see how it feels.
- Judges need to understand young people and place them in more appropriate settings according to their needs and circumstances.

In addition to being asked what they would do if in charge of their custodial setting, the interviewees were asked to give advice to Government and those working in the justice system. Some young people felt that the Government and others in positions of authority do not really understand children and young people and are not particularly interested in listening to them. There was a strong feeling that the Government was not at all interested in children and young people in custody.

Several young people said that the Government could do more to challenge negative stereotypes about children and young people. They also called for people in positions of power to take time to really understand what is going on in a young person's life. It was felt that people in power do not take the time to listen to children and young people properly. They wanted staff in the justice system to be much better at listening and finding out the views of children and young people.

Messages to Government and people working in the justice system

As well as a general feeling of pessimism about being able to end violence in custody (see page 41), there was also pessimism about the will of those in positions of authority to listen and take young people's views seriously. A small number of young people felt that the Government was not interested in young people in custody:

...No, they don't care, that's what they're doing, they're just banging all the kids up. Don't want them on our streets, fuck it. Then they're paying anyone that'll take the job of looking after them. (Male, 17)

There was also a general feeling of distrust about what the Government said. One young person referred to the then topical example of a woman who was burnt following Government advice to hoard petrol during a scare over a petrol strike: *'...Most of them, they're not really controlled... The government says stuff when they don't mean it'* (Male, 15).

A clear message was that the Government needs to help challenge negative stereotypes about young people:

...Give out the right message about children. Because it's like on the news and stuff and when they're doing their speeches... they say, oh, God, gangs and children are just getting more violent and children are doing this, children are doing that, the police are stopping them and more people are getting locked up but you think, well, they need to try and do more research, find out why it might be going wrong, find out different areas of their life, put in more programmes, put in place more activities. Find out the specific areas which have problems... (Female, 16)

Other young people agreed that people in positions of power need to take time to find out what is happening in young people's lives and listen to them properly. One female said that the most important thing that the Government and people in charge of their custodial unit could do was taking time to listen, talk and build up trust and understanding with young people. Another young male said that if he had a magic wand he would encourage Government and others in positions of authority to *'Listen to people actually. Listen to people and listen to people in here and what their opinions are, and be open...'* (Male, 14). Several young people felt that the Government and Parliament were not good at listening to young people and even where they did listen, this was not enough:

That it's all very well listening; its whether they actually do it. But I think if the government listened to us, then they could start putting it into place, like they could talk to the courts, they could talk to the prison staff, social workers....(Female, 16)

A number of young people said that people in charge of the justice system need to think more about what would help an individual to stop being violent and said that it was important for young people to have people they can talk to who will explain things properly and help them think about the consequences of their actions. Other suggestions were that young people could be offered a programme of support, including therapy, alongside shorter sentences. Two young males suggested that if young people knew that they were only being locked up for a short time, and were going to get lots of help coming out, they might be less violent when in custody.

There was also a call for people working in the justice system – and particularly judges - to understand young people better and consider whether custody is the right thing for that young person. Several young people said that professionals in the justice system needed to think more about what kind of help young people need, rather than just giving them a long prison sentence. One young male said that prison often did not stop a young person re-offending:

Let's say a judge, you go to court and then you get sentenced for a long time. The judge says, okay, you get five years... But he doesn't really know where you go in, how you're going to cope with those five years, what's happening...Jail isn't always the answer...It's not even just that, because at the end of the day, even if that person did deserve to be in jail, at the end of the day, they would come out, they would carry on. Really, jail isn't always a solution. Jail isn't always a place that you can go and think about your actions and come out and become a better person. Jail is sometimes a place where you go in and then you're thinking of what to do next and like planning what to do next for a long time as well. And then you come out, and what are you going to do? (Male, 14).

Several young people called for staff working in the justice system to come and live in custody to understand what it is really like and to get a sense of how a young person in custody might feel: *'I'd say you go and live there for a couple of months. You'll get treated like we get treated...'* (Male 14). Some young people felt that this would not really help, as the experience would not be the same for a visiting adult as a young person living in custody long-term.

3. Recommendations

The following recommendations have been drawn from the ideas expressed by interviewees during the research for this report. They were drafted with input from YIT members. These recommendations will provide the basis for a youth-led campaign in the next phase of the project.

Recommendations relating to the regulation and use of the use of force in custodial settings:

- There must be clear rules on the use of force in custodial settings.
- All staff must receive training on when force can be used and how the use of force can be avoided.
- Cameras with sound recording should be installed in custodial settings.

Recommendations relating to preventing the use of force or developing alternatives to the use of force:

- Restraint should only ever be used when staff in custodial settings have tried all other alternatives.
- Efforts should be made to reduce the claustrophobic atmosphere in custodial settings by, for example, arranging many more sporting activities, outside visits and more contact with families.
- More needs to be done to encourage listening and talking as a means of resolving conflicts and preventing violence both between young people and young people and staff.
- When there is a violent incident, staff should always attempt to use talking and listening to calm things down, rather than using forceful restraint.
- Staff need to discover what works for an individual young person when trying to resolve a situation.

Recommendations relating to staff in the juvenile justice system:

- Custodial settings should employ staff who like young people: staff should have proven ability to relate to young people and work with them well.
- Staff should be employed who have similar life-experiences to the young people.
- Staff must be fair, open minded and approachable, and always prepared to listen to the young person's explanations and version of events.

- Young people should be involved in staff training in custodial settings– giving examples of how to approach certain situations and talking through when to intervene or when to ‘back off’.
- Staff must be pro-active and engage the young people in more physical activities such as sport in custodial settings. This would reduce feelings of stress, frustration and boredom.
- More staff should be employed to enable them to monitor relationships and potential areas of stress.
- Custodial settings should bring in external mentors who the young people can relate to – they would provide role models or help in raising aspirations.
- Judges should find out more about a young person before passing a sentence. They should have time to talk to the young person, find out about their background, and even visit where they live. Judges should consider whether a custodial sentence is really the best thing for that individual young person.

Although this research was not specifically focused on the treatment of young people when in contact with the police, several recommendations were made by young people in relation to the need for better regulation of police behaviour:

Recommendations relating to the police:

- More needs to be done to challenge the violent, aggressive and threatening behaviour of police when they come into contact with young people.
- Cameras with sound recording should be installed in police vehicles, police stations and police cells.
- Young people should have access to an independent person of their choice who can visit them regularly whilst in police detention to ensure that they are well and being treated correctly. Young people should be able to decide who this person is.

Annex A: Legal standards on violence in custody in England

In **England**, the use of force is governed by:

- The Human Rights Act 1998⁸, which makes it unlawful for any public authority to act in a way which is incompatible with the rights in the European Convention on Human Rights.⁹
- The Criminal Justice Act 1967¹⁰ prohibits corporal punishment in all institutions to which the Prison Act 1952 applies – this includes remand centres, YOIs and STCs.¹¹
- Criminal Justice Act 1988, which makes torture a criminal offence under domestic law. A public official (including those working in places of detention) commits the offence of torture if he or she intentionally inflicts severe pain or suffering on another in the performance or purported performance of official duties.¹² It is immaterial whether the pain or suffering is physical or mental and whether it is caused by an act or an omission. There is a legal defence for anyone charged with this offence which, if the alleged offence was committed in the UK, is to prove that there was lawful authority, justification or excuse.
- The Children and Young Persons Act 1933, which makes it a criminal offence for any person aged 16 years or above who has custody, charge or care of any child under the age of 16 to wilfully assault, ill-treat, neglect, abandon or expose or cause the child to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause unnecessary suffering or injury to health.¹³
- The Children Act 1989, which requires local authorities to investigate whether they should take action to safeguard or promote the child's welfare when there is reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm.¹⁴ The Act defines harm as ill-

⁸ The Convention rights are included in Schedule I to the Act. However, Article 13 – the right to an effective remedy – was omitted from the Act.

⁹ Human Rights Act 1998, s 3(1)

¹⁰ Criminal Justice Act 1967, s 65

¹¹ Prison Act of 1952, s 43(2)(c)

¹² Criminal Justice Act 1988, s 132(1)

¹³ The Children and Young Persons Act 1933, s 1

¹⁴ The Children Act 1989, s 5(1)

treatment or the impairment of health or development, for example, impairment suffered from seeing or hearing the ill-treatment of another.¹⁵

- The Children Act 2004, which requires governors of prisons and secure training centres to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children.¹⁶
- The Young Offender Institution Rules 2000, which require that an officer dealing with a child shall not use force unnecessarily and, when force is used, no more force than is necessary must be used.¹⁷ Children can be put under restraint where this is necessary to prevent them from injuring themselves or others, damaging property or creating a disturbance. The Secretary of State must approve any means of restraint, officers are prohibited from provoking children and every instance of restraint must be recorded.¹⁸ There is mandatory reporting of abuse in young offender institutions: the members of the independent board of visitors are required by law to inform the Secretary of State immediately of any abuse which comes to their knowledge.¹⁹
- The Rules permit stricter regimes if the Secretary of State deems this will further the child's rehabilitation and they have been suitably assessed as being sufficiently fit in mind and body to withstand this type of environment. The Rules provide that stricter order and discipline can be maintained through, among other things, strict standards of dress, appearance and conduct.²⁰ Searching is required by the Rules when children are admitted to the young offender institution and at any other time ordered by the Governor or Secretary of State. Children may not be strip-searched in front of other children or persons of the opposite sex.²¹ Children in young offender institutions can be held in handcuffs at any age, at the direction of the Governor, but only 17 year-olds may be put under other restraints. Handcuffs are only permissible to prevent children from injuring themselves, damaging property or creating a disturbance.²² The Governor is permitted by law to impose a variety of disciplinary punishments including the removal of the child from his or her wing or living unit for a period not exceeding 21 days.²³ The Rules require that no cell or room shall be used as a detention cell or room for the

¹⁵ The Children Act 1989, s 2(9)

¹⁶ The Children act of 2004, s 68(3)

¹⁷ The Young Offender Institution Rules 2000, s 50(1)

¹⁸ The Young Offender Institution Rules 2000, s 52(1), (5) and(6)

¹⁹ The Young Offender Institution Rules 2000, s 67(2)

²⁰ The Young Offender Institution Rules 2000, s 44(2)

²¹ The Young Offender Institution Rules 2000, s 46

²² The Young Offender Institution Rules 2000, s 52(2)

²³ The Young Offender Institution Rules 2000, s 60(1)

purpose of a punishment unless it has been certified by an officer of the Secretary of State (independent of the young offender institution) that it is suitable for the purpose; that its size, lighting, heating, ventilation and fittings are adequate for health; and that it allows the child to communicate at any time with an officer.²⁴ The Rules provide for children making requests or complaints, orally and in writing; and require the Governor to hear these every day.²⁵

- The Secure Training Centre Rules 1998, which require that an officer dealing with a child shall not use force unnecessarily and, when force is used, no more force than is necessary must be used.²⁶ Children can only be restrained where necessary for the purpose of preventing them from escaping from custody; injuring themselves or others; damaging property; or inciting another child to do any of these things – *and then only where no alternative method of preventing any of the above*.²⁷ Particulars of every occasion of physical restraint must be recorded within 12 hours of its occurrence.²⁸ The Secretary of State must approve methods of restraint, and only officers who have been trained in these approved methods may restrain a child.²⁹ There is mandatory reporting of any matters of concern in secure training centres: independent persons are required by law to draw to the attention of the Secretary of State any matter which is of concern. Searching is required by the Rules when children are admitted to the secure training centre and at any other time ordered by the Governor.³⁰ Children may not be strip-searched in front of other children, persons of the opposite sex or more than two officers. Written records must be kept of all searches.³¹ Systems of privileges, incentives and sanctions must be approved by the Secretary of State and be appropriate to children's ages, characters and circumstances.³² A social worker and a health worker must interview children within 24 hours of admission to see if they have any suicidal intentions or propensity to harm themselves.³³ A written assessment must be prepared following this interview and reviewed at regular intervals.³⁴
- The Rules require the Governor of the secure training centre to ensure that special attention is paid to the maintenance of the relationship between children

²⁴ The Young Offender Institution Rules 2000, s 61(2)

²⁵ The Young Offender Institution Rules 2000, s 8(1)(2)

²⁶ Secure Training Centre Rules 1998, s 37(1)

²⁷ Secure Training Centre Rules 1998, s 38(1)

²⁸ Secure Training Centre Rules 1998, s 38(3)

²⁹ Secure Training Centre Rules 1998, s 38(2)

³⁰ Secure Training Centre Rules 1998, s 33(1)

³¹ Secure Training Centre Rules 1998, s 33(3)

³² Secure Training Centre Rules 1998, s 6(1)

³³ Secure Training Centre Rules 1998, s 23(1)

³⁴ Secure Training Centre Rules 1998, s 23(2)

and their families.³⁵ Any restriction on family contact can only be imposed by the Governor and in consultation with the child, his or her family and the services that will supervise the child after release.³⁶ The Governor must appoint an independent person to visit and befriend a child who does not have family contact.³⁷ The Rules require that children being taken to or from a secure training centre must be exposed as little as possible to public observation and proper care must be taken to protect the child from curiosity and insult.³⁸ The Rules require that a grievance procedure be established and that children be able to make representations to an independent person.³⁹

- The Children's Homes Regulations 2001, which require the manager to ensure that the children's home is conducted so as to promote and make proper provision for the welfare of children accommodated there; and make proper provision for the care, education, supervision and, where appropriate, treatment, of children accommodated there.⁴⁰ The manager is also required to make suitable arrangements to ensure that the home is conducted in a manner which respects the privacy and dignity of children accommodated there; and with due regard to the sex, religious persuasion, racial origin, and cultural and linguistic background and any disability of children accommodated there.⁴¹
- The regulations prohibit any measure of control or discipline which is excessive, unreasonable or contrary to the following: any form of corporal punishment; any punishment involving the consumption or deprivation of food or drink; any restriction on contact with family, friends and others (other than those imposed by the court or which the manager of the home considers necessary to safeguard or promote the child's welfare); any requirement that a child wear distinctive or inappropriate clothes; the use or withholding of medication or medical or dental treatment; the intentional deprivation of sleep; the imposition of any financial penalty, other than a requirement for the payment of a reasonable sum (which may be by instalments) by way of reparation; any intimate physical examination of the child; the withholding of any aids or equipment needed by a disabled child;

³⁵ Secure Training Centre Rules 1998, s 29(2)

³⁶ Secure Training Centre Rules 1998, s 29(3)

³⁷ Secure Training Centre Rules 1998, s 29(4)

³⁸ Secure Training Centre Rules 1998, s 32(1)

³⁹ Secure Training Centre Rules 1998, s 8(1)

⁴⁰ The Children's Homes Regulations 2001, s 11(1)

⁴¹ The Children's Homes Regulations 2001, s 11(2)

and any measure which involves children being forced to punish each other or the punishment of a group of children for the behaviour of an individual child.⁴²

- The regulations require that a measure of restraint may only be used on a child accommodated in a children's home for the purpose of preventing injury to any person (including the child who is being restrained); preventing serious damage to the property of any person (including the child who is being restrained); and in the case of a child accommodated in a secure children's home, preventing the child from absconding from the home – *and then only where no alternative method of preventing any of the above events is available.*⁴³ The regulations also require an independent complaints procedure in each children's home. The manager of the home is required by law to ensure children accommodated in the home are *enabled* to make a complaint or representation.⁴⁴
- The Equality Act 2010, which makes it unlawful to discriminate against, harass or victimise a person on the grounds of age,⁴⁵ disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.⁴⁶ The Act also requires that reasonable adjustments be made for disabled children; and introduces a public sector equality duty in prisons and other settings serving a public function.⁴⁷ This requires organisations to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act; to advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.⁴⁸

⁴² The Children's Homes Regulations 2001, s 17

⁴³ The Children's Homes Regulations 2001, s 17A

⁴⁴ The Children's Homes Regulations 2001, s 24

⁴⁵ This only applies to under 18 year-olds in relation to employment.

⁴⁶ The Equality Act 2010, s 4

⁴⁷ The Equality Act 2010, s 20

⁴⁸ The Equality Act 2010, s 149(1)

Annex B: Ending violence against children in custody - Focus group discussion/interview schedule

INTRODUCTION

We are very grateful that you have agreed to give your time and assistance.

1. As you know, this discussion/interview is aimed at finding out your views and ideas about ending violence against children in custody.
2. Children and young people who have been in custody are taking part in this important project from Austria, Cyprus, England, the Netherlands and Romania.
3. There are no right or wrong answers. It is your *own* views and ideas we are interested in.
4. We want to record the discussion/interview as this is the best way of keeping a record of your views and ideas. The recording is sent to a company that types notes from recorders. It signs an agreement with CRAE not to copy or pass on the tape, which must be destroyed after it has done the work. We do not pass on the tape to anyone else outside CRAE.
5. Your name will not be included in our report. We would like to include some details, though, like whether you are male or female and your age. We will be writing a report for people in Government and others who care about the human rights of children and young people. We will also write a shorter report for children and young people. You can have copies of both reports, of course.
6. If you don't want to answer a particular question, that is fine. If you decide at some point in the discussion/interview that you do not want to take part after all, then please just say so.

SCHEDULE

We have 14 questions.

1. Please tell me what you consider to be violence.
2. What situations or forms of violence happen in custody?
In answering this question, please think about the child or young person's

experiences from when they are taken from court, admitted to custody and then their time in custody such as: journey from court to custody; admissions process; daily routine, rules and sanctions; preparation for discharge – where you can be at risk of, or experience, violence.

3. Why do you think violence happens in custody?
4. Is the violence in custody different from what children and young people might experience at home, in school or in their communities?
5. How does violence in custody make children and young people feel?
6. How do people – young people or groups or staff – react to violence in custody?
7. Is violence ever used as a punishment in custody?
8. Have you any examples of people trying to stop violence in custody? What did they do; were they successful?
9. Can young people speak about violence to staff that work in custody? Are young people taken seriously if they do speak to staff about violence?
10. Do young people and staff work together to try and end violence? For example, do you have a group where young people and staff can discuss how the prison or institution is run and how things can be improved?
11. If you were in charge, what would *you* do to end violence against children in custody?
12. If you were in charge, what kind of people would you employ if you were trying to end violence against children in custody?
13. What advice would you give to Government about ending violence against children in custody?

14. What advice would you give to those working in the justice system (those who work in courts, prison staff and social workers for example) about ending violence against children in custody?

Now that we have finished all my questions, is there anything else you want to add?

Is there anything you want to ask about CRAE or the work we are doing?

Thanks again for your help and advice.

POST DISCUSSION or INTERVIEW SUPPORT

I appreciate this discussion may have stirred up memories and feelings that you find difficult.

Give information about advice and support, e.g. *Staff are on hand to help you with any difficult memories or feelings raised by our discussion/interview. I also want to remind you of the advocacy service that is here to help you protect your rights – give leaflet etc.*

Background information for interviewer

The project:

This project follows the United Nations Study on Violence Against Children which found that children and young people in contact with the criminal justice system, particularly those in custody, are often subject to high levels of punitive treatment and violence ('violence' includes physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse and bullying in accordance with Article 19 of the Convention on the Rights of the Child).

Monitoring form:

***Ask each young person to complete a confidential monitoring form that records their gender, age, where they live, ethnic background, disability and first language. This includes space for contact details if the young person wants to be informed about the results of the project.

The interviews/focus group sessions:

Focus group discussions and interviews are being held until the end of April 2012. We aim to speak to at least 25 young people with experience of custody in each of the partner countries (Austria, Cyprus, England, the Netherlands and Romania).

Once the interviews and focus groups are completed, an Investigation Report will be written bringing together all the results. The project team will make recommendations based on young people's views, advice and experiences.

Timetable:

This is a two-year project that began in February 2011, and is due to end 31 January 2013.

Handouts:

What international law requires in child custody.

Leaflets or material about independent organisations that provide advice and support to children and young people in custody.