

PRESS RELEASE

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RESPONSE TO GOVERNMENT REVIEW INTO RESTRAINT OF CHILDREN IN SECURE JUVENILE SETTINGS

Today the Ministry of Justice and Department for Children, Schools and Families' 'Independent Review of Restraint in Secure Juvenile Settings' is published alongside the government's response.

Carol Pounder, mother of Adam Rickwood who died aged 14 in Hassockfield Secure Training Centre (STC) in 2004 following the use of restraint, said:

"I am disgusted that force is still being allowed to be used. At home parents are not allowed to use any kind of force against their children. Why are children in custody treated differently?"

Deborah Coles, Co-Director of INQUEST said:

"We are bitterly disappointed that the findings of this review endorse the use of painful restraint even though two children died following its use. This is despite clear objections raised by the UN, the Council of Europe, the parliamentary Joint Committee on Human Rights and the Children's Commissioner for England.

Whilst we welcome any measures that aim to reduce the use of restraint, we question why the review took place within a framework that accepts state-sanctioned violence against children as part of the culture of these institutions. This was an opportunity to make a real difference to safeguarding the human rights of children in custody. Instead we have yet another report that outlines little more than what was already known at the conclusion of the inquests into the deaths of Gareth Myatt and Adam Rickwood some 18 months ago. Surely we can think of a better solution than hurting children in order to manage them?

How can we have confidence in the government's commitment to meaningful change when at the time the restraint review was delivered to Ministers in July 2008 they were trying to overturn the judgment of the Court of Appeal that the existing rules on restraint were unlawful and exposed children to the risk of inhuman and degrading treatment. Neither the restraint review nor the government's response make any reference to this whatsoever.

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Inquest

INQUEST believes that there should be a broader public inquiry into the response to children in conflict with the law. It could examine the harmful consequences of custody and whether it is appropriate to place increasing numbers of children into institutions that cannot cope with their complex needs. That the government continues to resist such an inquiry, whose motivation would be protecting the human rights of children, is shameful."

Notes to editors:

1. The review of restraint techniques was commissioned by the Ministry of Justice and the Department for Children, Schools and Families after the inquests into the deaths of Adam Rickwood and Gareth Myatt revealed high levels of physical restraint were being used against children across the penal estate.
2. Gareth Myatt, 148cm/4 feet 10 in tall and weighing 42kg/6½ stone, died at the privately-run Rainsbrook STC in 2004 following restraint by three adult officers. The incident began with Gareth's refusal to clean a toaster. The officers used the Seated Double Embrace hold on him, part of an inadequately-tested system of restraint used on children called Physical Care in Custody (PCC). The inquest jury found that the Home Office and Youth Justice Board's failure to test this system medically and their inadequate safety assessment of it caused or contributed to Gareth's death. In a detailed article 2 narrative verdict, the inquest jury found that Gareth's death was caused or contributed to by: inadequate assessment of the safety of the restraint system used on children in STCs; failure to undertake medical review of the system; the failure by the YJB to depute anyone with managerial responsibility for PCC; the inadequacy of the YJB's response to the National Children's Bureau recommendation that there was an urgent need for the medical review of PCC; the YJB's inadequate response to information that children were vomiting and having difficulties breathing during restraint; the inadequate monitoring of PCC by the YJB.
3. INQUEST is the only non-governmental organisation in England and Wales that works directly with the families of those who die in custody. It provides an independent free legal and advice service to bereaved people on inquest procedures and their rights in the coroner's courts and conducts policy, parliamentary and research work on the issues arising.

Further Information	
INQUEST	office 020 7263 1111
INQUEST website	www.inquest.org.uk
INQUEST's submission to the Restraint Review (PDF)	
Report of the independent review of the use of restraint in juvenile secure settings (PDF)	
The government's response to the Restraint Review (PDF)	
Press release on Gareth Myatt inquest verdict (PDF)	
Press release on Adam Rickwood inquest verdict (PDF)	
Press release in response to coroner's rule 43 recommendations after Gareth Myatt's inquest (PDF)	
Gareth Myatt inquest - coroner's rule 43 recommendations (PDF)	
Press release on court of appeal judgment on STC Rules change (PDF)	
INQUEST's report <i>In The Care of the State? Child Deaths in Penal Custody in England & Wales</i>	