

# Behaviour management or institutionalised repression? Children's experiences of physical restraint in custody

Felicity Shenton | Roger Smith 

Department of Sociology, Durham University, Durham, UK

## Correspondence

Roger Smith, Department of Sociology, Durham University, 30 Old Elvet, Durham DH1 3HN, UK.  
Email: roger.smith@durham.ac.uk

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## Abstract

This article reports on a study of children's experiences of being physically restrained by staff in a range of custodial settings. The research was carried out in collaboration with a team of young researchers, and generated rich and insightful accounts of children's experiences of legitimised violence in the form of 'restraint'. These lead us to reflect on whether this is a normal and justifiable feature of custody, or as oppressive and unacceptable to the extent that it represents a form of brutalisation, and an unnecessary, unjustifiable and repressive form of control, where the rights of children are routinely transgressed.

## The context: understanding 'restraint'

Imprisonment for children is inherently unsafe, with evidence of harmful and unsafe care, often resulting in high levels of self-harm, challenging behaviour and child deaths. Thirty-four children (under the age of 18) died in custody in England and Wales between 1990 and 2016 (Prisonhealth, 2017). The routine use of physical restraint as a response to challenging behaviour in child custody has frequently been called into question (Hart & Howell, 2004; Stone, 2012). It has been declared at the very least controversial, unsafe and in some cases unlawful (Gooch, 2015; Howard League, 2011).

In light of such concerns, the study reported here adopted a 'rights'-based approach to explore use of physical restraint across the Secure Estate (Local Authority Secure Children's Homes [LASCH], Secure Training Centres [STC] and Young Offender Institutions [YOI]) in England, drawing on the skills and insights of young people recruited as co-researchers (Smith, Monaghan, & Broad, 2002),

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and underpinned by a participatory methodological approach. Their contemporaneous experience makes this research almost unique. This research has sought to contribute to the evidence about children's experiences of physical restraint by developing a form of dialogical inquiry, involving children/young people, which foregrounded their perspectives on and experiences of the use of physical restraint in custody.

## **The use of physical restraint in secure settings**

The use of physical restraint on children in custody is certainly problematic, despite legal qualifications and safeguards limiting its use. It is highly controversial (British Medical Association, 2014) with evidence that it has been linked to the deaths of children in custody (House of Commons Justice Committee, 2013; INQUEST, 2015). There is evidence, too, that there are no safe 'restraint' positions (Aiken, Duxbury, Dale, & Harbison, 2011) and strong claims that the use of pain compliance is unacceptable (National Preventive Mechanism, 2013). Overall, in 2016/17, there were an average of 418 incidents per month involving the use of force by staff on young people in YOI and STC in England and Wales, at a rate of 43.1 per 100 young people in custody (Ministry of Justice, 2018). It is apparent that the use of physical restraint does not work, in terms of keeping children safe (Arthur, 2016). The Howard League (2013 reported 23 incidents of physical restraint per day across the secure estate suggesting that it is not used as a last resort when other options fail. Nor is restraint effective. Children in custody have said that they did not change their behaviour because of the threat of physical restraint (Gyateng, Moretti, May, & Turnbull, 2013); while the negative, damaging and even fatal consequences of restraint are well documented (Goldson & Coles, 2005; Howard League, 2011; Smith & Myers Bowman, 2009). Given the consistent over-representation of Black and minority ethnic boys in custodial settings, restraint practices have been highlighted as a particular problem for this group of children (Barn, Feilzer, & Hardwick, 2018).

For some, pain-inducing physical restraint of children in secure institutions is categorically wrong and should be discontinued (Willow, 2015). There is a converse argument that it can be used in a caring and supportive way that makes children feel contained, safe and in control (Smallridge & Williamson, 2008). A continuum has been proposed, extending from the unlawful and unacceptable use of adult violence against children to safe holding as a demonstration of care (Bray, Snodin, & Carter, 2014). Against this backdrop, we cannot overlook the key question of how 'restraint' is experienced. Arguments may focus on evaluating current practices to promote the safe and effective use of restraint; but its impact and known consequences should require us to recognise the validity of the question of whether it is acceptable in any circumstances.

Research concerning the use of physical restraint in custodial settings has historically been carried out by adult researchers (Hart & Howell, 2004), although there are certainly examples of research focusing on how children experience physical restraint (Morgan, 2004, 2012; Smallridge & Williamson, 2008). Children accept that restraint may sometimes be justified. However, they also complain that restraint is often chaotic, traumatic and harmful; it can trigger complex and problematic responses.

These complexities and nuances became clear during the study we discuss here.

You get what you deserve I suppose. Like if you're fighting. But when there's four of them on top of you, it sort of does your head in. Gary (16) – in custody

The use of physical restraint may appear to be 'a given' as a necessary means of managing problematic behaviour. There is an underlying justificatory assumption, drawing on the dual conceptualisation that

children are inherently irresponsible; and that some children are either at risk or pose a risk – the victim or threat dichotomy that lurks beneath the discourse around locking up children (Jenks, 1996). Here, then, there seem to be *prima facie* justifications for treating some children as being beyond control, and ‘in need’ of coercive interventions, for their own protection or that of others. What is often overlooked is the recognition that children are already citizens with human rights underpinned by national and international legislation and standards. In the under-recognition of this perspective, there has been little debate about the way that challenging situations can be managed with children in custody, in ways which preserve their rights and personal integrity (Arthur, 2016, p. 121).

The former Children's Rights Director for England (Morgan, 2004, 2012) twice investigated children's experiences of physical restraint. He reported that, frequently, the use of physical restraint was the culmination of a manageable but unmanaged situation originating some time before the event itself:

(E)ven if restraint has to be used because otherwise someone might be injured, the problem that started it off is often something quite small that was not dangerous at all. Small arguments about nothing much can build up into something dangerous enough for someone to need restraining. Morgan, 2004, p 9.

## **The research process: strategy and method**

In this study, the research strategy was underpinned by three clear objectives:

- to involve children fully in the conduct of the research in order to generate richer, more insightful and more authentic findings than might otherwise have been the case (Smith et al., 2002);
- to understand better the experiences of children subject to physical restraint by members of staff in secure establishments and
- to consider the value and potential of alternatives to physical restraint from the perspective of children and young people.

The research was led by an experienced practitioner with many years' experience of working with children in rights-based organisations. As is customary, it was also subject to detailed ethical scrutiny by the sponsoring university, which itself had very substantial prior experience of participatory research with children (Fleming and Boeck (2012)). Careful attention was paid to potential risks to the children and young people involved, with opportunities for de-briefing and additional support incorporated in the process, should they be required.

At the outset, young researchers were recruited to be part of a Children's Advisory Group (CAG). This process involved arranging a meeting in a community centre in an area of social housing that had been part of a young people-led community development project with which the lead researcher (FS) had previous involvement. A series of open meetings were then arranged which any young people who were interested could attend. A group consisting finally of five children/young people between the ages of 13 and 18 (three men and two women) became the CAG. They were recruited simply because they were young people who had a sustained interest in becoming young researchers not because they had any specific expertise relating to the justice system, or previous experiences of it. They did not know each other beforehand.

The research topic was introduced to them, and discussions took place about issues that group members raised:

- what is research?;
- rights;
- children's voice;
- breaking the law;
- the age of criminal responsibility and
- the legitimacy of punishment.

A series of meetings took place in which these subjects were explored further through discussion with the young researchers, and initial research ideas refined collaboratively with the CAG.

The voluntary nature of the group, outside any formal learning setting, or mandated activity allowed members greater responsibility for their own actions and empowered them to make an informed commitment to the project. Once the group of five permanent members gelled, they remained consistently involved throughout the research period. They effectively became the research team. Although their initial involvement was voluntary, as group members committed to the project over a period of time, they were paid for their time, and their expertise and they were given expenses.

As co-researchers, the children and FS together explored experiences of custody and physical restraint, as well as the possibility of developing alternatives. They also began to explore research methods and the ethical challenges and responsibilities of this kind of research ('what if I meet someone I know in custody?'). This proved to be both a useful learning experience and an opportunity to involve the team fully in designing and implementing the study.

Initial approaches were made to a Youth Offending Team (YOT), a LASCH and a STC; and some early approaches were made to a YOI. The YOT, LASCH and STC all indicated their willingness to participate in the research. However, each had their own internal processes for granting permissions and ethical approval. In some ways, perhaps, this may have simplified the process. The institutions' already existing safeguarding mechanisms perhaps ensured that the safety of the young researchers could be assured; and no significant problems arose on this particular aspect of the study. Eventually, though, direct access to children in a YOI proved impossible, as it required governmental (Home Office) as well as local approval, which was not forthcoming. The researcher therefore recruited these participants shortly after their release from custody. Where, young people were interviewed following release from YOI these sessions were conducted solely by the lead researcher according to the terms of the agreement reached with the Youth Offending Team which had acted as gatekeeper. While these young people were not immersed in the everyday experience of imprisonment and the use of physical restraint, they had very real and powerful recollections of scenarios in which it had taken place. In addition, the passage of time meant that they had been able to reflect on the bigger picture, looking beyond the individuals involved or the minutiae of events. Nonetheless, they appeared to accept restraint as an inevitable feature of the custodial regime.

In addition, permission was obtained for CAG members to visit their peers held in the LASCH and STC, with the adult co-researcher. We created a space called 'New Space' (drawing on the concept of 'interrupted spaces'; Bolzan and Gale, 2011) in both institutions, located in relatively neutral areas (the youth club, training room or canteen); no institutional staff were present and children could attend voluntarily, in that it was not part of the formal timetable. During 'New Space' sessions, we were able to develop and discuss issues collaboratively between the researchers and children in custody.

The CAG codelivered sessions in both the LASCH and the STC, introducing and using vignettes, which they had constructed, based on accounts from children who had recently been released from custody. The case studies were anonymised and developed into a series of five scenarios all of which resulted in the use of restraint. These vignettes were then piloted and used as a basis for conversations about children's experiences in custody and specifically their experiences about the use of physical

restraint. The co-researchers led the pilot sessions and were involved in co-delivery of the sessions with children in custody using the vignettes. Here, and subsequently, the added value of the ‘insider perspectives’ of the young researchers, as young people became very clear (Bradbury-Jones & Taylor, 2015).

The New Space sessions were documented by the lead researcher and members of the CAG and formed the basis for subsequent group discussion and analysis. It was not possible to take any video/audio equipment into the LASCH or STC for security reasons, so all of these records were hand written during sessions. As far as possible, analysis was undertaken as a collaborative exercise, with a number of ‘analytical moments’ generated, to enable the young researchers to contribute fully to this aspect of the study. After every session of data collection inside the various institutions, the CAG and lead researcher would meet to discuss the information that had been collected and to agree on common themes and issues. This process ensured that the young researchers were instrumental in helping to translate the findings and a number of broad themes emerged, as we shall see.

Overall, 111 young people participated in the research including those involved in the initial scoping work and pilots of the vignettes. Fifty-three young people in LASCH and STC took part in New Space sessions and 19 young people recently released from YOI were interviewed.

**TABLE 1** Children's everyday exposure to violence

Evidence of experiencing violence	Statistics
<b>Children as victims of crime:</b> (British Crime Survey, 2018)	1 in 10 children (aged 10–15) in England & Wales were victims of crime. 727,000 crimes are estimated to have been experienced by children aged 10–15 years. 57% were violent crimes.
<b>Domestic abuse:</b> (Women's Aid Federation of England, 2018)	20% of young people in the UK have been exposed to domestic abuse. Domestic abuse is a factor in 50% of social worker assessments of children in need, over half of serious case reviews and two thirds of child contact applications. 130,000 children live in households with high-risk domestic abuse.
<b>Safeguarding and child protection:</b> (NSPCC, 2018)	51,080 children were the subject of child protection plans (CPP) on 31st March 2017. The number of children who were subject of CPP has been increasing since 2002 and have increased by 68.6% between 2002 and 2017. The number of children becoming the subject of CPP each year has increased by 126.7%.
<b>Child homicide:</b> (NSPCC, 2018)	There were 91 homicides of children under 18 in England in 2016/17. 7.7 homicides per 1 million children under the age of 18. There were 53 deaths by assault or undetermined intent of children aged 28 days to 14 years in 2016.
<b>Sexual exploitation:</b> (Children's Commissioner for England, 2010–2011)	The Inquiry into Child Sexual Exploitation in Gangs and Groups identified 16,500 children as being at risk of child sexual exploitation.
<b>Use of Physical Restraint in Custody:</b> (Ministry of Justice, 2018)	In YOI & STC there were an average of 418 incidents per month (2016/17) 43.1 per 100 children in custody. The rate of use of force incidents was lower for White young people in custody than for young people from all other ethnic groups combined in all YOI & STC.
<b>Deaths in Custody:</b> (Figures obtained from INQUEST, February 2019)	34 children between 1990 and 2016

## Children's experiences of custody

The CAG researchers reflected on their pre-conceptions of children in custody.

They're not that much different to us really, but I wouldn't like to have to stay there and not be allowed to see my family. Zoe (14) – CAG.

As part of the general discussion the children who were locked up talked, initially, about the LASCH being like living in a 'Butlin's Holiday Camp'. There was a sense of bravado and they did not want the CAG to disapprove of them as individuals or to think they were soft or unable to cope with the regime inside. They talked about having TV's in their bedrooms, having a swimming pool and about getting take-aways on a Friday night. When we explored this in more detail and looked at the issues:

- what time they had to get up in the morning;
- how many hours' education they had to do every day;
- what time and for how long they were locked into their bedrooms every night;
- the fact that they could not have a mobile phone or access to Facebook,
- the limited contact with friends and family;

...it began to look like much less like 'Butlin's' Holiday Camp.

The CAG were very shocked to discover that some of those locked up had not in fact committed a crime and that it was possible to be in custody without being a 'criminal'. They were puzzled at the idea of being locked up, which they clearly associated with punishment, for 'your own safety'.

So you can be locked up for self-harming, that's just not fair surely? Thomas (16) – CAG.

You can get sent away, put inside when you haven't done anything wrong? Jake (15) – CAG.

The idea that the children who had been sent to LASCH were locked up with children who were 'criminals' (as they saw them) seemed, to them, to be very unfair. They could understand that sometimes children were at risk in their own communities, particularly if they were at risk of sexual exploitation from older men or from self-harm. However, they struggled with the idea that these behaviours would result in what seemed to be the same loss of liberty and privations as those who had committed assaults, burglaries or other serious crimes.

But what if they are in the same place as someone who has raped someone? That would just be wrong wouldn't it? Jake (15) – CAG.

One young person in custody stated clearly that there should be specific provision for children who were placed on welfare grounds, i.e. for their own safety and protection.

There should be separate places for welfare. Bailey (15) – in custody.

## Children's experiences of restraint

Not all the children/young people who were or had been in custody had been restrained, but they had all witnessed its use. Some had been detained in all three different types of institution, others in both

LASCH and STC and some just in LASCH. In all three settings they reported that physical restraint was used on a regular basis.

While discussing their experiences of being restrained, children often talked about things that had led up to the incident. On occasions, situations outside of the institution were identified as the trigger, such as family issues, the outcomes of court proceedings or frustrations about practitioners or service providers.

I asked and asked for mobility so that I could go and visit my mum. I knew she was in hospital and they arranged so I could speak to her on the phone but that's not the same as seeing her, you know. So I asked my key worker and she said she would ask the social worker but that was nearly two weeks ago, and then I've heard nothing. And it's like they just don't give a shit. It makes me mad, stuck in here. I just don't know what's happening and they fob you off... so eventually you just lose it and take it out on someone. Kelly (15) – in custody.

Children said that the behaviour most frequently resulting in the use of restraint was fighting. Fighting was often a result of conflict between children from different parts of the country. Neil (18), recently released from custody, had friends who had been in custody before him so this did not come as a shock.

There's fights in any jails, not everyone's going to get along with everyone. All the North East boys versus the Huddersfield, Leeds, York. There's fighting against different regions.

Several others, including John (16), who had just been released from an STC, echoed this view.

Q What starts the fights?

A It depends where you are from, like if you're from a different area then things can kick off like Scousers or all of us are from Durham or from Newcastle and then people don't get on, don't mix.

## Gender and violence in custody

Fighting was seen as normal behaviour by some, particularly fighting between boys. Vicky observed that the boys 'often' fight with each other but, she felt, it was not real fighting it was just what she described as 'boys being boys'. This gendered behaviour was accepted as a norm within the institutions in the same way that the girls' behaviour was seen to be more about verbal aggression, harassment and tormenting;

People are fighting 'cos they're just being boys. Vicky (17) - STC.

There are clearly issues here including gender stereotyping and assumptions about what constitutes 'normal' behaviour. The concept of hegemonic masculinity (Connell & Messerschmidt, 2005) may be useful, albeit it has its critics. Criminal behaviour, and violent behaviour, is seen as a resource for 'masculine validation' (Ray, 2011). Ray suggests that hegemonic masculinity may be useful in explaining

some male behaviour and the active process of 'doing gender'. Of course, it does not account crime and acts of aggression perpetrated by women. It is, nonetheless, useful to acknowledge how gender, masculinities and the politics of identity might impact on the way that children's behaviour in custody is understood.

## Uses of restraint for other reasons

In addition to fighting, restraint was reportedly used in other situations. For example, as a consequence of boredom, frustration or wanting to 'let off steam', children sometimes deliberately 'kicked off' because they gained some sense of release from the physical experience of restraint. On more than one occasion, participants described feeling physically charged and full of excess energy for which they had no outlet. They described deliberately inflaming a situation, which would ultimately lead to a 'restraint' being instigated.

You just get really wired in here. You're away from your mates and you just got too much time to think. You can only do weights for half an hour... there's not enough staff qualified so you can only do half an hour so that's not enough really to let off steam. You need to get rid of it somehow... it just starts back on the unit when someone has a pop at you. You just have a go back and that's how it all kicks off. Bailey (15) – in secure accommodation [LASCH]

Children were angry at times. This was sometimes directed at others such as their YOT workers, solicitors, parents, friends or partners. Sometimes it was self-directed and they felt angry with themselves for getting into trouble or for letting people down. Often the anger was directed at members of staff or at the institution in general. Participants often expressed anger and frustration about their treatment and the ineffectiveness of making complaints.

Neil (18) had just been released from STC where he had served 5 months. This was his first time in custody.

Using restraint, well you shouldn't be able to do that but it's just one of them things. Obviously if two people are fighting they have to break them up but it's the way they do it. There's no need for four people to jump on you and hold your head down, smash your head off the floor and there's blood everywhere and they hold you down.

Fifty screws come running onto the wing and that's why they get hit, the way that when people get twisted up it's shocking. Neil (18) – recently released (STC).

[I]f the staff don't like you and you get involved in an incident then they might not treat you the same. Say if you got put on report, say if you're put before the Governor for fighting or something like that, then the staff can give you a bad report. And even if it's a load of lies... you might get double the punishment.

They've got advocacies like Barnardo's and that but they're not in control of the prison, so if the prison doesn't want them to find out the truth then they won't... If... they'd seen some of the stuff that goes on they'd have to do something because some of the stuff just isn't right. Ian (18) – recently released (YOI).



Ian goes on to talk about staff picking on particular children, and how they create favourites who do some of their 'dirty work' for them.

You can get restrained for fighting, shouting at staff, swearing, breaking stuff, getting in their face. It happens a few times a day somewhere like \*\*\* YOI maybe 10 times a day is normal.

[S]ometimes I've seen people get their wrists broke....

STC \*\*\* staff are scared to do anything, worried about themselves getting hurt, I threw TV's and all sorts but they wouldn't get involved....

PCC [Physical Control in Care] doesn't hurt, it stops you lashing out, you only get hurt if you struggle and then it's your fault.

In \*\*\* YOI they cause pain to you and they can use it to stop disorder to maintain order not just for safety. That's fair enough in a men's jail. They shouldn't be allowed to cause pain to a child to someone under eighteen, it will just make you more angry. Ian (18) – Recently released (YOI).

Ian's analysis is complex. On the one hand, there is very little indication that he is aware that children have legal or formal rights to be treated in any other way. He clearly feels that some of the things that have happened are not acceptable and are not right. The distinction he makes between an adult and a child is interesting. He suggests that causing pain to a child under 18 should not be allowed. This is not to do with their rights but that it will make a child 'more angry'. He makes a distinction between a YOI, which he describes as a 'men's jail' and an STC.

Ian also connects the way children are treated with their behaviour. So, being called by your first name and not having to call the staff 'sir' is important. Furthermore, he sees that staff exacerbate situations by making you call them sir, or where 'they don't like you'.

Neither advocates nor the complaints process seem to offer recourse to resolving children's grievances. As with many other participants, Ian is well informed about the various techniques that are in use in the different institutions, such as Physical Control in Care (PCC) Control and Restraint (C&R); and about the use of pain inducing techniques. Ian's observation that it is normal for restraint to happen 'ten times a day 'for fighting, swearing at staff' is striking.

The way that some of these scenarios were described suggested that our participants did not necessarily disagree with the use of restraint but they did feel it had been heavy handed on occasion, or that too many staff had become involved. Even when describing quite horrific scenes there was an air of acceptance and predictability about it. Although sometimes children described being shocked at what they had seen, or having felt violated as a result of having been restrained, they were often left feeling that somehow they deserved it.

## Situations of restraint

We also tried to identify when incidents of 'restraint' were most likely to occur and whether there was any pattern to this. There were several common scenarios. One example occurred when children are required to go to bed at the agreed time (this may be 9.30 p.m.). It is not acceptable to use force to make

children go to bed. However, there are shift patterns and staff time to take into consideration and it was reported as common practice for children to react badly to being told they have to go to bed, and then staff winding them up until they are seen to be posing a physical risk such that the use of force is justifiable.

Notably, all of the children or young people who were in custody or had recently been released believed that the use of restraint was justifiable in certain circumstances. They knew that there were circumstances in which physical restraint is permitted by institutional rules, and some situations in which it is not allowed. They also talked about their own involvement and suggested that, in some ways and on some occasions, they had 'brought it on themselves'. Where children were fighting with each other restraint by staff was expected, and could even be the right thing to do.

## **A violent ethos?**

It is important to note that violence and use of restraint are firmly embedded in all aspects of the institutions studied. On arrival, children are given an information sheet to advise them about restraint procedures. Girls and female staff are not permitted to wear skirts or dresses so that their dignity is (supposedly) protected in the event of a restraint taking place. There is CCTV in all of the communal areas so that incidents can be recorded. The inevitability of restraint is pervasive.

Our respondents seemed to accept that it is just part of what happens when you are locked up.

They are trained to do it. At the end of the day they're just doing their job.

Every time I've been restrained it's been my fault for fighting.

From a group discussion with children in custody:

Some people just love getting restrained, I don't know why... I think they get a buzz out of it. Ian (18) – released (YOI).

Children talked about their experience of being restrained in other establishments, both within the secure estate but also in residential care generally; and were not surprised when they continued to be restrained in LASCH, STC or YOI.

## **When is restraint unfair?**

Participants had a clear cut-off point for situations in which they did not feel that the use of restraint was warranted. This was where it was used when someone had done nothing wrong; in situations where the wrong person was involved, i.e. where staff were unaware of who had started an incident; or when the reaction from staff was deemed to be inappropriate to the level of risk that was posed; and where staff intervene excessively.

One poor kid I saw him and he hadn't done a thing wrong, he did absolutely nothing wrong. He got smacked onto the ground, had his glasses smashed.

You get restrained for anything inside, not sitting at the right seat at dinner, two screws get hold of you. Neil (18) – Recently released (STC).

Daily acts of violence were not considered unusual in light of children's previous experiences, whether within their families, communities or other institutional settings. These findings suggest that the rights framework purportedly offered by legal protections and safeguards within the secure estate is largely illusory; children have come to view their experience of violence in custody as part of the institutional routine.

## **A better way?**

Some, however, believed that there must be a better way. Terry (17) questioned the apparent lack of interest in alternatives when children in custody are finding things difficult.

If they just let you have some space, you know just to kick off. I swear and shout when I'm aggravated and hit the walls. If they just let you be in the corridors by yourself then no one would get hurt and you would just calm down. Terry (17) – LASCH.

Custody for children is inherently unsafe (Goldson & Coles, 2005), characterised by endemic violence, bullying, racism, sexism and homophobia. There is sustained evidence of the harmful effects of incarceration (Goldson 2002a, 2002b; Lambie & Randell, 2013). Furthermore, many children who are locked up are already living with mental health issues, domestic abuse, family breakdown, learning disabilities (Justice Studios, 2014), violence (O'Neill, 2001) or communication disorders (Bryan, Freer, & Furlong, 2007); and they may have experienced significant losses in their lives (Butterby, 2018; Vaswani, 2014).

Based on this substantial body of evidence, we suggest that the use of physical restraint on children cannot easily be defended. It does not work in terms of keeping children safe or preventing harmful behaviour while it exacerbates the challenges and social harms that children have already experienced.

## **The normality of everyday violence**

It is beyond the scope of this study to explore the fuller extent of violence in childhood, but we do know that it is a way of life for some families and in some communities (See Table 1). There is significant evidence (Justice Studio, 2014) that children, and particularly the children who come to the attention of the authorities, are likely to have experienced traumatic, chaotic and violent lives.

The researchers' conversations with young people who had experienced custody prompted further consideration of violence and its place in their lives. Reflecting on what they had heard, the young researchers questioned what behaviours might be seen as 'normal or acceptable' in other institutions such as families, schools, youth clubs compared to custodial settings.

Seemingly, within the secure estate children come to believe that physical restraint is necessary and justifiable to maintain order. They even seem to agree that this may be in a child's best interests. The use of physical restraint as normal, everyday practice secures consent from a marginalised group (the children in custody) by replicating their prior experiences and expectations, and reinforcing this definition of reality, ideas and behaviour as the only possible way of seeing the world. They appear to accept that appropriate use of physical restraint is in their own interests and helps to keep them safe.

Arendt (1970) distinguishes between violence and power and maintains that power comes from the collective will and consent. Violence only comes into play when legitimate power fails. In the practice of violence, she suggests the means may overwhelm the end. She suggests that the most probable consequence of the use of violence is more violence. These propositions are clearly pertinent. If the

practice of violence in children's custody, used in the name of children's safety, simply underpins the sustained normalisation of violence, it is clearly counterproductive, both within and beyond the institution (Gooch, 2016).

The language used around the processes and procedures and the associated culture of control promote and legitimise routine use of physical restraint as supposedly 'safe' practice. Children refer to CIF's (Critical Intervention Forms) and staff talk euphemistically about 'critical incidents'. Policies, procedures and routine paperwork also refer to violent situations in euphemistic terms, creating a sense of distance from potentially harmful physical restraint/physical force, redefining it as acceptable everyday practice. It becomes a procedural rather than a physical act. It creates and sustains a feeling of inevitability about the continued routine use of restraint. Ray (2011) similarly discusses the significance of language in the genesis of violence.

Justifications of violence are learned speech acts that prepare the ground for violence and deploy wider available narratives in society.

Ray, 2011, p 88.

Goldson (2009) refers to 'euphemisms' and 'special vocabularies' applying to particular regimes and practices within child custody. In the end, what is being justified is a form of violence against children; and it is important that it is named as such.

Questions remain to be answered about why the use of restraint persists, in the face of the powerful available evidence that militates against its continued use with children.

If it is not safe, if it heightens rather than diminishes the emotions and violent behaviour of children in incarceration and adversely affects adult professionals, if it does not teach anything then why do we continue to use it? Smith & Myers Bowman, 2009, p 80.

## **The evidence for change**

A review of medical research relating to restraint-related deaths concluded that:

Young people (under the age of 20) are vulnerable to harm when restrained because of physiological immaturity. Aiken et al., 2011, p 34.

Following a review conducted by the British Medical Association (2014), there were calls for a 'fundamental culture shift in the use of force and restraint in the children's secure estate'.

According to Steckley and Kendrick (2007), following their study:

We have shown that children and young people do not reject the use of physical restraints out of hand. They recognise that in certain situations a restraint is the most appropriate intervention to ensure the safety of the young person. Steckley and Kendrick, 2007, p 20.

Wider experience suggests that we live in violent times. And as one of the most defenceless and least well-represented groups in society, it should be equally unsurprising that children are at the receiving end of or witness too much of that violence. The children who were part of this research talked about violence in their families, violence in their communities and their neighbourhoods, violence in their interpersonal relationships, violence in the schools and the Pupil Referral Unit (PRU), violence in their encounters with criminal justice agencies or in residential care homes, and violence in custody. This violence was a fact of

life. Many of the children taking part in this study reported that they had been treated violently by parents, and by professionals whose job it was to educate, care for or guide them. This included teachers, residential social workers, care workers, police officers and prison officers.

One respondent felt relieved when he came into custody. Having lived with the unpredictability of a violent family and witnessed or received violence at the hands of the police, when he was finally placed in custody he said.

It's a relief now. I know what to expect, I know how it works. Craig (16) – in custody.

Many of the children involved in this study as participants or as researchers experience and witness violence as an everyday occurrence. This observation is not new. One earlier research study investigating the health and well-being of socially excluded children (Broad & Monaghan, 2001) concluded that 80% of the children reported violence as having been significant in their lives. Many children live with domestic abuse, they live with shouting and fighting, they live in violent communities, they witness shouting and bullying in school and they experience aggression from the police. According to another study:

The adverse experiences of the majority of... young people [in secure accommodation] were severe: 51% (15) of them had witnessed and become involved in serious violence between their parents; 65% (19) reported physical abuse or ill-treatment by their parents and 50% (9) of the girls although none of the boys reported sexual abuse, rape or sexual exploitation. O'Neill, 2001, p 266.

The use of violence to control their behaviour when locked up does not necessarily come as a shock to them. Some of the children in the present study who had lived in children's homes reported that they had been restrained there; and several children who had been excluded from school had been restrained within alternative education placements. Experiencing violence and a lack of respect from adults is normal for many children. Their apparent resignation to disrespectful treatment, and threats of physical or verbal violence, is linked to systemic failures to recognise children's needs and rights when living in adverse circumstances.

## Seeking alternatives

It is possible to develop alternatives to the use of restraint and to manage potentially unsafe situations in other ways. However, there appears to be no appetite to explore these. In 2012 the Youth Justice Board introduced the MMPR (Minimising and Managing Physical Restraint) to be 'rolled out' across the Secure Estate. This re-introduced the use of previously banned pain compliant procedures in YOI and STC, and promoted the use of restraint for 'maintaining good order', which is highly problematic. The Children's Rights Alliance for England (CRAE) (2014) has called for the use of restraint for the 'maintenance of good order' to be prohibited and there have been high profile campaigns from CRAE, the Howard League and Article 39 to challenge the use of physical restraint, and the harsh regime in children's custody. However, to date these campaigns have been unsuccessful (Arthur, 2016; Cunneen, Goldson, & Russell, 2018).

## Conclusion

Children's apparent acceptance of the inevitability of physical restraint, and of restraint as a 'given' appears to be the result of a number of complex and interrelated factors:

- The lack of an explicit children's human rights framework within the secure estate;
- The manner in which it is used and not the fact that it is used. Restraint has become routinised and sanitised and is seen as a natural consequence of being in custody.
- The normalisation of restraint through its bureaucratisation, with formal procedures and paperwork; and structured training programmes that qualifies staff to use restraint as common practice, while safeguarding them from allegations of excessive use of force.
- Children's experience of violence as an everyday occurrence in their lives, aligns with the normalisation of violence in custody. Both children and staff are prepared for it. Indeed, staff appear to provoke it on occasions.
- Gender stereotyping and assumptions about what constitutes 'normal' behaviour among male and female children seems to play a part in defining acceptable behaviour and its limits, both for residents and staff.
- Children are sensitised to a wider culture of official and public 'acceptance' that there is no alternative.

While sometimes there was a sense of injustice or outrage at the use of restraint, the manner in which children had been restrained, the lack of recognition of their rights and the hegemonic culture of secure settings all create an ethos of acceptance.

For adults the acceptance of the use of restraint appears to rest on these factors, alongside additional considerations, including:

- A belief that restraint is necessary, that it is in the child's best interest and that it keeps them safe;
- Contextual assumptions that following a significant recent decline in the numbers of children in custody in England those remaining must be the most difficult to manage;
- Evidence that in some instances a culture of bullying and abuse by staff becomes the norm and.
- A lack of will to explore alternatives.

Gender issues should not be overlooked, specifically between staff and children. This is an area of practice that has not been fully explored, and indeed offers space for considering alternative ways of working with children. Mirroring the wider social context, a more sophisticated approach to the interrelationship between violence and gender in custodial settings, including connected lesbian, gay, bisexual and transgender issues, is overdue.

Nor should we underplay the importance of ethnicity, even though the children/young people who took part in the present study were white. We know that young people from black and other minority ethnic groups are over-represented in the custodial estate for young people, and we have no reason to expect that the everyday exposure of young people to violence, including staff violence, in institutions which do hold black young people are any different (see Barn et al., 2018).

We conclude that cultural change is urgently required to address the quality of the relationship between staff and children in their care. Sustained work on this aspect of the institutional treatment of children would undoubtedly improve the chances of managing challenging behaviour without the need to resort to the use of physical force.

## **A methodological footnote**

The contributions made by members of the CAG as partners in the research process were invaluable. They brought a unique and essential ingredient to this study, their contemporaneous experience

of children and childhood. They challenged initial assumptions, they made a real and sustained contribution to design and preparation, and their role in ensuring that conversations with other children in detention were meaningful and rich was fundamental to the quality of the findings. The benefits of working with children as co-researchers far outweigh the challenges. The research was messy, timescales drifted and maintaining a balance between sustaining momentum and taking control was testing for the lead researcher; and we acknowledge that there are some points in this account, where ‘academic’ insights and priorities perhaps take over, as might be expected in the process of generating this piece which itself is geared towards the requirements of the academy.

However, this project has demonstrated that children can be involved as advisors, as researchers and as participants in order to thread the voice of children throughout the work. This research thereby contributes a unique insight into the world of children who are incarcerated, leading us in the end to question the use of forms of incarceration that perpetuate the normalisation of violence in children's lives, means of either punishing or rehabilitating children.

### DATA AVAILABILITY STATEMENT:

Additional findings are reported in the Phd thesis on which this article is based, available at: <http://etheses.dur.ac.uk/11320/>

### ORCID

Roger Smith  <https://orcid.org/0000-0001-8432-4149>

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