
STATUTORY INSTRUMENTS

1988 No. 1422

The Young Offender Institution Rules 1988

PART II

INMATES

Discipline and control

Maintenance of order and discipline

41.—(1) Order and discipline shall be maintained, but with no more restriction than is required in the interests of security and well-ordered community life.

(2) In the control of inmates, officers shall seek to influence them through their own example and leadership, and to enlist their willing co-operation.

Custody outside a young offender institution

42.—(1) A person being taken to or from a young offender institution in custody shall be exposed as little as possible to public observation and proper care shall be taken to protect him from curiosity and insult.

(2) An inmate required to be taken in custody anywhere outside a young offender institution shall be kept in the custody of an officer appointed under section 3 of the Prison Act 1952⁽¹⁾ or of a police officer.

(3) An inmate required to be taken in custody to any court shall wear his own clothing or clothing different from the dress worn at any institution to which the Prison Act 1952 applies.

Search

43.—(1) Every inmate shall be searched when taken into custody by an officer, on his reception into a young offender institution and subsequently as the governor thinks necessary.

(2) An inmate shall be searched in as seemly a manner as is consistent with discovering anything concealed.

(3) No inmate shall be stripped and searched in the sight of another inmate or in the sight or presence of an officer not of the same sex.

(4) An inmate shall be searched only by an officer of the same sex.

Record and photograph

44.—(1) A personal record of each inmate shall be prepared and maintained in such manner as the Secretary of State may direct, but no part of the record shall be disclosed to any person not authorised to receive it.

(2) Every inmate may be photographed on reception and subsequently, but no copy of the photograph shall be given to any person not authorised to receive it.

Inmates' property

45.—(1) Anything, other than cash, which an inmate has at a young offender institution and which he is not allowed to retain for his own use shall be taken into the governor's custody.

(2) Any cash which an inmate has at a young offender institution shall be paid into an account under the control of the governor and the inmate shall be credited with the amount in the books of the institution.

(3) Any article belonging to an inmate which remains unclaimed for a period of more than 3 years after he is released, or dies, may be sold or otherwise disposed of; and the net proceeds of any sale shall be paid to the National Association for the Care and Resettlement of Offenders, for its general purposes.

(4) The governor may confiscate any unauthorised article found in the possession of an inmate after his reception into a young offender institution, or concealed or deposited within a young offender institution.

Removal from association

46.—(1) Where it appears desirable, for the maintenance of good order or discipline or in his own interests, that an inmate should not associate with other inmates, either generally or for particular purposes, the governor may arrange for the inmate's removal from association accordingly.

(2) An inmate shall not be removed under this rule for a period of more than 24 hours without the authority of a member of the board of visitors or of the Secretary of State. An authority given under this paragraph shall in the case of a female inmate aged 21 years or over, be for a period not exceeding one month and, in the case of any other inmate, be for a period not exceeding 14 days, but may be renewed from time to time for a like period.

(3) The governor may arrange at his discretion for such an inmate as aforesaid to resume association with other inmates, and shall do so if in any case the medical officer so advises on medical grounds.

Use of force

47.—(1) An officer in dealing with an inmate shall not use force unnecessarily and, when the application of force to an inmate is necessary, no more force than is necessary shall be used.

(2) No officer shall act deliberately in a manner calculated to provoke an inmate.

Temporary confinement

48.—(1) The governor may order an inmate who is refractory or violent to be confined temporarily in a special cell or room, but an inmate shall not be so confined as a punishment, or after he has ceased to be refractory or violent.

(2) A cell or room shall not be used for the purpose of this rule unless it has been certified by an officer of the Secretary of State (not being an officer of a 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 inmate to communicate at any time with an officer.

(3) In relation to any young offender institution, section 14(6) of the Prison Act 1952 shall have effect so as to enable the provision of special rooms instead of special cells for the temporary confinement of refractory or violent inmates.

Restraints

49.—(1) The governor may order an inmate, other than an inmate aged less than 17, to be put under restraint where this is necessary to prevent the inmate from injuring himself or others, damaging property or creating a disturbance.

(2) Notice of such an order shall be given without delay to a member of the board of visitors and to the medical officer.

(3) On receipt of the notice the medical officer shall inform the governor whether he concurs in the order. The governor shall give effect to any recommendation which the medical officer may make.

(4) An inmate shall not be kept under restraint longer than necessary, nor shall he be so kept for longer than 24 hours without a direction in writing given by a member of the board of visitors or by an officer of the Secretary of State (not being an officer of a young offender institution). Such a direction shall state the grounds for the restraint and the time during which it may continue.

(5) Particulars of every case of restraint under the foregoing provisions of this rule shall be forthwith recorded.

(6) Except as provided by this rule no inmate shall be put under restraint otherwise than for safe custody during removal, or on medical grounds by direction of the medical officer. No inmate shall be put under restraint as a punishment.

(7) Any means of restraint shall be of a pattern authorised by the Secretary of State, and shall be used in such manner and under such conditions as the Secretary of State may direct.

Offences against discipline

50. An inmate shall be guilty of an offence against discipline if he—

(1) mutinies or incites another inmate to mutiny;

(2) does gross personal violence to an officer;

(3) does gross personal violence to any person not being an officer;

(4) commits any assault;

(5) absconds from a young offender institution or from legal custody;

(6) absents himself without permission from any place where he is required to be, whether within or outside a young offender institution;

(7) has in his possession or in his cell or room any unauthorised article, or attempts to obtain such an article;

(8) delivers to or receives from any person any unauthorised article;

(9) sells or delivers to any person, without permission, anything he is allowed to have only for his own use;

(10) takes improperly or is in unauthorised possession of any article belonging to another person or to a young offender institution;

(11) wilfully damages or disfigures any part of the institution or any property not his own;

(12) makes any false and malicious allegation against an officer;

(13) treats with disrespect an officer or any person visiting a young offender institution;

(14) uses any abusive, insolent, threatening or other improper language;

(15) is indecent in language, act or gesture;

(16) repeatedly makes groundless complaints;

(17) is idle, careless or negligent at work or refuses to work;

(18) disobeys any lawful order or refuses or neglects to conform to any rule or regulation of the institution;

(19) attempts to do any of the foregoing things;

(20) in any way offends against good order and discipline; or

(21) does not return to a young offender institution when he should have returned after being temporarily released under rule 6 of these Rules, or does not comply with any condition upon which he was so released.

Disciplinary charges

51.—(1) Where an inmate is to be charged with an offence against discipline, the charge shall be laid as soon as possible.

(2) An inmate who is to be charged with an offence against discipline may be kept apart from other inmates pending adjudication.

(3) Every charge shall be inquired into, in the first instance, by the governor.

(4) Every charge shall be first inquired into not later, save in exceptional circumstances, than the next day, not being a Sunday or public holiday, after it is laid.

Rights of inmates charged

52.—(1) Where an inmate is charged with an offence against discipline, he shall be informed of the charge as soon as possible and, in any case, before the time when it is inquired into by the governor.

(2) At any inquiry into a charge against an inmate he shall be given a full opportunity of hearing what is alleged against him and of presenting his own case.

Governor's awards

53. Subject to the provisions of rules 54 and 60(i) of these Rules, the governor may make any one or more of the following awards for an offence against discipline:—

(a) caution;

(b) forfeiture for a period not exceeding 14 days of any of the privileges under rule 7 of these Rules;

(c) removal for a period not exceeding 14 days from any particular activity or activities of the young offender institution, other than education, training courses, work and physical education in accordance with rules 34, 35, 36, 37 and 38 of these Rules;

(d) extra work outside the normal working week for a period not exceeding 14 days and for not more than 2 hours on any day;

(e) stoppage of earnings for a period not exceeding 14 days;

(f) confinement to a cell or room for a period not exceeding 3 days;

(g) removal from his wing or living unit for a period not exceeding 14 days;

(h) forfeiture of remission of a period not exceeding 28 days.

Graver offences

54.—(1) Where an inmate is charged with any of the following offences against discipline:—

(a) mutiny or incitement to mutiny,

(b) doing gross personal violence to an officer or to any other person, or

(c) assaulting an officer,

the governor shall, unless he dismisses the charge, forthwith inform the Secretary of State and shall, unless otherwise directed by him, refer the charge to the board of visitors.

(2) Where an inmate is charged with any serious or repeated offence against discipline for which the awards the governor can make seem insufficient, the governor may, after investigation, refer the charge to the board of visitors.

(3) Where a charge is referred to the board of visitors under this rule, the chairman thereof shall summon a special meeting at which not more than 5 nor fewer than 2 members shall be present.

(4) The board so constituted shall inquire into the charge, and, if they find the offence proved, shall, subject to the provisions of rule 60(ii) of these Rules, make one or more of the following awards:—

- (a) caution;
- (b) forfeiture for a period not exceeding 28 days of any of the privileges under rule 7 of these Rules;
- (c) removal for a period not exceeding 28 days from any particular activity or activities of the young offender institution, other than, training courses, work, education and physical education in accordance with rules 34, 35, 36, 37 and 38 of these Rules;
- (d) extra work outside the normal working week for a period not exceeding 28 days and for not more than 2 hours on any day;
- (e) stoppage of earnings for a period not exceeding 28 days;
- (f) confinement to a cell or room for a period not exceeding 7 days;
- (g) removal from his wing or living unit for a period not exceeding 28 days;
- (h) forfeiture of remission of a period not exceeding, in the case of a charge referred to the board under paragraph (1) of this rule, 180 days, and in the case of a charge so referred under paragraph (2) of this rule, 90 days.

(5) The Secretary of State may require any charge to which this rule applies to be referred to him, instead of to the board of visitors, and in that case an officer of the Secretary of State (not being an officer of a young offender institution) shall inquire into the charge and, if he finds the offence proved, shall, subject to the provisions of rule 60(ii) of these Rules, make one or more of the awards listed in paragraph (4) of this rule.

Stoppage of earnings

55. An award of stoppage of earnings may, instead of forfeiting all an inmate's earnings for a specified period not exceeding 14, 28 or 56 days, as the case may be, be expressed so as to forfeit a proportion (not being less than one-half) of his earnings for a specified period not exceeding a correspondingly greater number of days.

Confinement to a cell or room

56.—(1) No award of confinement to a cell or room shall be made unless the medical officer has certified that the inmate is in a fit state of health to be so dealt with.

(2) No cell or room shall be used as a detention cell or room for the purpose of an award of confinement to a cell or room unless it has been certified by an officer of the Secretary of State (not being an officer of a 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 inmate to communicate at any time with an officer.

Removal from wing or living unit

57. On an award of removal from his wing or living unit, an inmate shall be accommodated in a separate part of the young offender institution under such restrictions of earnings and activities as the Secretary of State may direct.

Suspended awards

58.—(1) Subject to any directions of the Secretary of State, the power to make a disciplinary award (other than a caution) shall include power to direct that the award is not to take effect unless, during a period specified in the direction (not being more than 6 months from the date of the direction), the inmate commits another offence against discipline and a direction is given under paragraph (2) below.

(2) Where an inmate commits an offence against discipline during the period specified in a direction given under paragraph (1) above, the person or board dealing with that offence may—

- (a) direct that the suspended award shall take effect; or
- (b) reduce the period or amount of the suspended award and direct that it shall take effect as so reduced; or
- (c) vary the original direction by substituting for the period specified therein a period expiring not later than 6 months from the date of variation; or
- (d) give no direction with respect to the suspended award.

Remission and mitigation of awards

59.—(1) The Secretary of State may remit a disciplinary award or mitigate it either by reducing it or by substituting another award which is, in his opinion, less severe.

(2) Subject to any directions of the Secretary of State, the governor may remit or mitigate any award made by a governor and the board of visitors may remit or mitigate any disciplinary award.

Adult female inmates: disciplinary awards

60. In the case of a female inmate aged 21 years or over who is serving a sentence of imprisonment or who has been committed to prison for default—

- (i) rule 53 of these Rules shall not apply, and the governor may instead make any one or more of the following awards for an offence against discipline:—
 - (a) caution;
 - (b) forfeiture for a period not exceeding 28 days of any of the privileges under rule 7 of these Rules;
 - (c) removal for a period not exceeding 14 days from any particular activity or activities of the young offender institution, other than education, training courses, work and physical education in accordance with rules 34, 35, 36, 37 and 38 of these Rules;
 - (d) extra work outside the normal working week for a period not exceeding 14 days and for not more than 2 hours on any day;
 - (e) stoppage of earnings for a period not exceeding 28 days;
 - (f) confinement to a cell or room for a period not exceeding 3 days;
 - (g) forfeiture of remission of a period not exceeding 28 days;
- (ii) paragraph (4) of rule 54 of these Rules shall not apply and instead, where the board constituted in accordance with the provisions of paragraph (3) of that rule,

or an officer of the Secretary of State acting in accordance with the provisions of paragraph (5) of that rule, finds a graver offence against discipline proved, they or he shall make one or more of the following awards:–

- (a) caution;
- (b) forfeiture for any period of any of the privileges under rule 7 of these Rules;
- (c) stoppage of earnings for a period not exceeding 56 days;
- (d) confinement to a cell or room for a period not exceeding 56 days;
- (e) forfeiture of remission of a period not exceeding 180 days, except in the case of an offence of mutiny or incitement to mutiny or doing gross personal violence to an officer when an award of forfeiture of remission may be of a period exceeding 180 days.