



Ministry
of Justice

Sir Nic Dakin MP
Parliamentary Under-Secretary
of State for Justice

Helen Hayes MP, Chair
Education Committee
House of Commons
London
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Dear Helen,

USE OF PAVA IN PUBLIC SECTOR YOUNG OFFENDER INSTITUTIONS (YOIS) IN ENGLAND

I am writing to you to confirm that tomorrow (Thursday 24 April) the Lord Chancellor will confirm to parliament via a Written Ministerial Statement the department's decision to authorise the issuing of PAVA (a synthetic pepper spray) to a specially trained and selected group of staff in the three public sector YOIs (Feltham A, Werrington and Wetherby) for a 12-month period. As you know, the potential further rollout of PAVA in the youth estate has been under consideration for many months. It is right that sufficient time was taken to carefully consider all the available evidence and listen closely to a range of views on this issue. It is also imperative that we are relentlessly focused on ensuring the safety of the children and young people in custody, and the staff who work with them.

We are clear that this authorisation of PAVA is specific to use in a youth setting and therefore different from how this tactic is deployed in the adult estate where all Officers carry it. In the Children and Young People's Secure Estate, force is already only ever used as a last resort, under a separate policy from the adult estate, and subject to intense scrutiny and governance. This same rigour will apply to any and all use of PAVA, with several additional checks and balances in place, including by senior officials, ministers and an independent panel.

PAVA will only ever be authorised for use when it is necessary, proportionate and appropriate to reduce the risk of serious or life-threatening injury to a young person, their peers or member of staff. This will allow staff to respond safely and more effectively to serious incidents, such as multi-perpetrator attacks or incidents involving improvised stabbing weapons. It will potentially reduce the severity of injury and will help restore control much more quickly.

PAVA can already be used during the most serious incidents in the Children and Young People's Secure Estate, but only by tactical response officers in YOIs who are nationally based and only when authorised under the governance of a Gold Commander (or by police officers in other settings). It can typically take over an hour to deploy these officers. As altercations in YOIs arise rapidly, often with little warning, these officers can rarely, if ever, arrive on the scene in time to respond to active violence that is being experienced.

This change in policy will mean PAVA can now be drawn or deployed by local staff to take immediate action to reduce the risk of serious physical harm.

Rationale

As you know, this government inherited a crisis in our criminal justice system. This extends to the Children and Young People's Secure Estate which has seen increased levels of violence and instability in the past decade. Our hardworking staff work with young people who are in custody for serious crimes, and this situation is putting them both in danger.

There has been a welcome reduction in the overall number of children and young people in custody over the last decade (from over 1,000 under 18-year-olds a decade ago, to fewer than 450 in latest published statistics). The impact of this is that those who are in youth custody today are predominantly older teenage boys, aged 16 to 18 years of age, and over two-thirds are there for violent offences.

The levels of violence across the YOIs are unacceptable. On a weekly basis there are assaults involving young people in custody. Serious assaults can see the use of homemade weapons, including stabbing implements, against each other and our staff. According to latest published data up to Sept 2024, levels of violence remain high (new data will be published tomorrow up to Dec 2024 and reflected in communications). In July 2024, HM Inspectorate of Prisons described HMYOI Feltham A as the 'most violent prison in the country'.

Officers working in the YOIs are trained to use physical restraint at the lowest possible level that is required, however we have seen levels of violence that mean staff must place themselves at risk of considerable harm to intervene; for example, when a violent attack involves the use of a homemade weapon or when a large group of young people in custody are engaged in an assault against one other. This type of situation hampers the ability of staff to quickly intervene to protect the victim, and their ability to protect themselves from injury.

In recent months, incidents have seen staff members act as human shields to protect young people in custody from attack where the young victim has been stamped and kicked in the head by numerous assailants. This has seen young people in custody and staff sustain serious injuries including fractures, dislocations, puncture wounds and lacerations. The nature of this violence presents a high risk to life changing injury including the trauma for those experiencing this violence.

Oversight

Reaching this decision has been very difficult and I know there will be strong feelings about the use of PAVA in the YOIs, in principle and in practice. I want to assure you of the extensive oversight and scrutiny in place and I will personally be reviewing any and all use of PAVA in the youth estate. The authorisation for this policy will only be for 12-months, allowing a further review of whether to extend, vary or cease the use of the policy. Our extensive oversight includes:

- A suitability assessment and thorough training for the limited staff that will be authorised to carry and draw or discharge PAVA.
- A live evaluation will be conducted reviewing each and every incident in which PAVA is used, collecting data and evidence focused on necessary, proportionate and appropriate use of PAVA and its efficacy, considering the impact of PAVA.
- Senior officials will review every incident of PAVA being drawn or deployed when young people in custody are involved, with every use reported to the Local Authority Designated Officer. Any unnecessary or inappropriate use will be investigated in line with safeguarding policies.

- A weekly report to ministers on any serious incidents will now include PAVA, and while use is expected to be low, ministers will review incidents and all data related to the drawing and use of PAVA on a monthly basis. There will be a clear focus on any disproportionality and neurodiversity.
- The Independent Restraint Review Panel will provide oversight of every PAVA use and will include this in their report to ministers annually, which is published externally on GOV.UK
- A ministerial review of the rollout after 12 months of operation to consider whether to continue with the policy, if in doing so any changes to the policy are necessary, or whether to withdraw the tactic informed by the live evaluation and wider research.

This is not a decision we have taken lightly, but we are clear that this vital measure is needed to urgently prioritise safety in these three YOIs at this present time. I believe that failing to act will place young people in custody and staff at risk of serious harm.

This decision will bring greater stability that is essential to improving YOIs in the short to medium term, notably reducing the highest level of risk and severity of violence.

However, while this measure is necessary, it is not sufficient alone. For that reason, I commissioned the Youth Custody Service to develop improvement plans for the YOIs which are in the form of “roadmaps to effective practice”. These plans focus on preventing violence through effective behaviour management and relationships and improving safety. I expect to see an increased focus on improving access to purposeful activity including education and skills development, as well as greater time out of room for young people in custody.

We have published an independent review into placements for the small number of girls in custody, who are highly vulnerable, and have accepted the review’s recommendation to no longer place girls in YOIs, having not placed them there for several months, PAVA will therefore not be used on girls in the youth estate.

In the longer-term, we intend to move away from the current estate, based on the evidence of what works for young people in custody. We will learn from the pilot of the first ever Secure School and the operation of Secure Children’s Homes. Our work in the Children and Young People’s Estate is part of our commitment to reform the justice system so that it tackles the cycle of violence, ensures public safety, and safeguards vulnerable children and young people.

I appreciate your ongoing work with the department in furthering these aims and look forward to continuing to work with you moving forward.



SIR NIC DAKIN MP