



HM Prison &
Probation Service

Equality Analysis

Use of Pelargonic Acid Vanillylamide (PAVA) spray in the Young Offenders Institutions (YOIs), namely Feltham A, Werrington and Wetherby.

HMPPS Diversity and Inclusion Team

Equality analysis template

This Equality Analysis (EA) supports decision makers to consider our duties under:

- Equality Act (2010), in particular advancement of Equality, Section 149 the Public Sector Equality duty (PSED)
- Welsh Language (Wales) Measure 2011

As such, an equality analysis should be started at the beginning stage of any project or policy development, making sure that equality impacts are identified and taken into account early on in the decision-making stages.

We recommend referring to the equality analysis guidance document while completing this template as it provides further information and support.

Part 1: Initial information

1. General description of the product:

Name of product*:	Use of Pelargonic Acid Vanillylamide (PAVA) spray in the Young Offenders Institutions, namely Feltham A, Werrington and Wetherby.
Aims/Objectives:	Consideration is being given to a partial rollout of PAVA into the 4 public sector YOIs. This analysis is to consider the impact on Children and Young People (CYP) based on the protected characteristics, and to identify further actions required to address areas where disproportionality cannot be explained.
Outcomes:	This analysis will assess: <ul style="list-style-type: none">• Any impact on CYP and suggested actions to address.• Whether the rollout of PAVA disadvantages some CYP due to a protected characteristics and if so, what actions are required to mitigate or remove disparity.
Lead for Equality Analysis:	xxxxx, Youth Custody Service
Senior Responsible Officer (SRO):	Andy Rogers, Deputy Director of Custody, Directorate of Security
Senior Responsible Lead:	Ed Cornmell, Executive Director, Youth Custody Service

*policy, strategy, process, policy, project, workstream, activity and so on

2. What type of product is it:
(tick as necessary)

Product types	Tick all that apply
• A new or revised strategy/corporate plan/business plan	
• A new programme/project/workstream	
• Service review (including people in prison, probation, CYP in custody, staff) or budget decisions	
• A new or revised policy, process, procedure (service delivery)	
• Changes to our estate or a new building/establishment	
• Local implementation of a strategy, policy, procedure or process	X
• Commission/procurement decision (including decisions regarding third party Partners)	
• Public event	
• Other – please describe	

- Is this product new? Yes / **No** / Don't know
- Is this product revised? **Yes** / No / Don't know
- Is there a current equality analysis? Yes / **No** / not applicable
(If yes, please see the Equality Analysis guidance document)

3. Who will your product affect? (For example: people in prison, people in probation, CYP in custody, staff, the public, visitors, victims and so on)

Rationale and who will be affected.

HMPPS is committed to ensuring that YOIs protect the public as well as protecting the rights, safety, and dignity of CYP. YOIs are challenging places to live and work. Staff and CYP are increasingly exposed to threats including levels of violence.

Throughout the course of their duties, staff in under-18 YOIs may be required to use restraint, physical intervention or personal protection techniques when responding to incidents of violence. Staff are currently trained on Minimising and Managing Physical Restraint (MMPR) and use of emergency techniques which see the momentarily use of pain to prevent further/escalating harm. This is an approved syllabus designed for use on CYP.

The use of restraint, physical intervention or use of personal protection techniques (including drawing and use of PAVA) in the YOIs cannot be seen in isolation from efforts to encourage, incentivise and reward positive behaviour, but there will be times when staff will have no other option than to intervene to protect themselves or others from an attack, or an impending attack, where there is a perceived threat of immediate serious harm. This was also a consideration by Charlie Taylor in his review of the use of pain inducing techniques (PIT), where one of his core findings was that unfortunately, there are rare occasions where the risk of serious harm is so great that PITs may be required, even if these should be few and far between as a last resort. Staff and CYP in the YOIs are exposed to and have a significant risk of high-risk high-harm incidents and the potential for a loss of life or life changing injuries.

Circumstances when PAVA can be used.

Use of PAVA must be reserved for exceptional circumstances, and only ever as the last resort. The use of PAVA is governed by the same rules and law relating to the use of force. Staff considering use of PAVA must consider the four principles and make a dynamic risk assessment of the circumstances to ensure the drawing and/or use of PAVA is necessary, reasonable, and proportionate.

The use of force will be justified, and therefore lawful, only, -

- I. If it is reasonable in the circumstances
- II. If it is necessary
- III. If no more force than is necessary is used
- IV. If it is proportionate to the seriousness of the circumstances

In addition to satisfying these principles, HMPPS policy is that PAVA will only be used when exceptional circumstances apply and in accordance with training. The YCS is actively considering potential introduction / partial rollout balancing the need to protect staff and CYP with the rights and wellbeing of CYP. This approach and use of the actions outlined in this EA is to help in the building of a suitable evidence base, to then inform of decisions around PAVA roll out in the YOIs.

The legitimate use of PAVA will only be considered reasonable as a means of defence when:

- i. It is necessary for an officer to defend themselves or a third party from an attack, or an impending attack, where they perceive a threat of immediate serious harm; and
- ii. There is no other reasonable option open to the member of staff to protect themselves or another person and reduce the risk of immediate serious harm but to employ this defensive technique.

Overview of the CYPSE

The public sector YOIs form part of the wider prison estate, and as such comprise of a relatively large physical footprint holding high numbers of CYP in comparison to the more child focussed environment and reduced capacity seen in the Secure Training Centre (STC) and Secure CYP's Homes (SCHs). Published data shows that the average population of CYP in custody in the 12-month period up to the end of March 2022 was 450, with 74% in YOIs. The YOIs are made up of living and communal accommodation which generally replicate traditional prison wings and exercise yards. Despite efforts to change the environment to a more child focussed enabling environment this in part has only been achieved cosmetically or on a small scale across individual areas and requires further capital investment to provide smaller living communities where better relationships can thrive and SECURE STAIRS embedded and sustained.

Safety in the CYP and Young Peoples Secure Estate (CYPSE) continues to be a priority, with higher rates of assaults and multiple serious incidents taking place than the rest of the prison estate. The YOIs hold a proportionally older (average age 17yrs) and higher risk population overall with offences against the person the dominant offence group. IMBs reported that a small number of CYP in custody caused most of the instability, as they remained violent, habitually made and carried weapons, and were gang members. This had a damaging impact on the safety and wellbeing of other young people.

Factors which may contribute to violent behaviour by CYP in custody, include external influences (such as events around the child's trial, contact with parents, carers or friends, and threats from others); the experience of trauma (including abuse, brain injury or the experience of structural racism); and other factors or conditions such as learning or communication difficulties, mental health vulnerability, or neurodiversity. The Health & Justice CYPs

Programme Core Brief (April 2023) shows that there is an over-representation of CYP with special educational needs and with neurodisability within the CYPSE. CYP on the autistic spectrum specifically are overrepresented (7% with ASC according to NHS England CYPSE performance indicators (21/22 Q3) compared with 1-2% in the general population). In 2021 / 2022 Q3, 31% of new admissions to youth custody were assessed as having a learning difficulty or educational need. These are not clinical assessments, and do not include those with undiagnosed needs, and therefore actual levels are suspected to be much higher. Often these needs preclude CYP from benefiting from or accessing formal classroom education until they can be addressed. Furthermore, the core brief states, Over the last decade the number of CYP placed in these settings has fallen, and this has done so at different rates for CYP of different ethnicities. Statistics show that the proportion of Black CYP cautioned or sentenced has remained stable at 12% for the third successive year but is four percentage points higher than it was in the year ending March 2012 (12% compared to 8%). Boys are also overrepresented in secure settings, forming 96% of the population. This means that girls in secure settings are in a minority. Almost universally, CYP in secure settings have experienced cyclical intergenerational trauma and have had more adverse childhood experiences than their peers in the community. Though experience of trauma is not exclusive to girls, girls in secure settings do experience higher rates of self-harm and are more vulnerable to sexual exploitation.

Evidence suggests that girls placed in the CYPSE are a highly vulnerable group. Their pathways into these settings are closely linked with histories of exposure to multiple traumatic events – particularly physical and sexual abuse and ongoing victimisation in interpersonal relationships. They also have very high levels of a wide range of mental health difficulties, neurodevelopmental problems and physical health difficulties – often experiencing multiple conditions at the same time. Therefore, the needs and vulnerabilities of girls entering the CYPSE on a justice placement differ to boys most starkly in the markers of self-harm concerns (54.6% vs 19.3%) and in risk of sexual exploitation (42.9% vs 16.2%)¹.

With regard to boys, they too often experience multiple conditions at the same time with a high proportion who present high risk, high harm and high violence.

Current quantitative data suggest that girls in the YCS estate would potentially be disproportionately impacted along with black heritage CYP, those of Islamic faith and those with neurodiverse needs, if we viewed restraint figures as a guide. This notes that potentially 5 out of 9 Protected Characteristics (PCs) could be negatively impacted by the use of PAVA. To fully understand this risk and what mitigation should be implemented the information on the highlighted these PCs will be subject to ongoing review and scrutiny with further data to clearly identify any potential issue.

Use of force, physical intervention and/or use of personal protection techniques (including PAVA) should be:

- **Lawful:** must be necessary and reasonable in the circumstances, and it must be proportionate to the seriousness of the circumstances.
- **Accountable:** All Use of force, physical intervention and/or use of personal protection techniques (including PAVA) must be accurately, properly, and comprehensively reported. Individuals who misuse restraint or physical intervention are held personally accountable for their actions and monitoring at local, regional and national level is in place. All levels of the management chain should be held accountable including Governors, Managers through to operational members of staff.

¹ Khan, L, Harris, A & Sinclair, C 2021. "Out of Sight" Centre for Mental Health Out of sight | Centre for Mental Health Accessed 28th October 2021

- **Equal:** That force is not used disproportionately, and that use is subject to review, and data is collected and analysed to inform action to be taken where disproportionality has been identified.
- **Safe:** Individuals must be up-to-date with training and aware of guidance and best practice for responding to violent behaviour and ensure that any force does not result in deliberate physical, sexual or emotional abuse of CYP in their care. NHS England have considered the impact of PAVA roll out on CYP and state, *“From the limited evidence available on the use of PAVA spray in neurodiverse populations it is reasonable to conclude that autistic individuals may be differently affected by the effects of PAVA and may be slower to recover. This may also be true of other neurodiverse individuals. It is an area where more research should be done”*. This further research and evaluation will align any rollout of PAVA as a live evaluation and research approach. However, it should be noted that the risk of life changing or life ending injury resulting from a serious act of violence against a CYP or staff member in the central focus to why PAVA could be deployed.

Disproportionality within the CYPSE

The CYP in Custody Report 2019-20 highlighted that: Almost two-thirds (65%) of CYP reported that they had been physically restrained at their secure setting, and that a higher proportion of black and minority ethnic CYP reported being restrained (71%) compared to 59% of white CYP.

When different ethnic categories within the Black, Asian and Minority Ethnic group are compared, Black CYP are the only ethnic group where the restraint data is higher than the percentage of the population they equate to across the whole CYPSE, making up 27% of the population but 30% of the restraint data.

Looking at the experience in under-18 YOI, Black, Asian and Minority Ethnic CYP, represented 52% of the population but accounted for 57% of use of force incidents.

His Majesty's Inspectorate of Prisons has highlighted a rise in the use of force over the last few years and a statistically significant trend towards disproportionality in use of force practice, towards younger prisoners and Ethnic minority prisoners.

The CYP in custody 2021–22 report produced by HMIP states,

- CYP in YOIs and STCs differ substantially from CYP in the general population. They tend to be male, older, more likely to be from a black or minority ethnic background, and more likely to have been in local authority care. A large proportion report that they have health problems and 9% report having CYP of their own.
- Youth Custody Service (YCS) statistics for 2021–22 show that the majority (65%) of CYP in custody were sentenced for a violence against the person offence – a proportion that been increasing from 33% in 2015–16.
- The number of CYP in custody has been falling over the last decade, in part due to the success of diversion schemes. This has meant fewer CYP have come into contact with the criminal justice system and those that do are more likely to receive community sentences. The pandemic, and associated reductions in court activity, has accelerated this rate of reduction over the most recent two years. With this changing population of CYP in custody comes increased challenges for the establishments that care for them.
- CYP from an ethnic group other than white were more likely to experience restraint (73% compared with 54% for white CYP).
- At most sites leaders and managers were not systematically monitoring outcomes to identify discrimination, and where this did take place, it rarely led to actions to address or explain the differences in treatment.

A study by Runnymede and University of Greenwich also found that use of force had *“increased in prisons where there had been a recent increase in the number of young adults”* and that

Ethnic minority prisoners “*appeared to have experienced higher levels of UoF compared to their peers*”.

David Lammy MP has raised significant concerns over the use of force in prisons. Recommendation 25 of the Lammy Review states: “*Ensure Use of Force committees are not ethnically homogenous. Involve at least one individual e.g., IMB with explicit remit to consider interests of prisoners. There should be escalating consequences for officers found to be misusing force on more than one occasion. The approach should also apply in youth custodial settings.*” The Government has accepted these recommendations.

Public Sector Equality Duty

The Equality Act 2010 outlines that those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

There are three parts to the Public Sector Equality Duty to which the HM Prison and Probation Service has had due regard while conducting this analysis.

- Removing or minimising disadvantages suffered by CYP due to their protected characteristics.
- Taking steps to meet the needs of CYP from protected groups where these are different from the needs of other CYP.
- Encouraging CYP from protected groups to participate in activities where their participation is disproportionately low.

Governance and evaluation arrangements/intentions

The drawing and/or deployment of PAVA in the YOIs will be subject existing use of force governance arrangements. However, these will be further expanded to ensure that rigorous equality analysis and independent external oversight. The evaluation into the roll out of PAVA into the adult male estate identified that while PAVA tends to be used infrequently, it may be used in questionable circumstances, including in confined spaces and, in instances of self-harm. The evaluation also concluded that PAVA is disproportionately used towards young black men. Actions will be taken from the onset of any rollout will include consultation with CYP and staff as well as stakeholder engagement to both obtain views and raise awareness.

If PAVA was rolled out there would be the reviewing of all incidents by establishment Governors and/or Deputy Governors, alongside health, equalities and safeguarding establishment leads, with data collected and scrutinised collectively by UoF and Equalities lead. Furthermore, the HMPPS Evidence Based Practice Team (EBPT) will align a live evaluation to rollout plans.

Use of force in the YOIs is subject to robust scrutiny to ensure appropriate and proportionate use. This includes:

- Instances of use of force are reviewed,
- Strict governance procedures ensure adequate risk assessments and criteria met, and
- Action for staff if found to have been used inappropriately.

PAVA drawing and/or usage is reported within HMPPS to the National Incident Management Unit (NIMU) under national incident reporting guidance. Incidents of PAVA usage are reviewed and scrutinised. PAVA use in the YOIs would encompass this approach and form part of the review by the Independent Review of Restraints Panel (IRRP).

Collecting, reviewing and monitoring data about instances where PAVA is drawn and/or deployed, with debriefs of staff and CYP will inform of any changes to address any disproportionate outcomes.

Action planning for improvement

Initiatives to tackle violence, -

- Evidence from Runnymede and the University of Greenwich suggests that “*in a number of prisons the level of UoF appeared to have occurred in connection with serious staffing problems*”. We are investing £100 million in **front-line recruitment, with the CYPSE recognising the complexity and need for additional training to work effectively with CYP**. The prison officer role in youth custody is now a Youth Justice Specialist Worker role, which provides an insight into the trauma and Adverse Childhood Experiences (ACEs) that our cohort of CYP have experienced. Between October 2016 and September 2018, the number of Band 3 to 5 prison officers (FTE) rose from 17,955 to 22,319, a net increase of 4,364 FTE officers. We can anticipate that consistent adequate staffing will bring necessary predictability to the core day, increase levels of purposeful activity and opportunities for engaging with all aspects of the regime. Adequate staffing will also ease the potential frustrations of the core day / refine offer in that CYP’s basic needs will be better met and processes more generally can be delivered more consistently. More staff will mean more opportunity for CYP in custody and staff to build stronger relationships characterised by trust and respect.
- The **Framework for Integrated Care (SECURE STAIRS)** has been rolled out across the CYP and young people secure estate (CYPSE) in under-18 young offender institutions. Its purpose is to improve the quality of care and outcomes for CYP and young people in the CYPSE. The Framework for Integrated Care (SECURE STAIRS) provides a framework for a new way of working in the CYPSE that involves training staff to provide more developmentally attuned, psychologically informed care, which is centred around comprehensive, co-produced assessments of young people’s needs to ensure that all needs are identified.
- The **Building Bridges Framework** requires secure settings to tackle discrimination and support the child. Staff are required to model positive respectful relationships and work in ways to avoid labelling CYP. All staff should take responsibility for developing and modelling positive and respectful relationships with CYP and young people, in which they:
 - *promote relationships that are based on fairness, honesty, respect, objectivity and trustworthy interactions.*
 - *work in a way that avoids labelling young people and demonstrates a belief in their ability to change.*
 - *understand the child or young person’s context, ‘story’ and needs and not just their criminogenic factors/ offence history.*
 - *work in a collaborative way, involving and engaging CYP and young people in matters that impact on them.*
 - *work positively with challenging and potentially violent behaviour.*
- The **Custody and Support Plan (CuSP)** model is being implemented across the estate, with Youth Justice Workers engaging and supporting CYP to make progress away from violence and offending.
- The **Challenge, Support, and Intervention Plan (CSIP)** launched in November 2018 provides a case management model to help staff to manage violent prisoners and those identified as posing a raised risk of violence. The framework rolled out in the adult estate is

currently being piloted at HMYOI Cookham Wood and encourages a consistent, multi-partner response to people using aggression and violence in custody. The successful roll out in the adult estate of CSIP has resulted in an appetite within the YOIs to test the initiative.

Current position within the YOIs

- The YCS is resetting its focus on safety as the foundation to stable, decent, and supportive environments.
- Local safety strategies that reflect the local drivers of violence have been developed and include initiatives to tackle the use of weapons and resolve conflict. In sites where weapons have been particularly prominent, bespoke weapons strategies are being developed and introduced to drive improvement.
- Regimes have been reviewed to ensure that young people have the necessary and appropriate access to education, skills and work provision with a consistent daily programme of activities and that time out of room is engaging, purposeful and linked to learning, wellbeing, and family contact.
- Additional resources have been introduced to improve handling of separation, to ensure robust management and improve national and local oversight, and the introduction of a national single point of contact reviewing oversight arrangements for separation, ensuring local accountability is in place across establishments and feeding in centrally.
- Work has commenced with local and national Human Resource leaders to improve staff retention. The YCS are improving the support available for staff to ensure they are equipped with the skills required to manage an increasingly complex cohort with guided reflective practice available to all staff and dedicated coaching teams who can be deployed to provide support at individual sites.

The safety and wellbeing of all young people and adults under our care is paramount so they can turn their lives around.

Use of Force reporting and scrutiny

- A **digital Use of Force reporting tool** has improved monitoring and recording. The tool will also identify when one particular child has contributed to a rise establishment's use of force or similarly whether some staff are using force more frequently than their peers. The benefits of the tool will be felt at the data entry point, for local monitoring and response, and for national assurance and understanding of use of force across the estate.
- A **national Use of Force committee** is a forum for discussion, with outside scrutiny members invited, on how we can reduce use of force more generally, and disproportionality specifically, through intervention or improving the national training syllabus where necessary.
- **Independent Restraint Review Panel (IRRP)**
The IRRP provide advice and guidance to establishments to promote a learning culture and develop understanding of the statements below.
YCS are committed to providing a secure and decent environment in which CYP genuinely feel safe and can make positive changes to their lives, including desistance from crime. YCS recognises the importance of meeting the needs of CYP in our care through a whole systems approach in which staff are empowered and equipped with the necessary skills and training to effectively manage and support positive behaviour and engage with the behavioural impact of trauma, enabling CYP to engage in all rehabilitative opportunities thereby improving outcomes across the lifespan.

The population of CYP within the YCS increasingly present with complex needs which can often manifest in challenging behaviours. Staff members therefore require knowledge and skills to provide specialist support to CYP to engage with heightened and unfiltered emotions and de-escalate challenging behaviour. Whilst it is acknowledged that there may be some situations where it is necessary to restrain CYP to reduce the risk of harm to themselves and others, this should always be as a last resort and when all other options have been exhausted. When used, this will only be as much force as is reasonably necessary.

There is a collective responsibility for the monitoring of the use of pain-inducing techniques on CYP by His Majesty's Prison and Probation Service (HMPPS) Youth Custody Service (YCS), Youth Justice Board (YJB) and the Ministry of Justice (MoJ). This Panel has been convened to respond to Recommendation 11 in the independent review of pain-inducing techniques in the youth secure estate by Charlie Taylor (June 2020). It is acknowledged that this Panel consists of both members who are independent of the YCS, notably the Chair, but also those who work directly for the organisation and have a lead role to play in the improvement and development of practice.

Objectives

The IRRP

1. hold HMPPS directly accountable for the use of pain-inducing techniques within HMYOIs Feltham, Wetherby, Werrington, Parc and Oakhill STC. Other sites, where appropriate will be added once their teams are fully trained.
2. review a sample of incidents in which SIWS have been identified, or where a pain-inducing technique has been deployed.
3. review other incidents as requested by the Executive Director of the YCS or by the Minister for Prisons or as deemed appropriate by the Chair.
4. examine in detail at the antecedents and develop an understanding as to why the restraint happened. Helping the establishment to develop an action plan with a view to reduce the use of PIT and Restraint in general.
5. seek to ensure any associated practice or advice is inclusive and does not intentionally or unintentionally discriminate in accordance with Equalities Act 2010. The panel will consider the impact of the work on minoritized communities, especially those overrepresented in the criminal justice system.

The membership includes, as a minimum a chairperson, a restraint expert, an independent medical advisor, the Governor, the establishment Use of Force lead and a safeguarding expert from the local authority or local safeguarding partnership

PAVA Readiness Assessments

- Before a YOI can roll out PAVA establishments will need to undertake a Readiness Assessment. This includes: ensuring that all Youth Justice Workers (YJWs) are trained in motivational interviewing (as part of the Framework for Integrated Care training), all CYP have been assigned a CuSP YJW; body-worn cameras are in full use; there is effective Use of Force governance and Child Protection measures in place; and the site has sufficient NHS or NHSE commissioned health provider staff, they have given due consideration to the makeup of the population and its protected characteristics and have consulted with their health and safeguarding partners.
- Aligned to this will be a series of consultation exercises with both staff (HMPPS YCS and partners within sites and co commissioned services) and CYP to share details of the purpose and concerns regarding the initiative and help inform of roll out planning. Records of this engagement will support ongoing evaluation and scrutiny.
- The sign-off for the planned Readiness Assessments will be from a HMPPS Senior Civil Servant external to the YOI. Establishments will not be deemed ready for planned roll out if the Senior Civil Servant does not give their support if they have failed to meet the criteria outlined above.

Use of Force training, including support for Governors

- We will ensure that staff who are trained as professionals to use force are able to do so with good judgement and fairness of applicability. This forms part of the revised Managing and Minimising Physical Restraint (MMPR) package being rolled out into the YOIs. The training package addresses bias and the making of assumptions when initiating use of force.
- Governors will adopt a stronger leadership position and take responsibility for ensuring governance is effective and robust. This will include establishing mechanisms to identify and respond to ineffective practice, and to foster and institutionalise good practice.
- Prior to planned roll-out, staff will receive **PAVA training**, including on the limits on its permissible use and on the legal and guidance framework governing its use. Staff will also receive a new personal safety package called **SPEAR** (Spontaneous Protection Enabling Accelerated Response), which improves their ability to recognise external cues for violence and to de-escalate potentially volatile situations.
- In response to the Lammy Review, we are also **updating national training packages** to raise awareness among all staff of the role of a range of biases in decision making, and strategies to combat these. Furthermore, our staff are trained to better understand the child and associated behaviours which includes as a minimum the following element, -
Child and adolescent development.
Relationship based practice (promoting trust & pro-social modelling).
Rights, responsibilities, and the legal framework.
Reflective practice.
Child and young person development in the youth justice system.
Why young people offend.
Effective practice.
Multi-agency working and sharing information.
- Quality assurance and **scrutiny of incidents** is vital to challenging confirmation bias so that individuals have the space to consider how they might have done things differently. Governors will be expected to ensure that scrutiny takes place after any drawing and/or use of PAVA.

4. What information and/or equality data do you hold about them? Please name the sources of information you are **using** to help you identify any potential differential impact on different groups of people. Have you got enough data? Are there any gaps in this data?

Internal sources of information:

POLICIES

- *Use of PAVA in Public Sector Prisons*
- *PSO 1600 – Use of Force*
- *Use of Force, Restraint and Restrictive Practices in the Children and Young People Secure Estate (CYPSE)*
- *YCS framework: Building Bridges: A Positive Behaviour Framework for the CYP and Young People Secure Estate*
- *Care and Management of Individuals who are Transgender*

ADDITIONAL SOURCES OF INFORMATION

- Charlie Taylor (2020) - *A review of the use of pain-inducing techniques in the youth secure estate*
- YJB infographic (August 2020) *Exploring Racial Disparity*
- MOJ / YJB (2019) *Standards for CYP in the youth justice system*

- MOJ / YJB Briefing Note (August 2020) Working with Gypsy, Roma, Traveller CYP and young people: Effective Practice for Youth Offending Teams
- YJB / MOJ Experimental Statistics Bulletin (28th May 2020) Assessing the needs of sentenced CYP in the Youth Justice System 2018/19
- Youth Justice Board / Ministry of Justice - Youth Justice annual statistics
- HMIP (February 2021) CYP in Custody Report 2019-20
- HMIP (February 2021) What happens in a Pandemic? – A Thematic Review
- House of Commons Justice Committee (February 2021) – CYP and young People in Custody (Part 2): The Secure Youth Estate and Resettlement
- Evidence regarding PAVA spray, Dr Grant Bosworth, Evidence Based Practice Team (EBPT) HMPPS
- Consideration of the use of PAVA spray on CYP held on youth justice grounds in the CYP & Young People Secure Estate, NHS England.
- Report from Dr Ian Maconochie (Consultant in Paediatric emergency medicine at Imperial College Healthcare NHS Trust and HMPPS medical advisor)

External sources of information:

As well as literature considered in the development of this policy review the following papers were considered:

- CYP's Rights Alliance for England (December 2020) Civil Society LOIPR Submission to the UN Committee on the Rights of the Child
- CYP's Commissioner for England (December 2020) Injustice or In Justice – CYP and the Justice System
- UNICEF (October 2020) – A Rights-based Analysis of Youth Justice in the United Kingdom – Report and Recommendations
- Scottish Government (October 2020) Secure Care Pathway and Standards Scotland
- Justice Committee (Tuesday 14th July 2020) Transcript of Oral Evidence Session: CYP and young people in custody, HC306
- HMIP (7th July 2020) Report on Short Scrutiny Visits to YOIs holding CYP
- HMIP CYP and young people in custody 21-22 (January 2023)
- National Preventative Mechanism (July 2020) UK NPM Submission to the Justice Select Committee on CYP and Young People in Custody
- Day, Bateman and Pitts (April 2020) Surviving incarceration: the pathways of looked after and non-looked after CYP into, through and out of custody
- The Council of Europe (April 2020) Report to the United Kingdom Government on the visits to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (13th – 23rd May 2019)
- National Preventative Mechanism (March 2020) Monitoring Places of Detention – Tenth Annual Report of the United Kingdom's National Preventative Mechanism (1st April 2018 – 30th March 2019)
- Lorraine Khan for the Centre for Mental Health (2020) Literature Review on Girls in the CYP and young People Secure Estate (*unpublished*)
- Centre for Mental Health 2021 Out of sight | Centre for Mental Health
- Welsh Government (14th October 2019) Reducing Restrictive Practice Framework – Consultation Document
- Equality and Human Rights Commission (March 2019) – Human Rights Framework for Restraint: principles for the lawful use of physical, chemical, mechanical and coercive restrictive interventions

Part 2: Wider engagement

As well as information gathered from reports, and so on, it is best practice to also inform any decisions relating to your product by gathering the views and experiences of your stakeholders.

Stakeholders have been briefed during the evidence gathering period, where medical, legal and the adult roll out evaluation details have been sought. The consideration of PAVA rollout into the CYPSE (and specifically into the 3 YOIs) is a highly contentious issue and is likely to attract significant stakeholder and media attention. A communications handling plan has been agreed with stakeholders aware of the review and timeline. Stakeholders are already exercised and watching decisions closely.

In its response to the final report by the Independent Inquiry into Child Sexual Abuse (IICSA), the government rejected a recommendation to altogether ban the use of pain-inducing techniques in youth custody. This has been the subject of recent scrutiny, attracting Parliamentary Questions and Freedom of Information requests. It is likely that any decision to roll out PAVA will be challenged and criticised by HMIP, CYP's Commissioner, Directors of CYP's Services, Howard League or CYP's rights groups. NHS England do not support PAVA in the YOIs.

The Prison Officers Association (POA) have been advocating for PAVA.

The following lines have been sent to key stakeholders pending the decision on whether to roll PAVA into the YOIs, - *"While staff receive specialist training in minimising and managing physical restraint, we are clear that 'pain inducing techniques' should only be used on CYP in exceptional circumstances where there is no alternative to preventing the immediate risk of serious physical harm to the child, other CYP or staff. Any use of force is subject to robust scrutiny to ensure appropriate and proportionate use, including oversight by an Independent Restraint Review Panel. As you know, the adult male prison estate is rolling out the use of PAVA, a synthetic pepper incapacitant spray, as one possible intervention in a range of available options for prison officers to keep themselves and adult male prisoners safe. PAVA is not routinely deployed in the CYP's custodial estate. It can only be used by specially trained prison officers from a central support team during a serious incident. Their use of PAVA would only be authorised by the 'Gold Commander' of the incident who is a senior manager.*

We had committed to reviewing the use of PAVA in the youth estate following the completion of the rollout in the adult male estate, taking any learning from an evaluation of this rollout. The levels of violence (including against our staff) in the youth estate, a higher level than the adult estate, has led some stakeholders to call further for the rollout of PAVA to prevent the most serious violence. We have worked with specialists across HMPPS and externally to consider any additional implications of using PAVA based on age, including medical advisors and legal experts. As with any safety measure, we are carefully considering all available evidence and taking the time to make an informed decision balancing all these very complex considerations.

Senior leaders in YCS and HMPPS have considered the initial materials and evidence. We are now seeking further legal and expert advice. We are due to make a recommendation to ministers by the end of summer 2023. We do not expect to communicate any update until then at the earliest. We remain committed to working with you and welcome you sharing feedback, insight or concerns while we collate and consider all the evidence."

Details of key stakeholders briefed, -

NHS England Prison Officer's Association Prison Governor's Association NTUS YJB Howard League	IMB National Chair, Independent Monitoring Boards IAPD Chair Independent Advisory Panel on Deaths in Custody	Bridgend (for HMYOI Parc) Staffordshire (for HMYOI Werrington) Leeds (for HMYOI Wetherby and Adel Beck SCH)
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Alliance for Youth Justice England CYP's Commissioner Wales CYP's Commissioner Association of Directors of CYP's Services Association of YOT Managers Association of YOT Managers CYMRU Novus Oasis IRRP Ofsted Care Quality Commission (CQC) HMIP HM Chief Inspector of Prisons HMIP HM Chief Inspector of Probation PPO Prisons and Probation Ombudsman	Clinks (MOJ/HMPPS Third Sector Infrastructure Partner) YJB Chief Executive, Youth Justice Board NPCC Lead for Prison Intelligence National Police Chiefs Council Sheffield (for Aldine House SCH) Durham (for Aycliffe SCH) Salford (for Barton Moss SCH) Nottinghamshire (for Clayfields House SCH) Medway (Oasis Secure School) Hounslow (for HMYOI Feltham) Neath Port Talbot (for Hillside SCH) Lincolnshire (for Lincolnshire SCH) Milton Keynes (for Oakhill STC)	The Association of Safeguarding Partners NMIP Jane Boys - Secretariat Jane.Boys@hmiprisons.gov.uk ; EHRC correspondence@equalityhumanrights.com Barnardo's IICSA [via MoJ] DfE Welsh Government Safeguarding and Advocacy
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Who have you consulted with?	When?	What are their views and experiences?	Have you made any changes as a result of these?
Government Legal Department	July 23	Legal risks highlighted	Partial roll out of PAVA to support further evaluation
Evidence Based Practice Team (EBPT)	May/ June 23	Evaluation from Adult male estate rollout provided	Need for further evaluation aligned with any rollout plans
NHS England	June 23	Concerns regarding the potential impact on CYP. Also, highlighted lack of research available	Need for further research as part of the evaluation process if PAVA is rolled out.

If the decision is to roll PAVA out into the YOIs, then a series of consultation and briefing events involving stakeholders, staff and CYP will be undertaken. Such information will further inform of updates to this Equality Analysis.

Part 3: What are the implications of your decisions / approach?

Based on the data available and the views and experiences of your stakeholders, you can now consider how your decisions may impact (positively or negatively) people protected under the Equality Act 2010.

You may update this section several times as the product is developed.

The protected characteristics are listed below. We ask you to consider each but also remember that they are all interlinked – so, for example, when you are thinking about age, you may think about what you know about older women or younger LGBT+ people or CYP.

It is helpful to consider these groups more widely in relation to their socio-economic, including educational attainment, occupation, income, wealth and social deprivation.

If you have ticked to say that this is a 'Local implementation of a strategy, policy, procedure or process' a lighter touch approach may be appropriate. You may want to read through the national equality analysis and consider your local/regional data and record any specific actions for your area.

Whilst the impact on each protected characteristic is outlined separately, the following points provide a demonstration of due regard and mitigation for those that may be affected, -

- Prior experiences with the CYP posing a potential threat. Staff may have experienced and/or managed previous violence from a CYP and any known triggers for such behaviour such as mental health crisis, emotional vulnerability or intellectual disability should be considered before use wherever possible. Case formulation (completed as part of the Induction process) will inform of such risk factors and should be frequently reviewed by the CYPs support team.
- Minimising and Managing Physical Restraint (MMPR) handling plans developed by local MMPR co-ordinators will be shared as part of staff briefings by the unit Custodial Manager.
- PAVA will be introduced in an establishment only after it has passed a readiness assessment, designed to ensure that the establishment is well placed to support staff in the legitimate use of force through strong governance, training and staff support. The introduction of PAVA does not undermine wider efforts to improve safety and rehabilitation.
- Individual staff will only be permitted to be carry PAVA following individualised readiness assessments and specialist training.
- YOIs will be supported by the YCS Operations Team whilst they are preparing for and going through the process of rollout.
- The Executive and Deputy Director will seek assurance that a site has fully implemented the requirements of the readiness assessment (as outlined in the framework) with a child focussed culture based on SECURE STAIRS (YCS framework for Integrated Care); that use of force governance is assessed as adequate and robust; equalities analysis is embedded into use of force scrutiny and that a site can facilitate the planning and delivery of a training and awareness to support rollout.
- A risk assessed number of CM or MMPR Co-ordinators will be on duty daily at each site to provide access to this tactic. These managers are responsible for training or supervising the use of force in an establishment and responding to a serious incident. They have a distinct responsibility for that supports their selection however, there will still be a need for each person to be deemed competent by the Governor to carry PAVA.
- The training package will build on existing training that operational staff have received on MMPR, Exceptional Safety Measures, Child Protection, Safeguarding, Neurodiversity, Neurodevelopment and Equalities awareness.
- A robust governance approach will be developed including, all incidents of PAVA deployment will be shared with the Local Authority Designated Officer (LADO) as part of the local Child Protection referral process.
- Data will be collected and scrutinised collectively by MMPR and Equalities lead, and Governor briefed focused on disproportionality.
- The **insights and Assurance Team** (within ORRU) has dedicated resource to examine use of PAVA will examine disproportionate usage, staff behaviours and the impact on communication and relationships with CYP.

Age assessment

1. **Impact expected** (select one):
 - **negative**

- ~~positive (advancing equality of opportunity/fostering good relations)~~
- ~~neither or limited~~

2. **Impact description:** from your evidence gathering and consultation, what negative and/or positive impacts would there be and how widespread (that is: likely to affect one or two people, or a larger group).

PAVA in the YOIs applies to all CYP and young people irrespective of their age. The YOIs hold predominantly 17year olds, but also has those who remain at the YOI beyond their 18th birthday. The decision about whether to draw and or deploy PAVA determined by consideration of the risk to serious harm to the CYP or staff.

There is no specific literature on the effects of PAVA on CYP, and as such any roll out of PAVA would be aligned with a live evaluation to consider the impact and any disproportionality based on age.

3. **Actions:** are there any potential actions you may take to mitigate against any negative impact as far as reasonably possible? If not, why not?

Detailed data is already collected and published around the use of restraint or physical intervention in YOIs. Although this should already be reviewed by local settings, as well as at a national level, a further requirement is that this data should be used to determine trends in usage, monitor the effectiveness of the local use of force arrangement and to identify and take action where any disproportionate use is found.

Data from the adult male prison estate shows that the majority of PAVA usage is against males in the age range 18-20 (51%), and as such scrutiny and evaluation of all PAVA incidents in the YOIs will be undertaken.

The population of CYP within the YOIs means that they are still growing and developing. As highted by NHSE colleague, PAVA could impact neurologically and due to the age range within the sector PAVA has a greater likelihood of causing trauma that will impact the child.

Summary of actions following all drawing and/or deployment of PAVA, -

- PAVA drawing and/or usage reported within HMPPS to the National Incident Management Unit (NIMU) under national incident reporting guidance.
- Immediate aftercare will be provided.
- Medical impact will be assessed, from both a physical and mental health perspective and recorded.
- Staff and CYP will be subject to a debrief.
- Instances of use of force are reviewed by establishment Governors and/or Deputy Governors, alongside health, equalities and safeguarding establishment leads.
- Local Authority Designated Officers (LADO) will be notified of any use of PAVA.
- Data collected and scrutinised collectively by UoF and Equalities lead, and Governor briefed.
- Individual reports will be produced on CYP where PAVA is drawn and/or deployed, to review the usage and consider the impacts on the child against the protected characteristics. These will be shared with the EBPT for an ongoing live evaluation.
- Review by the Independent Review of Restraints Panel (IRRP).

Disability assessment

1. **Impact expected** (select one):

- **negative**
- ~~positive (advancing equality of opportunity/fostering good relations)~~
- ~~neither or limited~~

2. **Impact description:** from your evidence gathering and consultation, what negative and/or positive impacts would there be and how widespread (that is: likely to affect one or two people, or a larger group).

NHS England have considered the impact of PAVA roll out on CYP and state, *“From the limited evidence available on the use of PAVA spray in neurodiverse populations it is reasonable to conclude that autistic individuals may be differently affected by the effects of PAVA and may be slower to recover. This may also be true of other neurodiverse individuals. It is an area where more research should be done”*. NHSEI have highlighted that CYPSE has a disproportionately high neurodiverse population of CYP.

When PAVA is used, people often feel severe pain in their eyes, they cough a lot, find it hard to think straight and might feel a burning sensation on their skin. These are normal reactions, and the effects usually go away after about 20-40 minutes. Most people feel better within 40 minutes. Dr Ian Maconochie (Consultant in Paediatric emergency medicine at Imperial College Healthcare NHS Trust and HMPPS medical advisor) acknowledges that there is no specific literature on the use or medical effects of PAVA on CYP and supports the need for further research.

CYP in our care often have histories of abuse and exploitation and most have experienced significant trauma and adverse childhood experiences. If rolled out, the likelihood is that PAVA would be used on individuals with a significantly higher than average likelihood or trauma or mental health issues. To mitigate this the partial roll out will provide a very high threshold for use, with high level and robust assurance and governance arrangements including the debriefing of both CYP and staff. The CYP in Custody 2021-22 (published in January 2023) shows that 42% reported having health problems and 27% said they had a disability. The retraumatising impact of using PAVA (as it induces pain) must be considered. There is limited research into the impacts of PAVA on CYP, other than the physical effects on eyes, mouth & nose, respiratory tract and skin.

3. **Actions:** are there any potential actions you may take to mitigate against any negative impact as far as reasonably possible? If not, why not?

As further control measures and research is required, additional oversight and governance for this use of force will be implemented, where those affected will be assessed from both a physical and mental health impact with findings fed into live evaluation by the Evidence Based Practice Team (EBPT).

Summary of actions following all drawing and/or deployment of PAVA, -

- PAVA drawing and/or usage reported within HMPPS to the National Incident Management Unit (NIMU) under national incident reporting guidance.
- Immediate aftercare will be provided.
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- Review by the Independent Review of Restraints Panel (IRRP).

Gender Reassignment assessment

1. **Impact expected** (select one):

- ☒ negative
- ☐ positive (advancing equality of opportunity/fostering good relations)
- ☒ neither or limited

2. **Impact description:** from your evidence gathering and consultation, what negative and/or positive impacts would there be and how widespread (that is: likely to affect one or two people, or a larger group).

We do not consider that this would be affected by this change.

3. **Actions:** are there any potential actions you may take to mitigate against any negative impact as far as reasonably possible? If not, why not?

A live evaluation (aligned to the rollout planning and implementation) by the Evidence Based Practice Team (EBPT), will gather and consider the impact on PAVA and have regard to all the protected characteristics.

Marriage and Civil Partnership assessment

1. **Impact expected** (select one):

- ☒ negative
- ☐ positive (advancing equality of opportunity/fostering good relations)
- ☒ neither or limited

2. **Impact description:** from your evidence gathering and consultation, what negative and/or positive impacts would there be and how widespread (that is: likely to affect one or two people, or a larger group).

We do not consider that the rights of a child or young person aged 16 or over in the CYPSE who is legally married or in a civil partnership would be affected by this change.

3. **Actions:** are there any potential actions you may take to mitigate against any negative impact as far as reasonably possible? If not, why not?

A live evaluation (aligned to the rollout planning and implementation) by the Evidence Based Practice Team (EBPT), will gather and consider the impact on PAVA and have regard to all the protected characteristics.

Maternity and Pregnancy assessment

1. **Impact expected** (select one):
- ☒ ~~negative~~
 - ☒ ~~positive (advancing equality of opportunity/fostering good relations)~~
 - ☐ **neither or limited**
2. **Impact description:** from your evidence gathering and consultation, what negative and/or positive impacts would there be and how widespread (that is: likely to affect one or two people, or a larger group).

Females under the age of 18 can only be located within a distinct part of the YOI estate (at Wetherby). Their rights through pregnancy would not be affected by this change.

At this time there are no mother and baby units (MBUs) within the CYPSE or Young Adult estate so if a girl placed in the CYPSE is pregnant, current plans would be to make an application to an adult MBU. If it is decided that she is able to keep her baby with her after the birth, appropriate arrangements for her transition to the adult estate will be made and relevant HMPPS guidance and policy Frameworks – for example, *Pregnancy, Mother and Baby Units (MBUs)*; and *Maternal Separation from CYP up to the Age of Two in Women's Prisons* – would be followed.

However, if PAVA was to be used on a girl in our care, then this could result in disorientation and injury through accident – this could impact the baby. As such, the immediate aftercare of those who have had PAVA deployed is essential in mitigating any physical injury or potential mental stress.

3. **Actions:** are there any potential actions you may take to mitigate against any negative impact as far as reasonably possible? If not, why not?

As further control measures and research is required, additional oversight and governance for this use of force will be implemented, where those affected will be assessed from both a physical and mental health impact with findings fed into live evaluation by the Evidence Based Practice Team (EBPT).

Race assessment

1. **Impact expected** (select one):

- **negative**
- ~~positive (advancing equality of opportunity/fostering good relations)~~
- ~~neither or limited~~

2. **Impact description:** from your evidence gathering and consultation, what negative and/or positive impacts would there be and how widespread (that is: likely to affect one or two people, or a larger group).

The cohort of CYP in the YOIs is significantly more racially disproportionate compared to the population of England and Wales.

Existing governance of use of force works to prevent disproportionate use based on race or any other protected characteristic and we continue to gather accurate data on this and provide bespoke training for staff on this through Equalities Action groups.

Research on disproportionality shows:

- Ethnic minority young men face disproportional outcomes at court in comparison to Ethnic minority young females and adults. e.g. *MOJ Exploratory analysis of 10-17 year olds in the youth secure estate by black and other minority ethnic groups*.
- Ethnic minority young people are disproportionately represented within the CYP and young people's secure estate. e.g. *Lammy, D. 2017. The Lammy Review An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System*.
- Whilst the overall population of the youth estate has been decreasing, the decrease within the Ethnic minority young people is reducing at a slower rate. e.g. *MOJ Black, Asian and Minority Ethnic disproportionality in the Criminal Justice System in England and Wales*.

The evaluation into the roll out of PAVA in the male adult estate shows that 'Mixed' and 'Black/Black British' ethnicity individuals continue to experience PAVA more than others (11% and 40% of individuals impacted by PAVA incidents respectively when representing 4.91% and 12.86% of the prison population, and 5.90% and 14.00% of the incident sites' population). Individuals in the 'other ethnic group' category may also now be experiencing disproportionality.

With the requirement to collect and analyse data on the characteristics of CYP involved in instances where restraint or physical intervention is used which will provide Governors with greater insight to inform strategies to address disproportionality, with the expectation being that where disproportionality is identified immediate action is taken to address it.

The use of PAVA will further be scrutinised by Senior Leaders in YCS (outside of the establishment make up) to further consider the impact. This will include health professionals.

3. **Actions:** are there any potential actions you may take to mitigate against any negative impact as far as reasonably possible? If not, why not?

With the requirement to collect and analyse data on the characteristics of CYP involved in instances where restraint or physical intervention is used which will provide Governors with greater insight to inform strategies to address disproportionality, with the expectation being that where disproportionality is identified immediate action is taken to address it.

Summary of actions following all drawing and/or deployment of PAVA, -

- PAVA drawing and/or usage reported within HMPPS to the National Incident Management Unit (NIMU) under national incident reporting guidance.
- Immediate aftercare will be provided.
- Impact on health will be assessed, from both a physical and mental health perspective and recorded.
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- Instances of use of force are reviewed by establishment Governors and/or Deputy Governors, alongside health, equalities and safeguarding establishment leads.
- Local Authority Designated Officers (LADO) will be notified of any use of PAVA.
- Data collected and scrutinised collectively by UoF and Equalities lead, and Governor briefed.
- Individual reports will be produced on CYP where PAVA is drawn and/or deployed, to review the usage and consider the impacts on the child against the protected characteristics. These will be shared with the EBPT for an ongoing live evaluation.
- Review by the Independent Review of Restraints Panel (IRRP).

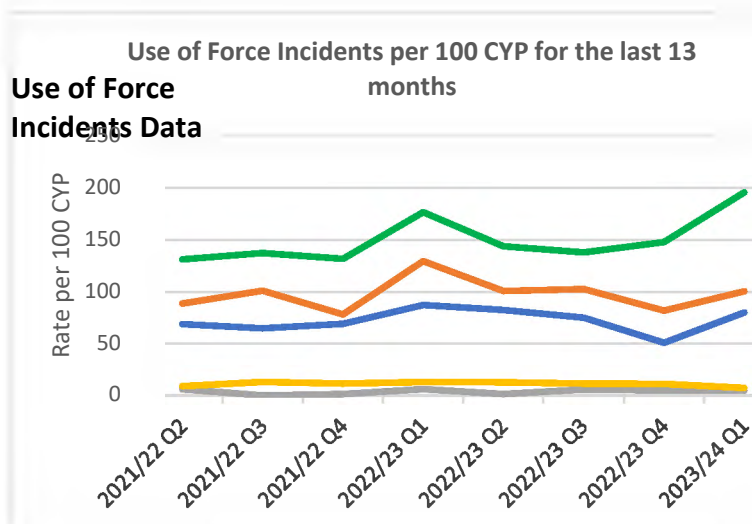
Religion and Belief assessment

1. Impact expected (select one):

- **negative**
- ~~positive (advancing equality of opportunity/fostering good relations)~~
- **neither or limited**

2. Impact description: from your evidence gathering and consultation, what negative and/or positive impacts would there be and how widespread (that is: likely to affect one or two people, or a larger group).

Data shows that CYP from the Islamic faith are disproportionately restrained. Use of force data in the YOIs for the 13 months period up to June 2023 shows, -



Use of Force Incidents per 100 CYP
by Religious Group

population). Individuals in the 'other ethnic group' category may also now be experiencing disproportionality.

With the requirement to collect and analyse data on the characteristics of CYP involved in instances where restraint or physical intervention is used which will provide Governors with greater insight to inform strategies to address disproportionality, with the expectation being that where disproportionality is identified immediate action is taken to address it.

The use of PAVA will further be scrutinised by Senior Leaders in YCS (outside of the establishment make up) to further consider the impact.

There is limited evidence about the impact of religion on the use of restraint or physical intervention, but the requirement to collect and analyse data on the characteristics of CYP involved in instances where restraint or physical intervention is used will provide Governors with greater insight to inform strategies to address all aspects of disproportionality including where this may be related to the religion or belief of the child or CYP, with the expectation being that where disproportionality is identified immediate action is taken to address it.

4. **Actions:** are there any potential actions you may take to mitigate against any negative impact as far as reasonably possible? If not, why not?

With the requirement to collect and analyse data on the characteristics of CYP involved in instances where restraint or physical intervention is used which will provide Governors with greater insight to inform strategies to address disproportionality, with the expectation being that where disproportionality is identified immediate action is taken to address it.

Summary of actions following all drawing and/or deployment of PAVA, -

- PAVA drawing and/or usage reported within HMPPS to the National Incident Management Unit (NIMU) under national incident reporting guidance.
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- Review by the Independent Review of Restraints Panel (IRRP).

Sex assessment

1. **Impact expected** (select one):
- **negative**
 - ~~positive (advancing equality of opportunity/fostering good relations)~~

●—neither or limited

2. **Impact description:** from your evidence gathering and consultation, what negative and/or positive impacts would there be and how widespread (that is: likely to affect one or two people, or a larger group).

The roll out of PAVA into the YOIs applies to both males and females.

Girls are disproportionately restrained across our estate, mainly due to self-harm. Data in the 13-month period up to June 2023 shows that the average Female population was 2.6%. The proportion of Use of Force Incidents by Female CYPs was 12.4% of the total. The high levels of need and vulnerabilities identified by the research on girls in the CYPSE suggest a link with the high levels of restraint and physical intervention which involved these girls, however more research may be needed to look at incidents in more detail to understand how they were managed and whether alternative approaches may avoid escalation.

The Centre for Mental Health's review and Leaders Unlocked's consultation with girls in the CYPSE highlighted broad differences in risk factors between genders and in the way that boys and girls responded to the CYPSE environment.

Trauma response: Staff reported exposure to trauma being similar between genders. However, trauma-related stress is then communicated differently. More often, girls communicated this through internalised behaviours such as self-harm and boys communicated this through externalised behaviours. Further, staff noted that girls presented with an ambivalent attachment style more often than boys in the CYPSE.

Group dynamics: Girls in the CYPSE talked about 'drama' and 'arguments' with other CYP, some of which might escalate and become physical. Leaders Unlocked found that overall, many of the girls they interviewed lacked access to positive techniques to let their anger out, or alternative ways to express themselves, which as a result caused some girls to 'explode'.

Emotional wellbeing: Girls that were interviewed highlighted the significant mental health impact of being in CYPSE units, which they described as often manifesting in low mood, depression or self-harm. Further, girls interviewed as part of this consultation also agreed they wanted more emotional support.

Neurodiversity: Centre for Mental Health's literature review evidence suggested that neurodiverse girls may be over-represented in secure settings and that their difficulties may be better masked than is the case with boys.

Relationships: Most staff said that girls generally needed a different type of intensive and nurturing engagement, and quality time compared to boys. The review noted that, whereas romantic relationships and adult responsibilities often act as turning points in helping boys move away from offending, studies suggest that the opposite may be true for girls. Studies identify romantic relationships as criminogenic for girls and women. However, the ability to build good relationships is a crucial life skill. Strong, positive, empowering and healthy relationships with staff were important for girls to build trust and start to repair psychological difficulties linked to past unhealthy relationships. Girls emphasised the importance of good relationships with staff; they described positive experiences when they felt listened to and supported by staff.

Complex needs: Staff reported that girls generally presented with more complex needs than boys. This was largely attributed to their higher chance of exposure to multiple

childhood adversities and to the type and prolonged nature of the victimisation experienced by girls. For example, girls in the CYPSE were more likely to be exposed to childhood sexual abuse, relational aggression and gender-based violence – abusive experiences which frequently persisted into adolescent years perpetuated through sexually exploitative interpersonal and romantic relationships – often involving older men.

Self-harm: The Centre for Mental Health’s review found that girls accounted for a greater number of self-harm incidents (relative to the population size) than boys. Stakeholders consulted noted instances of self-harm spreading among girls in units – a pattern that is also well documented in a body of academic studies focusing on girls and women’s experiences in inpatient and secure settings. The management of self-harm was found to provoke high levels of anxiety for staff dealing with girls in the CYPSE.

Distance from home: Girls in justice placements are placed further from home than boys in justice placements, which is partly due to the fewer placement options available to them. Girls are more likely to face additional challenges and inequalities, particularly in “terms of contact with key relationships in their lives and in terms of the quality of transitions”. The Centre for Mental Health’s review highlighted that distance from home hampered contact and therapeutic work with families. Family support and communication were important to girls interviewed in the CYPSE.

Disproportionality: Girls from Ethnic minority backgrounds are over-represented in the CYPSE and are more likely to end up in larger settings where there are lower staff to child ratios. There is also emerging wider academic literature relating to the ‘adultification’ of Black girls. This highlights the importance of needing to take a pro-active and acceptive approach to acknowledging the potential experiences of inequality experienced by girls from Ethnic minority backgrounds and ensuring cultural competence amongst the CYPSE workforce.

3. **Actions:** are there any potential actions you may take to mitigate against any negative impact as far as reasonably possible? If not, why not?

There is an expectation on establishments to review data on the use of restraint and physical intervention, and to take appropriate action where disproportionality exists. This includes data on sex.

Summary of actions following all drawing and/or deployment of PAVA, -

- PAVA drawing and/or usage reported within HMPPS to the National Incident Management Unit (NIMU) under national incident reporting guidance.
- Immediate aftercare will be provided.
- Medical impact will be assessed, from both a physical and mental health perspective and recorded.
- Staff and CYP will be subject to a debrief.
- Instances of use of force are reviewed by establishment Governors and/or Deputy Governors, alongside health, equalities and safeguarding establishment leads.
- Local Authority Designated Officers (LADO) will be notified of any use of PAVA.
- Data collected and scrutinised collectively by UoF and Equalities lead, and Governor briefed.
- Individual reports will be produced on CYP where PAVA is drawn and/or deployed, to review the usage and consider the impacts on the child against the protected characteristics. These will be shared with the EBPT for an ongoing live evaluation.
- Review by the Independent Review of Restraints Panel (IRRP).

Sexual Orientation assessment

1. **Impact expected** (select one):

- ~~negative~~
- ~~positive (advancing equality of opportunity/fostering good relations)~~
- **neither or limited**

2. **Impact description:** from your evidence gathering and consultation, what negative and/or positive impacts would there be and how widespread (that is: likely to affect one or two people, or a larger group).

It is assessed that this change does not affect CYP in relation to their sexual orientation.

Actions: are there any potential actions you may take to mitigate against any negative impact as far as reasonably possible? If not, why not?

There is an expectation on establishments to review data on the use of restraint or physical intervention and to take appropriate action where disproportionality exists. This includes data on Sexual Orientation.

Welsh language assessment

- How have you taken into consideration the legal duties and corporate commitments set out in the [HMPPS Welsh Language Scheme](#) when considering Welsh language speakers?
- Are there any further opportunities to promote the Welsh language?

There is no specific product resulting from this decision. All current local processes to support those who use Welsh as their first language will remain in place for all within the CYPSE.

British Sign Language assessment

The British Sign Language (BSL) Act 2022 requires recognition of BSL as a language and requires government departments to promote and facilitate its use.

- How will you meet the needs of people who use BSL as their first language?
- How can you promote and facilitate its use?

There is no specific product resulting from this decision.

Children's Rights - United Nations Convention on the Rights of the Child (UNCRC)

- **Article 2 - Non-discrimination**

- **Article 3 – The best interests of the child**
- **Article 6 – The right to life**

- How has Article 2 has been considered when considering the introduction of PAVA?

HMPPS use the Equality Analysis framework which sets out the legal duty of HMPPS to comply with the Public Sector Equality Duty, and how Equality Analysis (EA) is a tool which enables us to demonstrate compliance.

The framework states that an Equality Analysis should be completed by anyone who is developing and/or implementing a new or revised strategy/policy.

This EA has been developed and remains a live document and has due regard to Article 2.

- How the roll out of PAVA is in the best interest of the child and intends to prevent loss of life (Article 3 & 6)

The reduction in the volume of children in custody over the last decade has seen fewer younger, less serious and violent offenders being given custodial sentences. This has left a cohort of children who are predominantly male, older, have committed violent offences and are at substantial risk of committing serious harm to others.

Two-thirds in YOIs have committed offences of violence against the person in comparison to less than one third of those in the adult estate. The average age of children in YOIs is 17 years, with 17- and 18-year-olds making up over three quarters of the population.

YOIs are prisons which manage larger numbers of children and young people.

There is a specific risk from multi-perpetrator assaults- predominantly attacks on a single victim in communal and/or open areas which often do not stop until sufficient staff are in attendance to intervene and gain control.

Examples include incidents involving up to 15 individuals launching a sustained assault on a single young person, often resulting in serious injuries requiring hospital admissions. Data reflects an increasing trend in serious assaults and injuries. There are heightened risks of life changing injuries or loss of life resulting from such injuries and further action is needed to mitigate these risks.

Staff in YOIs are trained in use of force techniques through Minimising and Managing Physical Restraint (MMPR) however this is not always sufficient to allow for safe intervention in serious multi-perpetrator assaults. There has been a significant increase in incidents where local staff have not had the capability to safely respond.

PAVA rollout in YOIs would provide staff with a safe distance control measure to respond to incidents of a serious nature, sometimes with multi-perpetrator violence, as PAVA has an effective working range of up to four metres.

Equipping local staff with PAVA would enable a safe, timely intervention where staff can maintain distance whilst dealing with individuals and/or multiple assailants. This is not achievable with any other intervention.

The introduction of PAVA is not expected to reduce overall levels of violence but has the potential to reduce its severity, providing staff with a tool to protect themselves or children and young people in their care from the risk of life-changing or life-ending injury.

There have been several notable incidents where serious injury has occurred, or staff have had to place themselves at risk to prevent serious injury. Were PAVA to be available to local staff to enable a safe intervention sooner, injuries sustained may have been avoided.

Part 4: Ongoing monitoring

An equality analysis is a live document and should be revised periodically.

You do not have to complete a new equality analysis – you can complete the ‘ongoing review’ box below and noting any new data/stakeholder feedback, and so on, and agreed actions.

When and how will you review your actions? As part of a live evaluation as part of the roll out programme

How often will you monitor this Equality Analysis? As part of the live evaluation and formally at the 6 months review stage.

Please provide a summary.

Summary of monitoring arrangements with the roll out of PAVA into the 4 public sector YOIs

Local

- PAVA drawing and/or usage reported within HMPPS to the National Incident Management Unit (NIMU) under national incident reporting guidance.
- Immediate aftercare will be provided.
- Medical impact will be assessed, from both a physical and mental health perspective and recorded.
- Staff and CYP will be subject to a debrief.
- Instances of use of force are reviewed by establishment Governors and/or Deputy Governors, alongside health, equalities and safeguarding establishment leads.
- Local Authority Designated Officers (LADO) will be notified of any use of PAVA.
- Data collected and scrutinised collectively by UoF and Equalities lead, and Governor briefed.
- Individual reports will be produced on CYP where PAVA is drawn and/or deployed, to review the usage and consider the impacts on the child against the protected characteristics. These will be shared with the EBPT for an ongoing live evaluation.

National

- Incidents of PAVA usage reviewed and scrutinised.
- Review by the Independent Review of Restraints Panel (IRRP).
- Live monitoring and evaluation by EBPT.

Outcome

Collecting, reviewing and monitoring data about instances where PAVA is drawn and/or deployed, with debriefs of staff and CYP will inform of any changes to address any disproportionate outcomes.

Agreed actions / changes and date

Part 5: Sign off

This equality analysis is part of your product development. To sign off the equality analysis, please use the same sign off process you are using for your product

development.

Sign off by:	
Job role:	
Date:	