



HM Prison & Probation Service

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Dear Peter

PAVA

Thank you for your letters of 16 December and 20 January 2020 to Jo Farrar, further to your letter of 5 August and the reply from Andy Rogers on 21 November. I am sorry that this earlier response did not fully address your questions, and for the delay in providing this reply. As I mentioned to you on 28 January, I was keen to provide a comprehensive response, and this needed further support from colleagues. A significant operational incident earlier in January, and its aftermath, had prevented me giving it the necessary attention earlier.

I want to be clear that there is no unwillingness to be transparent on the issue of PAVA, and I hope this letter goes some way towards assuring you on this point.

Additionally, you are aware that we responded on the 23 December 2019 to a Freedom of Information Act Request from the Prison Reform Trust which asked for similar information.

Your original letter set out a lengthy list of specific requests for historic information about use of PAVA at the pilot sites, some of which are picked up below and some of which were answered within the 21 November letter. As you are aware the guidance for use of PAVA was reviewed and significantly revised prior to national rollout, following which there has been a significant decrease in the use of PAVA in the pilot sites. As requested in your 20 January letter, I attach a copy of the revised PAVA guidance.

As a general offer, and looking forwards, if you are willing I would welcome engagement from you or a PRT colleague with Andy Rogers in the development of a monthly PAVA data set, which would then be shared with you and other stakeholders on the Use of Force Scrutiny Panel. In any event, we intend to develop the management information that we are currently collecting into such a data report. I hope we could agree on the key data that should be collated and considered in this way on an ongoing basis.

I address below your points in the order you raised them:

Whom PAVA has been used against, and their protected characteristics

You have stated that the data provided does not refer to disability. I can confirm that the establishment returns cover disability data and to date there have been no reports of the use of PAVA on a person with a declared disability.

It is worth mentioning that we are piloting a Use of Force reporting digital tool that links directly with NOMIS (prisoner data information), making the reporting more user friendly whilst also significantly improving our ability to analyse the data.

Justification for each use

As your letter of 16 December notes, historic data was provided in anonymised form within the pilot evaluation. We will publish more recent data from the pilot sites in due course. Going forward, I hope that the development of the envisaged monthly data set will allow both of us to consider the adequacy of the information we currently capture on this and to reach an agreed position on precisely what management information is reported in future.

Outcomes of case by case reviews by Governors

As you have identified, we scrutinise the use of PAVA both locally and centrally to consider any concerning trends and the appropriateness of its use. Management enquiry follows in cases where there is a concern that the use of PAVA may be contrary to the guidance. The learning points from the initial piloting included that there were weaknesses in this process of review, linked to insufficient clarity about the circumstances in which PAVA was appropriate. This led to the revisions in the guidance and associated training.

Where a disciplinary investigation has been held, the national Safety team are notified of the outcome and ensure any relevant learning points are taken into account and disseminated to other sites. Since the revised guidance was issued and the national rollout commenced, there has been one such investigation in a pilot site concerning the use of PAVA. This resulted in advice and guidance for the member of staff and some retraining.

Proportion of staff trained in key worker and FMI

The training of staff in key worker and Five Minute Interventions are key elements of the readiness assessment developed as part of the roll out plans. This criteria did not apply to the pilot sites, and given the valuable learning we continue to gain from the pilot sites to inform the national roll out, the assessment criteria have not been applied retrospectively to them. Two pilot sites were 'signed off' for key work delivery in December 2019, and two continue to work towards it.

Assessments carried out on the effectiveness of use of force governance

The readiness assessment includes criteria to check that Use of Force governance processes are in place, and where it is required support is put in place to help meet this criteria. In addition to this, and ahead of formal go live status being agreed by the SRO, the PGD and prison Governor of each site outline the approach to governance, including how they monitor use of force at a senior level and related diversity and inclusion data, to give a level of surety to the SRO.

Once the establishment has been given approval to 'go live' by the SRO, the responsibility for managing the use of force governance rests with the local operational line and they are responsible for ensuring that this is maintained. Assurance activity also takes place outside the establishment at the Prison Group level, and outside the operational line by the Agency's Operational Systems and Assurance Group. We are strengthening this assurance activity in light of learning from the pilot sites.

The proportion of nursing posts filled

We currently do not hold this information centrally but I have asked the SRO to engage with health partners to gather this information.

MQPL data

MQPL data will undoubtedly be helpful in the longer term in contributing to the evidence about the impact of PAVA's introduction. However, the current frequency of the MQPL process does not lend itself to being part of the readiness assessment, or to making 'pre and post PAVA' comparisons in the short to medium term.

Other surveys

The readiness assessment covers issues of engagement and governance, thereby including the issue of the representation of prisoners' interests.

Engagement has been through a combination of different approaches including staff meetings, engagement with prisoner councils, a range of staff and prisoner focus groups and formal correspondence to staff and prisoners. We know that by having an open approach to engagement it gives a procedurally just implementation and I would agree that this is important to use of force governance overall.

Andy Rogers will be in touch again soon to arrange further follow up conversations with you personally and with your colleagues at PRT.

Yours sincerely,

A handwritten signature in black ink that reads "P. Copple". The signature is written in a cursive, slightly slanted style.

PHIL COPPLE

Director General for Prisons