

Lucy Frazer QC MP
Ministry of Justice
102 Petty France
London
SW1H 9AJ

1st July 2020

Dear Minister

PAVA

Thank you for your letter of 30 June.

You invite me to be reassured by the guidance and training that has been produced and by the scrutiny that has been put in place at senior levels in HMPPS. A difficulty I have in accepting that reassurance is that there is no evidence that the guidance is being followed and a good deal of evidence that it is not, just as it was not during the original pilot. Despite many requests, I have yet to be given any data from the central scrutiny which has been repeatedly prayed in aid. But I have read inspection reports and most recently the very detailed report of the Council of Europe Committee for the Prevention of Torture, which show repeated and serious shortcomings in the governance of use of force, including the use of PAVA.

You also stress your commitment to implementing the recommendations from the Lammy report, and direct me to the department's published update. But you will know that the first published update utterly misrepresented the views of the External Advice and Scrutiny Panel (EASP) specifically on the adequacy of the department's measures to prevent discrimination in relation to PAVA. And whilst I understand the need to take some decisions quickly and without consultation during the response to Covid-19, the decision to roll out to all prisons was taken not merely without consultation, but secretly and without any justification offered until it was specifically requested.

That all means that trust on this issue is in short supply. It would be improved if you could share some specific outcomes of the central scrutiny on which you are relying. In particular, it would be helpful if you could make available:

- The public health advice to which you referred in your letter (as distinct from what HMPPS has put in its guidance as a response)
- Statistics from the central oversight of PAVA on:
 - The breakdown of deployment and use by protected characteristics, including disability, and by prison
 - The breakdown nationally and by prison of justification for use

- The number of occasions on which central scrutiny has resulted in a concern being identified and raised with local management in the way your letter describes
- The outcome of those challenges
- The number of complaints received about PAVA use locally, and their outcome
- The number of investigations commissioned and completed following PAVA use
- The outcome of those investigations
- The proportion of staff who have undertaken mandatory training in unconscious bias

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Dawson', written in a cursive style.

Peter Dawson
Director
Prison Reform Trust