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Rt Hon Shabana Mahmood MP

Minister of State, Ministry of Justice

102 Petty France

London

SW1H 9AJ

24 April 2025

Dear Shabana Mahmood MP

**Re: Use of pelargonic acid vanillylamide (PAVA) in Young Offender Institutes**

The British Association of Social Workers (BASW) is the professional association for social work in the UK with offices in England, Northern Ireland, Scotland and Wales. With over 22,000 members we exist to promote the best possible social work services for all people who may need them, while also securing the well-being of social workers working in all health and social care settings.

We refer to a response to our [letter dated 16/10/23](https://basw.co.uk/sites/default/files/2023-10/BASW%20England%20Criminal%20Justice%20group%20draft%20statement%20for%20urgent%20Government%20action%20to%20prevent%20crises%20in%20the%20childrens%20secure%20estate%20-%20Oct%2023%20-%20WR%20version%20v2.docx), responded to by your predecessor Rt Hon Edward Argar MP on [18/12/23](https://basw.co.uk/sites/default/files/2024-01/ADR109825%20Wayne%20Reid%20-%20BASW%20-%20Use%20of%20PAVA%20in%20the%20Youth%20Estate.pdf). Further to the [Government announcement today](https://questions-statements.parliament.uk/written-statements/detail/2025-04-24/hcws599) to authorise the use of PAVA in Young Offender institutes (YOI’s), we would welcome an urgent meeting to discuss our concerns and the integral role of social workers within the context of youth justice and safeguarding.

Whilst we acknowledge this is a complex issue; we request a full review of use of PAVA and stopping the deployment of PAVA within YOI’s as a matter or priority. We are committed to working in partnership with your department and stakeholders to explore a holistic young person-centred approach. We advocate for an approach which recognises young people’s protected characteristics and special educational needs and disability (SEND) and ensures that safety and safeguarding is core at all times. We are committed to supporting and implementing policy and practice that safeguards young people and provides a framework for enabling them to become productive members of our society. We trust that the recent announcement of the [full review of all arm’s length bodies (ALBs)](https://www.gov.uk/government/news/hundreds-of-quangos-to-be-examined-for-potential-closure-as-government-takes-back-control) will bring closer working alliances to frontline services to improve outcomes for children/young people and we request to be updated on the progress of the review. Also, we acknowledge and support the recent [joint statement from the Alliance for Youth Justice](https://www.ayj.org.uk/news-content/pava-joint-statement), which echoes our concerns.

The Prisons Project Evaluation [Report](https://prisonreformtrust.org.uk/wp-content/uploads/2022/02/2018.11.20-Rory-Stewart-to-PD-PAVA-with-evaluation.pdf) in 2017 clearly outlined the fact that violence was not reduced and whilst staff may feel more confident using PAVA it was confirmed in 2023 by the [Prison Reform Trust report](https://prisonreformtrust.org.uk/category/pava/) that the disproportionate use of PAVA on Black, Black British and Muslim prisoners has been firmly established and normalised. This is of a major concern for the youth estate where the [Youth Justice Statistics for 2023-2024](https://www.gov.uk/government/statistics/youth-justice-statistics-2023-to-2024/youth-justice-statistics-2023-to-2024#children-in-youth-custody) confirm that Black children in custody has decreased. However, they continue to be over-represented as a quarter of all children in custody. In addition, the issue of holding children with adults is still taking place, confirmed in the [November 2024 Youth Custody Report](https://www.gov.uk/government/publications/youth-custody-data), where it is confirmed that 118 adults at 18-years and older are in custody with children. This is a continuous breach of the [United Nation Convention on the Rights of the Child Article 37](https://www.unicef.org.uk/wp-content/uploads/2019/10/UNCRC_summary-1_1.pdf). This situation stems from the continuation of the over-subscribed adult prison crisis and has nothing to do with the needs of the children/young people – who are being continually being overlooked and not prioritised. These outcomes also has correlations with a recently published report from [The Child Safeguarding Reviewing Panel - ‘It’s Silent: Race, racism and safeguarding children’.](https://assets.publishing.service.gov.uk/media/67cb0a9d5993d41513a45c5b/Race_Racism_Safeguarding_March_2025.pdf)

End Child Imprisonment (a coalition of leading charities) clearly evidences in their report ‘[Why child imprisonment is beyond reform](https://article39.org.uk/wp-content/uploads/2024/08/Why-child-imprisonment-is-beyond-reform.-A-review-of-the-evidence-August-2024.pdf)’, that children must be kept safe with appropriate relationships managed and supported, with minimum 30 hours of education a week and any restraint only ever being used as a last resort. This young person-centered focus aligns with Dame Rachel de Souza, the Children’s Commissioners ‘[Big Ambition’](https://www.childrenscommissioner.gov.uk/the-big-ambition/#downloads) report, which highlights the importance of taking a “holistic and preventative approach to children’s health and wellbeing”.

It is positive, that Susannah Hancock’s independent review has resulted in [girls being immediately removed from youth offender institutions](https://www.gov.uk/government/news/government-no-longer-places-girls-in-young-offender-institutions). However, the short and long-term offer of person-centred support to vulnerable young people (often from disadvantaged backgrounds) is not explicit or accessible in today’s announcement.

Education services remain inadequate for young people in custodial settings as highlighted in reports from the [Howard League](https://howardleague.org/wp-content/uploads/2022/06/Education-inside-penal-detention-FINAL-2.pdf) and [HMIP/Ofsted](https://www.gov.uk/government/publications/thematic-review-of-the-quality-of-education-in-young-offender-institutions-yois/a-decade-of-declining-quality-of-education-in-young-offender-institutions-the-systemic-shortcomings-that-fail-children). The decline of education in YOI’s, reduced time outside of cells, restricted socialisation and lack of meaningful rehabilitation for young people raises serious concerns. Over two-thirds of children/young people in custody have SEND, many of which are mislabelled, unrecognised and unmet. The failure to provide adequate educational support is a missed opportunity for rehabilitation and reintegration into society. Furthermore, this significantly restricts their future potential and prospects for employment and training opportunities, which is detrimental to the young person and society.

Finally, the issue of [adultification bias](https://hmiprobation.justiceinspectorates.gov.uk/document/adultification-bias-within-child-protection-and-safeguarding/) remains a strong concern. The criminal justice system continues to routinely treat [Black and Global Majority](https://dictionary.cambridge.org/us/dictionary/english/global-majority#google_vignette) children/young people as older than their actual age, which leads to harsher punishments and diminished safeguarding considerations. This is clearly evidenced in the public domain from multiple reputable sources (some are outlined above). The Government’s initiatives to tackle racism in the youth justice system are a step forward, but much more needs to be done to embed accountability; implement improve safeguarding standards; provide meaningful rehabilitation; eliminate bias and ensure that all children/young people are treated fairly.

We would welcome the opportunity to meet with you to discuss the steps and actions needed to develop reforms that improve youth justice outcomes. This includes (in no particular order):

* Ensuring the safety and dignity of children/young people by reducing the use of force and eliminating the use of PAVA spray.
* Workforce training and professional development (including working with children/young people with complex needs including SEND and implementing non-physical de-escalation techniques).
* Establishing clarity over the new strategy for girls being removed from custody, ensuring they are placed in appropriate and person-centred facilities.
* Improving education and rehabilitation opportunities within custody to provide meaningful learning and employment skills, particularly for children/young people with SEND.
* Addressing racial and gender disparities within the youth justice system, including tackling adultification bias and the disproportionate representation of Black and Global Majority children/young people in custody. Clear recommendations are made in the report from The Child Safeguarding Reviewing Panel - ‘It’s Silent: Race, racism and safeguarding children’.
* Phasing out Young Offender Institutions and Secure Training Centres in favour of smaller, integrated care settings that address children/young people’s wellbeing, best interests, safety, mental health and rehabilitation needs.

Children/young people in the youth justice system deserve equal care, support and opportunities and they also deserve more than the threat and/or deployment of PAVA spray. We hope that these concerns are taken seriously and that urgent steps are taken to create a system that prioritises rehabilitation, education and well-being over punishment and control.

We hope this feedback is helpful and received in the constructive spirit with which it is intended.

For further information please contact:

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