**PAVA in Youth Custody: A Human Rights Concern?**

Summary of findings from MA Social Work Dissertation – May 2024
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**Abstract:**

* Despite a reduction in the number of children detained in custody there are calls to UK government from the Prison Officers Association (POA) to **roll-out PAVA (Pelargonic Acid Vanillylamide),** a synthetic pepper spray, within the youth estate to manage the “unprecedented” levels of violence (Prison Officers Association, 2023).
* This research explores the potential for PAVA’s introduction to further violate children’s human rights, particularly **Article 3 of the Human Rights Act (1998)** and **Article 37 of UN Convention on the Rights of a Child (UNCRC)**.
* It investigates both the **psychological and physical impact of using PAVA** on some of the **most vulnerable children within our society**, whilst reflecting on the **wider culture** currently plaguing Young Offender Institutions (YOIs), before posing alternatives to the use of a registered firearm. (Firearms Act 1968)
* The study gathers **candid insights from social workers experienced within Youth Justice**. They share their valued perspectives on how **PAVA would likely further exacerbate trauma, strain relationships** between staff and children, **whilst reinforcing violence as a means to have their needs met and undermine rehabilitation efforts**.

**Methods:**

The researcher adopted a **constructionist ontology**, which acknowledges reality to be socially constructed. It also follows an **interpretivist epistemology** in exploring the Human Rights implications of PAVA.

Prior to commencement **ethical approval** was received from the **University of** **Essex Ethics Committee** ensuring the integrity of the project, anonymity and informed consent.

Following this **surveys and interviews** were conducted with **seven social workers** affiliated with the **Criminal Justice Thematic Group at the British Association of Social workers (BASW).**

Their input generated both **qualitative and quantitative** data, in which **thematic analysis** was used to identify the emergent themes which included: **Human Rights violations, trauma staff apprehension and relationships**.

Limitations of the study are attributed to the **small sample** size of participants, **lack of direct input from those within the youth estate**, and **limitations of existing research on PAVA’s psychological impact on children**.

**Analysis:**

* This study **challenged the POA’s justification** for PAVA’s introduction, whilst highlighting how **the proposal contradicts the child-centred and trauma-informed approaches** adopted in the wider Youth Justice System.
* Contradictions emerged relating to:
	+ The **POA’s claims YOIs are unsafe** yet **Governmental reports reflect only a slight increase in the violence** since pre-pandemic levels.
	+ The review of **PAVA in the adult estate showed it failed to reduce violence** within this setting.
	+ At a time when the **UK is considering PAVA’s introduction** the **USA are condemning the use of OC (Oleoresin Capsicum) Spray as ‘inhumane’** (Venhuizen, 2024).

**Findings:**

Research findings suggest that **PAVA’s introduction reinforces punishment rather than addressing the underlying causes resulting in the violence** being seen, **contradicting the core aims of rehabilitation of children in custody**.

Human Rights:

* **100% of participants** **believed PAVA would violate children’s Human’s Right’s**, describing its use as ***“violent act”*** proposed against the ***“nation's most harmed children”.***
* Detained **children** are currently facing rights violations, due to the **overuse of solitary confinement, inconsistent access to education** and **unsafe living conditions** that PAVA would only exacerbate.
* Participants feared **PAVA would be disproportionately used** against overrepresented groups including those of the **global majority** as seen in the adult estate, as well as those with **learning needs, disabilities, and neurodiversity.**

Culture in YOI’s:

* **YOI’s operate reactively** and have **failed to embed the trauma-informed care** they are entrusted to deliver.
* Further evidenced by the **inappropriate language** used when referring to detained children ***(“violent young thugs”)*** which reflects the **punitive attitudes** of senior union officials **that undermine rehabilitative efforts**.
* The level of v**iolence seen within YOI’s has resulted in serious injuries being inflicted** and **children wearing layers of clothing** or **arming themselves in preparation for physical assaults**.
* The apparent **staffing crisis** resulting in **50% of officer leaving the service within 3 years** and the **inconsistency** this creates when **fostering relationships between staff and children.**

Impact of Pava:

* PAVA was described as a ***“ultimate punishment”***, with one individual **drawing parallels with shooting someone as a form of de-escalation**.
* Another felt its use was **likely to increase the risk of hypervigilance, self-harm, or violent reactions from children, thus increasing risks for all**.
* PAVA’s use is **likely to deepen mistrust** and **further hinder relationship building** creating **another barrier to effective and sustained rehabilitation**.
* The **psychological and physical effects of PAVA’s use on children remains largely untested** in both the immediate and longer term, likely due to associated **ethical concerns**.

Alternatives:

* Fully **embedding existing trauma-informed care approaches** like **SECURE STAIRS** to **rebuild relationships between staff and children**.
* Prioritisation of **staff training focused on therapeutic interventions over punitive measures.**
* Expanding **community based interventions** such as the **London Accommodation Pathfinder** **(LAP)** as an alternative to detention where possible (Local Government Association, 2023)
* Rethinking the current **custodial model** and consideration to **development of earlier intervention and prevention**.

**Conclusions:**

* The project confirmed that **introducing PAVA would exacerbate existing human rights violations for detained children**. They have already encountered mass amounts of **trauma, isolation, violence and systematic failures** and PAVA would further **erode trust, hinder relationships and reinforce violence as a punitive control**.
* Alternative approaches including, full implementation of **SECURE STAIRS, trauma-informed care, and co-production** have been proven **effective in reducing violence, improving relationships and subsequent outcomes for all** (Atkinson, S. et al, 2023)
* As such **instead of using a firearm to re-instate order** **solutions must be focused on improving leadership, training and retention of staff.**

**Recommendations:**

* **Reconsideration of PAVA Implementation:** Advocating against the rollout of PAVA in YOIs as an advanced de-escalation technique unless preceded by comprehensive, long-term research on the psychological impact on children's mental health as well as their physical health.
* **Management and Leadership Reviews:** Urgent evaluations of management and senior leadership within YOIs addressing concerns regarding staff retention and retainment with the implantation of effective multidisciplinary, child-centred practices.
* **Trauma-Informed Training:** Comprehensive training for all personnel within YOIs, emphasising the humanisation of these children in custody and the creation of therapeutic environments free from fear.
* **Diversionary Measures:** Where feasible, explore alternatives to youth detention, such as provisions outlined in the LAP programme.

**References**

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