



**The Professional Trades Union for Prison,  
Correctional & Secure Psychiatric Workers**

**National Chair:** Mark Fairhurst  
**General Secretary:** Steve Gillan

**Headquarters:**  
Cronin House  
245 Church St.  
Edmonton  
London N9 9HW  
t. 020 8803 0255  
f. 020 8803 1761  
e. [general@poauk.org.uk](mailto:general@poauk.org.uk)  
w. [www.poauk.org.uk](http://www.poauk.org.uk)

**North Regional Office**  
1 Linden House  
Sardinia St.  
Leeds  
LS10 1BH  
t. 01132 428833  
f. 01132 429075  
e. [adminnro@poauk.org.uk](mailto:adminnro@poauk.org.uk)

**Northern Ireland**  
Castell House  
116 Ballywalter Rd.  
Millisle Co Down  
BT22 2HS  
t. 02891 861928  
f. 02891 861839  
e. [adminni@poauk.org.uk](mailto:adminni@poauk.org.uk)

**Scotland**  
21 Calder Rd.  
Edinburgh  
Scotland  
EH11 3 PF  
t. 0131 443 8105  
f. 0131 444 0657  
e. [adminscot@poauk.org.uk](mailto:adminscot@poauk.org.uk)

**POA Circular 001/2020**

Action	Information
England/Wales	England/Wales <input checked="" type="checkbox"/>
Scotland	Scotland <input checked="" type="checkbox"/>
Northern Ireland	Northern Ireland <input checked="" type="checkbox"/>
Special Hospitals	Special Hospitals <input checked="" type="checkbox"/>
Private Sector	Private Sector <input checked="" type="checkbox"/>
IRC	IRC <input checked="" type="checkbox"/>

13th January 2020

Dear Colleagues

**STAFF SAFETY**

The past few weeks has seen a rise in extreme violence against staff throughout the prison estate. We have seen disturbances at Berwyn, Feltham, Holme House and Deerbolt. The violence culminated in a terrorist attack on staff at Whitemoor on 9<sup>th</sup> January 2020 followed by an unprovoked attack on staff at Bristol on 10<sup>th</sup> January 2020.

I want to assure you that the NEC are doing everything we can to ensure you work in a safe environment and get issued with the appropriate personal protective equipment without delay.

We have liaised with the Committee at Whitemoor and they are content with the continued support we are giving them and are satisfied with the response from their Governor in addressing how to employ safe working practices moving forward.

We are currently in the process of liaising with the committee at Bristol to ensure they are fully supported.

We continue to offer our colleagues our full support whether they are in the POA or not.

I would remind you that we have a legally binding agreement which enables you to work safely within your Prisons. I would encourage you to digest the contents of this agreement and liaise with your local POA Committees if you have concerns about your safety within your establishment.

Together we will make our Prisons safe.

If any of you wish your area NEC representative to visit and address you please forward a request to me ([nc@poauk.org.uk](mailto:nc@poauk.org.uk)) and I will arrange for them to attend.

I include in this Circular a letter I have forwarded to Robert Buckland Secretary of State for Justice, a letter I have sent to Phil Copple, Director General Public Sector Prisons and a copy of our legally enforceable agreement.

If anybody has any concerns or issues, they wish to discuss with myself my contact details are included.

On behalf of the NEC.

Unity is strength.

**MARK FAIRHURST**  
**National Chair**

ENCLOSURE



## The Professional Trades Union for Prison, Correctional & Secure Psychiatric Workers

**National Chair:** Mark Fairhurst  
**General Secretary:** Steve Gillan

**Headquarters:**  
Cronin House  
245 Church St.  
Edmonton  
London N9 9HW  
t. 020 8803 0255  
f. 020 8803 1761  
e. [general@poauk.org.uk](mailto:general@poauk.org.uk)  
w. [www.poauk.org.uk](http://www.poauk.org.uk)

**North Regional Office**  
1 Linden House  
Sardinia St.  
Leeds  
LS10 1BH

t. 01132 428833  
f. 01132 429075  
e. [adminnro@poauk.org.uk](mailto:adminnro@poauk.org.uk)

**Northern Ireland**  
Castell House  
116 Ballywalter Rd.  
Millisle Co Down  
BT22 2HS

t. 02891 861928  
f. 02891 861839  
e. [adminni@poauk.org.uk](mailto:adminni@poauk.org.uk)

**Scotland**  
21 Calder Rd.  
Edinburgh  
Scotland  
EH11 3 PF

t. 0131 443 8105  
f. 0131 444 0657  
e. [adminscot@poauk.org.uk](mailto:adminscot@poauk.org.uk)

**Our Ref: IR-655 -20 – MF**

13<sup>th</sup> January 2020

Dear Secretary of State

### **PROTECTION OF PRISON OFFICERS**

I am writing to you on behalf of all frontline Prison Officers who feel unsupported, unappreciated and demoralised by the lack of action from both Government and the hierarchy within HMPPS.

Over the past few weeks we have seen many serious incidents in our Prisons including major disturbances at HMP Berwyn, Feltham, Holme House and Deerbolt, culminating in a terrorist attack on Prison Officers at HMP Whitemoor on 9<sup>th</sup> January 2020, followed by serious assaults on Prison Officers at HMP Bristol on 10<sup>th</sup> January 2020.

The attacks on staff at Whitemoor and Bristol included the use of bladed weapons and caused life changing injuries to those involved. If brave colleagues had not intervened, we could well have been deliberating over the murder of a Prison Officer on duty.

On behalf of all frontline Prison Officers I demand action.

None of the Prisons that experienced violence have been issued with PAVA. This is due to the reluctance of yourself and HMPPS Directors to scrap the criteria placed upon Prisons prior to the roll out. The rehearsed argument centres around a potential Judicial Review if the criteria were abandoned. However, I would argue that we have enough empirical and statistical evidence to justify the immediate roll out of PAVA, SPEAR training and Rigid Bar Handcuffs as a matter of urgency.

I would also state that if a similar terrorist attack had occurred on the streets of a major city, we would not have to argue that we need fit for purpose protective equipment without delay.

Prison Officers have a right to be protected at work and we desperately need the protective equipment your Government assured staff would be issued with as far back as October 2018.

The POA should not have to rely on a legally binding agreement to ensure the health and safety of staff within our Prisons is upheld; this should be an automatic responsibility of our employer.

I will not accept any more excuses or justifications for the delayed roll out of this vital protective equipment and I urge you to meet with me at your earliest convenience to discuss these important issues and formulate a timetable for the immediate roll out in all of our Prisons.

We also have a perfect opportunity to commission an independent review of personal protective equipment for frontline Prison Officers throughout the entire Prison Estate including the roll out of PAVA in juvenile, female and open establishments. Stab proof vests and the tactical use of taser is also a resource that frontline staff now need.

This is an opportunity to review how we manage violent and extremist prisoners. It is clear that the measures we presently adopt are ineffective and unfit for purpose. In order to progress a rehabilitative culture, we first need order, control and discipline at once within our establishments.

Staff must be supported when dealing with violence and should not be in fear of using protective techniques due to overzealous investigations.

Decent and productive Prisons will appear once you empower staff to challenge violent and anti-social behaviour without fear of consequences. The training of Prison Officers also needs to be addressed. It is not part of any mandatory training that staff are guided on how to spot signs of extremism or radicalisation, yet we know it exists across the entire estate.

Whilst I welcome the extra investment in security measures and the recruitment of additional staff, we need to ensure that we provide a safe workplace, adequate protective equipment, fit for purpose training and support mechanisms in place that include aiding the mental health of staff.

I encourage you to work with the POA in ensuring our Prison system is inhabited by staff who feel valued and safe, and who are confident that they possess the correct resources to combat violence, whilst ensuring that prisoners make constructive use of their time and violent offenders are appropriately dealt with both by the judiciary and robust management within our jails.

I look forward to discussing these issues with you and on behalf of all frontline Prison Officers insist that we are given the protective equipment we have been promised without delay.

Yours sincerely



**MARK FAIRHURST**  
National Chair

**Sent via email to; [secofstate@justice.gov.uk](mailto:secofstate@justice.gov.uk)**

Rt Honourable Robert Buckland MP QC  
Lord Chancellor and Secretary of State for Justice  
102 Petty France  
London  
SW1H 9AJ



## The Professional Trades Union for Prison, Correctional & Secure Psychiatric Workers

**National Chair:** Mark Fairhurst  
**General Secretary:** Steve Gillan

**Headquarters:**  
Cronin House  
245 Church St.  
Edmonton  
London N9 9HW  
t. 020 8803 0255  
f. 020 8803 1761  
e. [general@poauk.org.uk](mailto:general@poauk.org.uk)  
w. [www.poauk.org.uk](http://www.poauk.org.uk)

**North Regional Office**  
1 Linden House  
Sardinia St.  
Leeds  
LS10 1BH

t. 01132 428833  
f. 01132 429075  
e. [adminnro@poauk.org.uk](mailto:adminnro@poauk.org.uk)

**Northern Ireland**  
Castell House  
116 Ballywalter Rd.  
Millisle Co Down  
BT22 2HS

t. 02891 861928  
f. 02891 861839  
e. [adminni@poauk.org.uk](mailto:adminni@poauk.org.uk)

**Scotland**  
21 Calder Rd.  
Edinburgh  
Scotland  
EH11 3 PF

t. 0131 443 8105  
f. 0131 444 0657  
e. [adminsct@poauk.org.uk](mailto:adminsct@poauk.org.uk)

**Our Ref: IR/654/20/MF**

13<sup>th</sup> January 2020

Dear Phil

### **ROLL OUT OF PAVA**

On 9<sup>th</sup> October 2018 the Prisons Minister, Rory Stewart, announced that he had decided to allocate £2m to enable the national rollout of PAVA spray to all Prison Officers in the closed adult male estate following a six-month trial in four Prisons between January and June 2018. This announcement was made in the context of an inexorable rise in violence across much of the Prison Estate. This rise includes an increase in severity as well as volume of violent incidents, with both prisoners and staff as victims. It coincides with many Prisons absorbing a very significant loss of experienced staff and an influx of newly trained staff, with an associated loss of confidence overall. The announcement by Rory Stewart stated that Prison Officers would get the spray “to help keep them safe and maintain order”, and it was “a crucial step to help reduce serious harm”. He also stated that deployment would only be in “limited circumstances when there is serious violence or an imminent risk of it taking place, and where its deployment will reduce the risk of serious injury”.

Regarding safeguards planned for the nationwide rollout the Minister referred to Use of Force Committees having to be ethnically diverse and having at least one person (he suggested an IMB member) explicitly focused on the care of prisoners. He mentioned guidance for Governors on effective governance of use of force and that specific Prisons are receiving targeted support. He made it clear that public sector Governors will have no discretion over the deployment of PAVA to all officers and it will only be used in exceptional circumstances where a member of staff is faced with serious violence, or the perceived threat of serious violence. In relation to the international human rights implications of the rollout decision, the Minister assured interested parties that other countries use PAVA in their Prisons and that he was advised that his policy is human rights compliant.

Following, the announcement, the national roll-out was delayed by a legal challenge. HMPPS then announced changes to how the chemical could be used, including a requirement for Prisons to monitor how often the spray is fired at disabled and BAME inmates. The claimant then agreed to end their legal challenge in light of the proposed changes.

EHRC Chief Executive Rebecca Hilsenrath said:

*"We are pleased that the Ministry of Justice has recognised the need to take action to prevent the spray being used disproportionately on ethnic minority and disabled prisoners and strengthened guidance that it must be a tool of last resort".*

*"We hope these changes will help to ensure that officers can protect themselves in a way that doesn't jeopardise the fundamental rights of others".*

Additionally, the claimant's solicitor, Clare Hayes of Deighton Pierce Glynn, said she hoped *"greater scrutiny will be brought to bear on incidents where PAVA is drawn on or discharged against a prisoner"*.

*The POA had no problems with this greater scrutiny and I have personally commented "Prison Officers have always had to justify the use of force and it is only ever deployed as a last resort"*.

HMPPS submitted a Notice of Change for the Introduction of PAVA to closed adult male establishments. This Notice stated that the Pilot Study's findings were broadly in line with the expectations drawn from international research findings and the experience of operational use in other jurisdictions. Following consideration of the evaluation report on the pilot phase, a HMPPS operational decision was made to move to wider rollout.

HMPPS stated that the case and evidence for roll-out are strong in relation to adult male prisoners and PAVA provides greater capability to staff to intervene to stop serious violence when it is threatened or underway. The Notice stated that roll-out would begin in January 2019.

However, they also stated that Prisons would have to complete training of keyworkers and implement the keyworker element of the Offender Management in Custody model prior to roll-out. HMPPS stated that completion of key worker training will not delay the rollout of PAVA as a number of closed adult male Prisons will be ready to commence implementation in January and this number would increase significantly during 2019. The POA did not agree with this as when the initial announcement was made and subsequently during the Legal challenge there was never any mention of this being a requirement for the roll-out of PAVA which essentially is Personal Protective Equipment.

The POA never had any objections to reviewing operational policy and procedures which would set a clear and high threshold for use of PAVA in order to avoid disproportionate or unnecessary force. Nor did we have any objections to authorised use where there is serious violence or

reasonably perceived to be an imminent risk of it, and there is an immediate necessity to stop the violence or remove the threat of it, in order to reduce the risk of serious injury or worse. The POA further acknowledged that PAVA is not intended to replace relationship-based methods of conflict resolution nor Control & Restraint in most incidents when the use of force is necessary.

The POA welcomed personalised training of those equipped to use PAVA, and an improved collation of data for all Use of Force. They also acknowledged that Officers would have to justify their use of PAVA as they do with any use of force and where it was deemed inappropriate disciplinary actions would be considered.

Recent occurrences in Prisons have highlighted the need for Prison Officers to be issued with PAVA without the need for their Prison to be Keyworker and OMiC compliant. These have included incidents where staff have been seriously injured and have involved terrorist attacks. In your letter of 8<sup>th</sup> November 2019, you stated that you had sought legal advice about the potential impact of changing HMPPS roll-out approach and the vulnerability to further legal challenges.

Whilst acknowledging that Key Worker Implementation and Readiness Assessments have reduced the risk of legal challenge (I fail to understand why) I believe that you now have very good reasons to justify a change in the policy at this stage because of the increased and serious violence that Prison Officers are facing and you should roll-out PAVA with immediate effect. We are only asking for the Keywork and Readiness Assessments to be removed from the criteria for roll-out. We are not asking for assurance checks etc. to be removed. We believe that this is a justifiable legally defensible reason due to the increased violence.

You state that HMPPS would be vulnerable to challenge and litigation should a change in policy occur. I can assure you that you will also be vulnerable to challenge and litigation should a change in policy not occur. For too long our members have been treated like punchbags. We will not stand by and allow our members to be stabbed or slashed with a threat of death.

As you are aware HMPPS and the POA recently agreed a protocol in relation to Health and Safety concerns. A number of our members in a number of establishments have sought advice from the POA in relation to their rights and obligations in relation to their Health and Safety, increased violence and the lack of Personal Protection Equipment i.e. PAVA. A number of Officers in a number of establishments believe these issues make it unsafe for them to enter a Prison or particular part of a Prison and/or to undertake any particular activity or set of activities within a Prison.

I am aware that POA officers and/or officials may provide advice and provided they go no further than advice that HMPPS will not regard the provision of such advice as an inducement to take industrial action or to commit a breach of discipline for the purposes of Section 127 of the Criminal Justice and Public Order Act 1994: However, before I advise my members I would be grateful if you could supply me with a response to my request at the earliest opportunity.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Fairhurst', with a long horizontal stroke extending to the right.

**MARK FAIRHURST**  
National Chair

**Sent via email to;** [DirectorGeneralPrisons@justice.gov.uk](mailto:DirectorGeneralPrisons@justice.gov.uk)

Phil Copple  
Director General of Prisons



**The Professional Trades Union for Prison,  
Correctional & Secure Psychiatric Workers**

National Chair: Mark Fairhurst  
General Secretary: Steve Gillan

Headquarters:  
CronIn House  
245 Church St.  
Edmonton  
London N9 9HW  
t. 020 8803 0255  
f. 020 8803 1761  
e. general@poauk.org.uk  
w. www.poa.uk.org.uk

**North Regional Office**  
1 Linden House  
Sardinia St.  
Leeds  
LS10 1BH  
t. 01132 428333  
f. 01132 429075  
e. admin1ro@poauk.org.uk

**Northern Ireland**  
Castell House  
116 Ballywalter Rd.  
Millisle Co Down  
BT22 2HS  
t. 02891 861928  
f. 02891 861839  
e. admin1ni@poauk.org.uk

**Scotland**  
21 Calder Rd.  
Edinburgh  
Scotland  
EH11 3PF  
t. 0131 443 8105  
f. 0131 444 0657  
e. adminscot@poauk.org.uk

**PROTOCOL WHERE STAFF ARE CONCERNED FOR THEIR  
HEALTH & SAFETY**

This protocol applies in any circumstances where any Prison Officer or group of Prison Officers seek advice from the POA about their rights and obligations in circumstances where they believe that entering a prison and/or undertaking any particular activity or set of activities within a prison would place them at unreasonable risk of harm.

In such circumstances, POA officers or officials may only provide the following information and advice:

***What are your rights if you fear for your health and safety?***

*Whilst you are required to obey all lawful and reasonable instructions, you also have a duty to take reasonable care for your own safety and that of others.*

*You cannot be obliged to do something which will place you at an unreasonable risk of harm. You are therefore entitled to refuse to work if you are not in fact being provided with a reasonably safe working environment.*

***What duties are your employer's duties?***

*Your employer must provide you with a reasonably safe place and system of work.*

*Your employer must not subject you to any detriment (including disciplinary proceedings) or dismiss you if you have removed yourself to a place of safety in circumstances where you reasonably believed that your safety was at serious and imminent risk.*

***What can the POA do for you?***

*Branch officials will pass on concerns communicated to it, to the prison management.*

*We are prohibited by law from inducing or encouraging you to take part in any industrial action and will not do so.*

***Next Steps***

*You must make your own assessment. Neither the POA nor I can tell you what course of action you should take.*

Thereafter, POA officers or officials may communicate the concerns of Prison Officers to the prison management and may attempt to facilitate resolution and agreement in relation to the management of those concerns.

However, POA officers and officials must not at any stage advise, encourage or otherwise induce Prison Officers to take any particular course of action.