



# **Guide for inspectors**

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# 1. Operating context

**1.1** Successive Chief Inspectors have summarised the Inspectorate's purpose as follows:

*'We ensure independent inspection of places of detention, report on conditions and treatment and promote positive outcomes for those detained and the public.'*

**1.2** This statement of purpose derives from HM Chief Inspector of Prisons' legislative powers and duties and the UK's obligations arising from its status as a party to the Optional Protocol to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

## Legislation

**1.3** HM Chief Inspector of Prisons' responsibilities are set out in section 5A of the Prison Act 1952 as amended by section 57 of the Criminal Justice Act 1982. They are to:

- inspect or arrange for the inspection of prisons and young offender institutions in England and Wales and report to the Secretary of State on the results
- in particular, report to the Secretary of State on the treatment of prisoners and conditions in prisons
- report on matters connected with prisons in England and Wales and prisoners in them referred to him by the Secretary of State
- submit an annual report to be laid before Parliament.

**1.4** Section 46 (1) of The Immigration, Asylum and Nationality Act 2006 extended the Chief Inspector's remit to immigration detention centres, short-term immigration holding facilities and escort arrangements throughout the UK.

**1.5** The Police and Justice Act 2006 section 28 added to the 1952 Act by setting out the Chief Inspector's further powers and duties to cooperate and consult with other criminal justice Inspectorates and other bodies. They are to:

- delegate any of his functions to another public authority
- prepare an inspection programme and inspection framework on which the Secretary of State and other specified bodies must be consulted (this does not prevent the Chief Inspector from making visits without notice)
- ensure inspections by other bodies do not place an unreasonable burden on organisations within his remit
- cooperate with other Inspectorates and other public authorities where it is appropriate to do so for the efficient and effective discharge of his functions
- act jointly with other public authorities where it is appropriate to do so for the efficient and effective discharge of his functions
- acting jointly with other criminal justice inspectors, prepare a joint inspection programme on which the Secretary of State and other specified bodies must be consulted
- provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.

The relevant Secretaries of State and the Attorney General may specify the form the inspection programme or inspection frameworks are to take.

- 1.6** As part of the joint inspection programme with other criminal justice Inspectorates, the Chief Inspector of Prisons jointly inspects police custody with HM Chief Inspector of Constabulary.
- 1.7** The Public Bodies Act 2011 enabled Ministers to abolish HM Inspectorate of Court Administration (HMICA) and transfer its powers to another body. By order of The Public Bodies (Abolition of Courts Boards, Her Majesty's Inspectorate of Courts Administration and Public Guardian Board) Order 2012, HM Inspectorate of Prisons was given powers to inspect court custody.
- 1.8** HM Inspectorate of Prisons jointly inspects Secure Training Centres (STCs) with Ofsted.
- 1.9** By invitation, HM Chief Inspector of Prisons also carries out inspection of military detention facilities including the Military Corrective Training Centre and Service Custody Facilities in the UK, prisons in Northern Ireland (on behalf of Criminal Justice Inspection Northern Ireland (CJINI)), prisons on the Isle of Man and Channel Islands and some other overseas prisons in jurisdictions with links to the UK.

## OPCAT

- 1.10** The UK is a party to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in December 2003. OPCAT is an international human rights treaty designed to strengthen the protection of persons deprived of their liberty. Acknowledging that such persons are particularly vulnerable to ill-treatment and believing that efforts to end ill-treatment should focus on prevention, OPCAT provides for a system of international and national visits to all places of detention. At a national level, OPCAT requires state parties to:

*'set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture, inhuman or degrading treatment or punishment... These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment'.*

- 1.11** These visiting bodies are known as the National Preventative Mechanism (NPM). Unusually, the UK has designated 20 bodies as its NPM. HM Inspectorate of Prisons coordinates the UK NPM.

- 1.12** At a minimum, OPCAT requires that NPMs:

- are functionally independent with independent personnel
- have sufficient expertise, a gender balance and adequate representation of ethnic and other minorities
- are provided with the necessary resources

and have the powers to:

- regularly examine the treatment of persons deprived of their liberty in places of detention
- make recommendations to the relevant authorities with the aim of improving the treatment and conditions of detainees (the State is required to examine such recommendations and enter into dialogue with the NPM with regard to implementation)
- submit proposals and observations concerning existing or draft legislation
- access all information concerning the number, location and treatment of all persons deprived of their liberty

- access all places of detention
- have private interviews with all persons deprived of their liberty as well as any other person who may supply relevant information
- choose the places they want to visit and the persons they want to interview
- contact the Subcommittee on Prevention of Torture (the international body established by OPCAT to carry out visits to places of detention and to engage with NPMs)
- have information collected by it regarded as privileged.

## Values

**1.13** The established values of HM Inspectorate of Prisons are as follows.

- Independence, impartiality and integrity are the foundations of our work.
- The experience of the detainee is at the heart of our inspections.
- Respect for human rights underpins our expectations.
- We embrace diversity and are committed to pursuing equality of outcomes for all.
- We believe in the capacity of both individuals and organisations to change and improve, and that we have a part to play in initiating and encouraging change.

**1.14** We have developed four broad strategic themes to inform our work and ensure we fulfil our mandate in way that is consistent with these values.

### **An independent inspectorate**

We will fulfil our statutory duty. Our primary task to report accurately, impartially and publicly concerning the treatment and conditions for detainees will continue. Confidence in our values-based approach, our independent expectations and methodology, as well as our findings will allow us the greatest impact and influence in ensuring human rights standards are maintained and improve across the different custodial settings we inspect.

### **An influential inspectorate**

We will inspect and report in an open way, challenging constructively those responsible for the institutions we inspect. We will seek to ensure that evidence from our inspections contributes to the improvement in outcomes for those held in custody and the public.

### **An accountable inspectorate**

We will manage our resources efficiently and undertake our work in a professional manner. We will be able to account for our performance and will create an inspectorate that is fit to deliver its purpose.

### **A capable inspectorate**

We will be a multidisciplinary, values-based organisation committed to equipping our staff with the skills they need to fulfil our purpose. We will use our resources efficiently to maximise our ability to inspect and improve treatment and conditions for detainees.

**1.15** Our corporate and business plans are available on our website:  
<http://www.justice.gov.uk/publications/corporate-reports/hmi-prisons>.

## Staff

**1.16** We have a small number of inspection teams, each led by a team leader and working to the Deputy Chief Inspector. Each team retains a specialism in the inspection of a specific type of

custodial establishment - for example, young offender institutions and secure training centres, immigration removal centres, adult women's prisons and police custody facilities - but all also inspect adult male prisons.

- I.17** Inspectors are drawn from a range of backgrounds, including seconded or former prison managers with operational experience working in custodial establishments, and social care, probation, police and legal backgrounds.

In addition our staff also include:

- health care inspectors
- drugs inspectors
- social researchers
- editorial and administrative staff.

- I.18** We work jointly with other inspectorates such as HM Inspectorate of Constabulary, Ofsted, HM Inspectorate of Probation, Care Quality Commission and the General Pharmaceutical Council. This joint work ensures expert knowledge is deployed on inspections and avoids multiple inspection visits.

## Protocols with partner organisations

- I.19** Our relationships with partner inspectorates, inspected bodies and other organisations are governed by a number of service level agreements (SLAs), memoranda of understanding (MOUs) and agreed protocols. These include:

- an SLA with the Youth Justice Board
- a working agreement with NHS England
- MOUs with the National Offender Management Service, Health Inspectorate Wales, Care Quality Commission, HM Inspectorate of Prisons (Scotland), Home Office (UK Immigration and Borders), HM Inspectorate of Constabulary, HM Inspectorate of Constabulary (Scotland), Border Force, Association of Chief Police Officers, Association of Police Authorities, Faculty of Forensic and Legal Medicine and the General Pharmaceutical Council
- protocols with the Prisons and Probations Ombudsman, Criminal Justice Inspectorate Northern Ireland and Estyn.

- I.20** New agreements are formulated and/or revised as required and are available on our website.

## Expectations

- I.21** Our inspections are carried out against published inspection criteria known as *Expectations*. We set our own inspection criteria to ensure transparency and independence. The starting point of all inspections is the outcome for detainees and our *Expectations* are based on and referenced against international human rights standards.

- I.22** Expectations for adult male and female prisons and young offender institutions are brigaded under the four tests of a healthy establishment:

<b>Safety</b>	Prisoners, particularly the most vulnerable, are held safely.
<b>Respect</b>	Prisoners are treated with respect for their human dignity.
<b>Purposeful activity</b>	Prisoners are able, and expected, to engage in activity that is likely to benefit them.

**Resettlement**

Prisoners are prepared for their release back into the community and effectively helped to reduce the likelihood of reoffending.

**I.23** In other inspection sectors the principles that underpin the healthy establishment concept are applied, although the specific focus can vary depending on their relevance.<sup>1</sup>

**I.24** We publish inspection criteria for:

- adult prisons
- children and young people in custody
- immigration detainees
- police custody
- court custody
- tri-service custody premises and the Military Corrective Training Centre
- joint standards with Ofsted for secure training centres.

These are available on our website: <http://www.justice.gov.uk/about/hmi-prisons>.

**I.25** Each expectation describes the standards of treatment and conditions an establishment is expected to achieve. These are underpinned by a series of 'indicators' which describe the evidence that will normally indicate to inspectors whether the outcome is likely to have been achieved or not. The list of indicators is not exhaustive and does not prevent an establishment demonstrating that the expectation has been met in other ways.

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<sup>1</sup> For immigration removal centres, short-term holding facilities and family detention the four tests are safety, respect, activities and preparation for removal and release (or safety, respect and preparation for reintegration for overseas escorts). Police custody expectations are arranged under the headings of strategy, treatment and conditions, individual rights and health care, and court custody expectations fall under the headings of leadership, strategy and planning, individual rights and treatment and conditions.

## 2. The inspection process

### Programme of inspections

- 2.1 The scheduling of inspections takes place in November for the following year. The inspection programme is formulated on the basis of risk assessment, taking into account the establishment type, the length of time since the last inspection and other intelligence. More information on the inspection programme can be found in section 3 of our *Inspection Framework*.
- 2.2 It is expected that all teams will meet following the finalisation of the inspection programme to allocate a coordinating inspector to inspections for at least the first six months of the new financial year.
- 2.3 The Inspectorate's monthly operations meeting is attended by all team leaders and chaired by the Deputy Chief Inspector. The operational meeting will allocate resource across teams to ensure the inspection and thematic programme is resourced to deliver to time and quality. The allocation of associate inspectors and mutual aid between inspection teams to cover staffing shortfalls due to vacancies or annual/sickness leave will also be managed.
- 2.4 Allocations should be equitable and take into account the expertise and development needs of individual inspectors. Following any revisions, the programme and the inspector allocation list are emailed to all inspectors, and you should ensure you are using the latest version.
- 2.5 Wherever possible, you should book annual leave at times which avoid the second week of unannounced inspections, or the week of announced inspections.
- 2.6 The first week of each unannounced inspection will normally be carried out by two inspectors, one of whom will be the coordinating inspector, as well as a group of researchers who will conduct the detainee survey. The team leader will attend at their discretion and occasionally it may be necessary for other team members to attend.

### Pre-inspection preparation

*(Tasks for the team leader and coordinating inspector)*

- 2.7 You should familiarise yourself with the *Preparatory inspection pack* available on the shared drive: G:\HMI\_Prisons\003-Prison Inspections\001-Inspection Methodology\002-Prior to inspection\01-Documents\preparatory pack for establishments. (Other preparatory inspection packs are available for different types of detention).
- 2.8 The pre-inspection process can start as soon as the coordinating inspector has been allocated. However, the coordinating inspector should make contact with the inspection support team eight weeks prior to the inspection to arrange suitable accommodation.
- 2.9 The inspector allocation list identifies which inspectors, researchers, and partner inspectorates will be attending. (For more information on partner inspectorates, see the *Inspection framework*: G:\HMI\_Prisons\008-Prison Inspn Pol-Planning\002-Inspection Manual\01 - Current Manuals 2013). The coordinating inspector should compile an attendee list, including key requirements (see Appendix A) to help keep track of any changes and speed up entry procedures when you arrive at the establishment. If you need to contact Probation, Ofsted, Care Quality Commission or General Pharmaceutical Council inspectors



before an unannounced inspection, do not disclose where the inspection is; just refer to the 'unannounced inspection' and its date. You can, however, identify announced inspections following publication of the Inspectorate's quarterly timetable.

- 2.10** The coordinating inspector should complete the accommodation list (see Appendix B) for all attendees throughout the inspection. You should submit it, with an indication of preferred accommodation (identified from the Redfern Trips site: [www.redfern-travel.com](http://www.redfern-travel.com) or [www.trips.uk.com](http://www.trips.uk.com)) to the inspection support team eight weeks prior to the first week of inspection.
- 2.11** Most inspection teams will be joined by an inspector from the Care Quality Commission who will usually require accommodation for the Monday night of the second week of inspection and an inspector from the General Pharmaceutical Council who will not require any booking. However, you should check this with the health care inspector.
- 2.12** The coordinating inspector should liaise with the lead researcher about requirements for the detainee survey. Researchers need to be in the establishment as early as possible on the Monday or Tuesday of week one. Travel arrangements and arrival time at the establishment should be confirmed before the first week of inspection to ensure there is no contact with establishment staff before the team leader has notified the governor/director of the inspection.
- 2.13** Inspection teams are regularly joined by visitors or guests from other organisations. A separate agreement is set out in Appendix C for all visitors attending any inspection. The coordinating inspector must ensure the agreement is signed by the visitors and the Chief Inspector before the inspection begins and act as a point of contact for the visitor.

## Subject allocations

### Coordinating inspector

- 2.14** Following consultation with the team leader, the coordinating inspector should allocate subject areas to inspectors. Subject areas are allocated in line with the current *Expectations* document. You should distribute the number of areas evenly, taking into account the size of the inspection tasks and whether there are particular concerns about the establishment. The team leader or a prisons inspector should be allocated to work alongside the Ofsted inspectors on activities and ensure our Expectations in this topic are covered.
- 2.15** Once the subject allocation has been made, you should identify the recommendations from the previous full inspection report and list them against the relevant inspector for that area, for inclusion in the inspection pack. Main recommendations listed should also include the statement of concern they addressed. All inspections follow up these recommendations to assess progress, unless the recommendations were made as part of a 'short follow-up inspection' under the previous programming arrangements.

## The inspection pack

- 2.16** The coordinating inspector prepares information to be included in the inspection pack. The inspection support team holds an intelligence file on each establishment, which mainly comprises correspondence from detainees and members of the public and media reporting. You should review the file and circulate relevant information to the team leader and inspectors.

- 2.17** The Inspectorate will contact the Prisons and Probation Ombudsman (PPO) before the inspection to gather information about any deaths in custody since the last inspection. This information should be shared with the inspectors looking at suicide and self-harm, and health.
- 2.18** You should send all relevant information and intelligence to the inspection support team at least two weeks before the first week of the inspection. This should include:
- a table setting out which inspectors will be on site each day and whether they require keys, as well as the IT equipment they will be bringing and the corresponding asset number (Appendix A)
  - a table setting out hotel bookings (Appendix B)
  - fire evacuation procedures, risks and threats at the establishment
  - the allocation of subject areas, including partner inspectorates (Appendix D)
  - the previous report recommendations allocated to the appropriate inspectors.
- 2.19** The inspection support team will then add any additional information to the pack, including:
- the introduction and healthy establishment summary from the last inspection
  - the Independent Monitoring Board (IMB) report
  - the Measuring the Quality of Prison Life (MQPL) report
  - the action plan from the last report
  - the coordinating inspector's pre-inspection report and any briefing from the team leader
  - correspondence, press cuttings and incident reports from the last 12 months
  - accommodation and travel details for the inspection.
- 2.20** The inspection support team will send the pack electronically to all inspectors before the first week of the inspection.

## Week one of the inspection

- 2.21** The purpose of the first inspection week is:
- To take an initial view on the environment (such as cleanliness, repairs and notices) and staff-detainee relationships, alongside any other areas of concern gathered from specific intelligence/inspection briefing material.
  - To ensure all high risk areas of the establishment are checked, for example, segregation. In addition, to check that prisoners have not been transferred to other establishments immediately before, during, or after the inspection. (This should also be checked at the start of week two.)
  - To meet the governor/director of the establishment and the appointed liaison officer for the inspection and ensure they fully understand the inspection process.
  - To ensure the team have easy access to the establishment throughout the inspection. Please refer to the memorandum of understanding (Appendix F), which deals with access to laptops, cameras and keys.
  - To explain the role of the liaison officer. Be specific about when they should be in the team room – for example 9.00am, 12.30pm, 5.00pm – during the inspection.
  - To make arrangements for the inspection, using the *Preparatory inspection pack* to determine what documentation the team will request and when it will be required.
  - For researchers to distribute and collect the full detainee survey.

- For team members to access all areas of the establishment, speak to key members of staff and gather information for the pre-inspection briefing (Appendix E).<sup>2</sup>
- To consider whether it would be useful for an inspector to visit the establishment during the weekend.
- To identify the prison lead on offender management and learning and skills, as well as the prison health care manager, and pass on contact details to POMI (Prison Offender Management Inspection), Ofsted inspectors and HMI Prisons health inspectors at the earliest opportunity.
- To explain, in detail, the random selection of prisoners for the prisoner groups on the first day of the inspection (see *Preparatory inspection pack* for further information).

## The process

### The team leader

- 2.22** The team leader (or coordinating inspector if the team leader is not present) either announces the inspection to the governor/director by telephone no more than 30 minutes before arrival, or on arrival at the gate. In this case they should notify the gate staff of the purpose of the visit and ask for the governor/director to be informed.
- 2.23** Any difficulty obtaining access should be immediately reported to the Chief or Deputy Chief Inspector.
- 2.24** The team leader or coordinating inspector should meet the governor/director and make arrangements for the issue of keys, allocation of an inspection base room, arrangements for the prisoner/detainee survey and nomination of a liaison officer, if required.
- 2.25** The governor/director should be invited to prepare a short written briefing about the current state of the establishment and the main plans and challenges for the future.

### The research team

- 2.26** The research team will liaise with a member of prison staff to access, or help them produce, a population list from P-NOMIS or equivalent, in order to select a random and representative sample of prisoners/detainees who will be offered a survey.
- 2.27** As soon as the population list is provided, the researchers will make their sample selection and begin distributing the prisoner/detainee surveys. Distribution and collection will continue throughout the two days. Researchers will return to the office on Wednesday or Thursday to conduct the survey analysis. All survey analyses will be emailed to the team by Thursday evening or Friday morning.
- 2.28** The research team will also supply posters, giving information about the inspection, for the liaison officer to put up around the establishment to help prisoners/detainees understand the inspection process.

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<sup>2</sup> Key documents and policies should be requested electronically in advance of the following week and can be forwarded to individual inspectors, rather than all being available on the first day of the second week. All documentation provided should be copies as inspectors may wish to take them away. Any originals should be clearly identified.

## The coordinating inspector

- 2.29** The coordinating inspector should provide the liaison officer(s) with the *Preparatory inspection pack*. You will then become the point of contact for establishment staff throughout the inspection period.
- 2.30** You should go through the preparatory pack to ensure that every aspect is covered and identify tasks requiring completion. You should do this with the Head of Offender Management and Learning and Skills.
- 2.31** The liaison officer should complete the information on prison staff and contact numbers, the fact page, population profile and key statistics during the first week of the inspection (all templates are contained in the *Preparatory inspection pack*).
- 2.32** You should ensure that the liaison officer is clear about what is required of them and that everything will be ready for the full team's arrival on the following Monday. The liaison officer should be provided with email and telephone contact details so that any difficulties or questions can be resolved before week two, but you should, as a matter of course, contact the liaison officer on the Friday of the first week to check progress.
- 2.33** You should forward the contact details for the prison health care manager to the HMI Prisons health inspector on the first day of week one of the inspection.
- 2.34** You should ensure that members of the research team are provided with a verbal briefing of the fire evacuation procedures, and any risks or threats at the establishment.
- 2.35** You should forward any electronic evidence received in advance from establishment staff to relevant inspectors by email.
- 2.36** You should make arrangements for prisoner/detainee groups with the liaison officer during the first two days. Sometimes groups will be run on the second day of week one. You should complete and email the pre-inspection briefing to the full inspection team by the end of the first week.

## The inspection team

- 2.37** Prior to the second week inspectors will have received a copy of the prisoner/detainee survey, the initial inspection briefing, the governor/director's briefing and the information contained in the *Preparatory inspection pack*, distributed electronically by the inspection support team.
- 2.38** You should prepare for the inspection by reviewing this material to familiarise yourself with the establishment and to identify specific issues which apply to the areas you have been allocated to inspect. You should also refer to the *Preparatory inspection pack* for establishments, which contains the full list of documents requested for the inspection.
- 2.39** The prisoner/detainee survey is especially important because it indicates where responses differ significantly from comparable establishments, whether responses have changed since the last inspection and provides a breakdown between various subgroups.
- 2.40** Some team leaders may prepare a briefing from the prisoner/detainee survey and intelligence to guide you on issues they expect to be most thoroughly explored. You should refer to the survey findings throughout the inspection to:
  - prompt areas that need a particular focus

- make a distinction between those areas where the perception of prisoners/detainees is important in its own right, for example confidence in the complaints system, and responses which need to be validated by hard data, such as prisoners who are in employment.

- 2.41** The health inspector should contact the prison health care manager in week one of the inspection to request electronic information and/or guidance about where information can be found on site, using the form at Appendix N. The health care inspector should share copies of the completed form with colleagues from the Care Quality Commission (CQC) and General Pharmaceutical Council (GPhC) to reduce the cost and burden of inspection on the health care manager.

## Week two of the inspection

### Arrival at the establishment

- 2.42** Before arrival you should ensure you have a belt and chain with a tally to carry keys. You should also ensure that any unauthorised items, especially mobile telephones, are either left outside the establishment or are declared for safe keeping in the gate lodge (for further information see Section 3: Professional standards). Colleagues should remind each other about these requirements, particularly when an inspector or researcher is new or from a partner inspectorate and unused to a custodial environment. The memorandum of understanding with the Prison Service states that we may bring laptop computers, memory sticks, SIM cards and cameras into establishments and that we are not required to sign for keys (see Appendix F).
- 2.43** On arrival at the establishment you should identify yourself and show your Ministry of Justice identification to gate staff. Once in the establishment you should carry keys securely and wear identification.
- 2.44** A base room will have been organised for the team with sufficient seating and facilities. Ofsted and Inspectorate of Probation colleagues will have separate base rooms.

### Meeting with senior management team

- 2.45** The second week starts with a meeting between the inspection team and the senior management team of the establishment. At this meeting the team leader explains the purpose of the inspection and the format for the week. The governor/director will provide an update of developments since the last inspection and any significant achievements or difficulties at the establishment.
- 2.46** During the meeting you should introduce yourself and the areas you will be inspecting; the establishment senior management team will reciprocate with an explanation of their areas of responsibility. When the meeting breaks up there is a good opportunity to arrange initial meetings with relevant senior managers.

### Detainee and staff groups

- 2.47** Detainee groups will have been arranged by the coordinating inspector and the establishment liaison officer during the first week of the inspection. Guidance on how to

select groups and the information sheet for detainees is provided in section 3 of the *Preparatory inspection pack*.

- 2.48** Detainee groups should reflect the population of the establishment. Their purpose is to elicit detainees' views on all aspects of treatment and conditions in the establishment, to alert the team to consistent themes, and to identify any differences in the experience of particular groups of detainees. They also provide an important and initial detainee perspective which can be compared with findings from other evidence sources as the inspection progresses.
- 2.49** Inspectors will be assigned to facilitate detainee groups, and will cover the issues in the detainee group template, which is based on *Expectations*. The coordinating inspector will distribute the group template; alternatively contact the research team for the relevant version. Where resources allow, groups should always be co-facilitated.
- 2.50** As part of the introduction to the group you should explain:
- the independent role of the Inspectorate and the purpose of an inspection
  - how the views of detainees influence the Inspectorate's judgements about outcomes for detainees
  - confidentiality and the implications of a group member disclosing sensitive information.
- 2.51** The team leader may also decide to hold a staff group in week two. The team leader will determine how the group should be selected. The staff group should be given the same statement about the purpose of the group as detainee groups, and should be told that the focus will be on outcomes for detainees, not staff terms and conditions, personnel issues or industrial relations.

### Detainee group debriefing

- 2.52** Facilitators should provide verbal feedback from the detainee groups as soon as possible. This should be done by both facilitators at a debrief session to the full inspection team. Findings are normally fed back by topic area within each of the healthy establishment tests. This helps to provide a more systematic and comprehensive overview of the findings and helps the team leader to compile a summary.
- 2.53** The team leader should take notes of key themes/issues from all the detainee groups. The findings should then be placed with all other evidence collected to allow inspectors to refer back to the outcome of groups during the inspection. As with the detainee survey, the detainee groups are just one source of evidence. During the inspection, you should look for further evidence that either supports or refutes the information provided.
- Copies of the establishment population pro forma will be ready for the start of week two. This provides a detailed demographic breakdown of the establishment's population at the time of inspection. Always ensure you check the degree of overcrowding in the establishment and cross reference this with the key statistics (below).
  - You should continually bear in mind the findings from the detainee survey. Survey findings do not always correspond with other evidence sources. Remember that the experiences of detainees in the establishment may differ from what is recorded in documents or perceived by staff.
  - You will be provided with a range of information relating to your inspection areas. These documents will be ready in the team's base room on the first day of the second week. Some of this information will have been circulated electronically before you arrive. During the inspection week the prison liaison officer will maintain contact with the team at pre-agreed times; this is an opportunity to obtain additional information if required.

## Key statistics

- 2.54** Staff at each establishment are asked to provide a set of standardised key statistics for the first day of the second week of inspection. The key statistics template requests key figures within each of the four healthy establishment areas. The template can be found in the *Preparatory inspection pack*.
- 2.55** On receiving the figures you should validate those which are relevant to the areas you are inspecting. Validation is crucial as data provided by staff at establishments does not always match what you find during the inspection week. Any discrepancies in figures should be queried and resolved with staff at the establishment by the end of the inspection.
- 2.56** Liaison officers will email the key statistics directly to the research team at the start of the week, so if the figures differ after validation, the coordinating inspector must send the validated version to the research team.
- 2.57** The research team maintains a rolling database of key statistics and calculates a per 100 population figure. The database can be interrogated across different functional types and time frames and is a good source of intelligence to feed into the inspection process. The key statistics can be used comparatively as an indicator of whether figures or rates are high or low to aid judgements. For example, the number of assaults/use of force incidents in the last six months in the inspected establishment can be compared with figures or rates from other establishments of the same type.
- 2.58** The database is regularly updated and will be emailed to inspection teams ready for week two of the inspection.

## NOMS Hub

- 2.59** NOMS Hub is the performance management database which holds prison data (from 2009) and probation data (from 2008). This can be closely linked with the key statistics we request. The hub contains both mandatory and non mandatory metrics for each establishment and can be searched by timeframe and directorate/region/sub directorate and individual establishments.
- 2.60** Service level agreement information for individual establishments is accessible, including the Youth Justice Board (YJB) framework metrics for the children and young people's estate. Accounts can be set up and accessed using this link: <https://pmu.hub.uk.com/>. The hub is accessible from any computer with internet access.

## Time out of cell snapshots

- 2.61** At two agreed times during the inspection week, inspectors should take a roll check of all wings to measure the extent of detainee activity. These should record the number of detainees:
- on the unit at unlock
  - off the wing at activities
  - working on the wing
  - unlocked but not doing anything
  - retired or sick
  - locked in cell.

See Appendix H for template.

## Observation of association

- 2.62** Inspectors will be allocated to observe evening association where it is available. You should verify that it starts and finishes on time, find out about the range of activities provided, including any recreational education, and check that access to telephones and showers is adequate.
- 2.63** You should observe the behaviour of wing staff, both in terms of their interaction with detainees and how well they are supervising the safety of association. Staff should be aware of detainees who do not associate with others and the reasons for this.
- 2.64** You can also gather photographic evidence to illustrate conditions that cannot be adequately described, to emphasise a finding, or to provide evidence for disputed findings. This may include the physical state of the cells, internal and external communal areas, cleanliness, notices and communal facilities. Photographs should not identify any individual and care should be taken to reassure prisoners and staff about this. Photographs can be included in the inspection report. See the *Guide for writing inspection reports* for more information and agreed protocols with the National Offender Management Service (NOMS).

## ‘Do no harm’ principle

- 2.65** Inspectors should always keep in mind the principle of confidentiality, security and sensitivity when interviewing detainees.
- 2.66** All individual interviews with persons deprived of their liberty should be conducted out of hearing of others, except in exceptional circumstances. Inspectors should keep in mind the safety of the people who provide information. At a minimum, the action or inaction of inspectors should not jeopardise the safety of victims, witnesses, or other individuals with whom they come into contact, or the sound functioning of the human rights operation.
- 2.67** For more information please use the following link, which is from the *Training Manual on Human Rights Monitoring* from the United Nations Office of the High Commissioner for Human Rights (Chapter V. Basic Principles of Monitoring):  
<https://www1.umn.edu/humanrts/monitoring/chapter5.html#C>

## Sanctions

- 2.68** Detainees and staff must be able to talk freely to the Inspectorate without fear of adverse consequences or ‘sanction’. Please refer to the protocol between HM Inspectorate of Prisons, the Independent Monitoring Boards (IMBs) National Council and the Prisons and Probation Ombudsman (PPO) (see Appendix G), who will work together to protect any prisoner/detainee from sanctions or other prejudice arising from their (or someone acting on their behalf) communication with either party, and to provide reassurance that they can freely communicate with the Inspectorate, IMBs and the PPO without fear of sanctions or any other prejudice. In the event that an inspector becomes aware that someone may have been, or may in the future be, subject to sanctions because of their contact with the Inspectorate, the issue should be raised immediately with the team leader and the Chief or Deputy Chief Inspector informed.



## Night duty inspection

- 2.69** Two inspectors will visit the establishment when night staff are on duty. In this role you should observe the handover from the day to the night orderly officer and check that all relevant information about the day has been communicated. You should look at the manual for night orders and discuss procedures, especially provision for medical emergencies, with the night orderly officer.
- 2.70** You should visit residential units to meet with night staff and ideally observe the handover they have from evening duty staff. You should check the following with night staff.
- Have they been informed of any events on the unit during the day that they should be aware of? Check this against the unit diary.
  - Do they know of any new arrivals, either to the prison or the residential unit, and what checks will they make on them?
  - Are they aware of any assessment, care in custody and teamwork (ACCT) case management for prisoners at risk of suicide or self-harm, and what checks will they make? Are they aware that checks should not be carried out at predictable times? Look at any entries in the contact log.
  - Do they know of any detainees requiring assistance in the event of an evacuation? Are there any personal emergency evacuation plans (PEEPs) available?
  - In the event of a medical emergency what assistance is available (for example, defibrillators)? Are staff trained in providing first aid?
  - Have they been trained in dealing with a fire? Do they know where fire fighting equipment (including inundation keys) is kept? Ask them to show you.
  - How would they respond to an attempted suicide in terms of the balance between preserving life and personal safety? Do they carry ligature knives?
- 2.71** During the night visit inspectors should also check the cleanliness of serveries and the kitchen.

## Death in custody arrangements

- 2.72** As well as inspecting against published expectations, inspectors looking at suicide and self-harm, and health should follow up any recommendations made by the Prisons and Probation Ombudsman (PPO) following deaths in custody, and will report back to the PPO on the relevant pro forma (see Appendix I). You should also take account of any information from available coroners' rule 43 reports following deaths in custody.

## New and developing subject areas (inspection practice papers)

- 2.73** In addition to the subject areas covered in *Expectations* there will be new and developing areas requiring attention during inspections. Any new and developing inspection practices will be circulated by the Management Board in a practice paper. Management Board practice papers will be disseminated electronically and stored alongside the manual, categorised by healthy establishment test for easy retrieval.
- 2.74** As inspection practice develops and evolves this will be included formally in the relevant version of *Expectations* as its updated and reprinted.

## Inspection methodology

*(For a detailed description of our mixed methods please refer to Section 2 of the Inspection framework.)*

- 2.75** The methodology of the inspection is predicated on assessing to what extent and how well the establishment is meeting the Inspectorate's four healthy establishment tests as identified in the relevant *Expectations*.
- 2.76** Our *Expectations* are concerned with outcomes for detainees. In order to make valid judgements about these outcomes, evidence should be 'triangulated', i.e. evidence from one source should be corroborated with at least two other different sources.
- 2.77** Having gathered evidence from a range of documentation, managers, staff and relevant third parties, you should, wherever possible, check your judgements with detainees. A strong evidence base will allow you to test the validity of what you have found and to assess whether it has an impact on the wider population, rather than being an isolated experience. You should:
- constantly test your assertions and be open to new evidence and what it may reveal – if the evidence is contradictory, it should be investigated further rather than ignored
  - gather sufficient relevant evidence before making a judgement
  - question whether the evidence will withstand scrutiny
  - probe more deeply where there are concerns
  - consider all relevant evidence before coming to a judgement – do not be persuaded by what appears to be one influential piece of evidence
  - share your findings with other inspectors. Daily feedback and the Thursday deliberation meeting are essential in testing and validating judgements. Other inspectors may have further key evidence which is relevant to the area of inspection. The indicators section in *Expectations* will highlight where this is essential to create a fuller evidence source.
- 2.78** As well as inspecting your own areas, individual inspectors have a responsibility to assist other team members. If detainees or staff raise issues not strictly within an inspector's remit, but that would form a useful line of enquiry for another inspector, a coherent account of the matter should be relayed to the relevant inspector or to the team leader.
- 2.79** If an inspector sees something that seriously concerns them, they should collect all relevant information, including the names of staff and prisoners present, and discuss it with the team leader, who is the conduit to the governor/director. Inspectors should not relate their findings directly to the governor/director unless agreed with the team leader.
- 2.80** If an inspector receives any inappropriate comments or behaviour from detainees or staff during inspections, they should follow the guidance on professional standards in Section 2.

## Feedback

### Daily debriefs

- 2.81** Team debriefs are scheduled by the team leader on a daily basis. Debriefs are essential in formulating a coherent picture of the establishment.
- 2.82** Daily debriefs require clear purpose and structure, and will be managed by the team leader. Each member of the team has an individual responsibility to feed back their findings in a confidential forum with colleagues and be open to challenge, as well as to challenge others. Testing, defending and validating evidence against others will ensure a robust validation process throughout the inspection.

### Feedback to managers

- 2.83** You should give feedback on your emerging findings to managers and functional heads during the inspection week. Their responses can often help in directing further investigation. On Thursday morning you should provide brief feedback on your main findings to the functional head of the area you inspected, explaining that final judgements will be agreed at the deliberation meeting.

### **Team leader feedback**

- 2.84** At the end of each day of inspection, the team leader will meet with the governor/director to feed back the evidence gathered at meetings of the inspection team. This meeting is an opportunity to check inspector's findings with the establishment management and the team leader will report back any challenges which require further checking.
- 2.85** On Wednesday afternoon you should provide the key points of your findings in a written document to the team leader. These are usually in the form of bullet points under each of the headings as they appear in the inspection report.
- 2.86** While it is important that key findings are included, bullet points should be limited to the most important issues and should contain not just a description but a judgement.
- 2.87** The team leader will specify in what tense and format the bullet points should be written. The bullet points will be edited by the team leader who may discuss them further with you before drawing them together in a draft debrief document for discussion on Thursday.
- 2.88** On Thursday morning the team will be joined by the Chief or Deputy Chief Inspector. The team leader will give him a verbal briefing of findings during the week. He will then meet the governor/director and undertake a tour of the establishment, meeting and talking with staff and prisoners/detainees.

### **Chief/Deputy Chief Inspector requirements**

- 2.89** At the start of week two the Chief/Deputy Chief Inspector should have received:
- the introduction and healthy prison/establishment summary from the last inspection
  - the IMB report
  - the Measuring the Quality of Prison Life (MQPL) report
  - the action plan from the last report
  - the coordinating inspector's pre-inspection report and any briefing from the team leader
  - correspondence, press cuttings and incident reports from the last 12 months
  - accommodation and travel details for the inspection
  - the initial inspection report
  - a briefing from the governor/director
  - the last three Deputy Director of custody reports (if applicable)
  - survey findings
  - notes of detainee groups and any staff group
  - the completed population pro forma and key statistics
  - PPO intelligence.
- 2.90** At the establishment, the Chief/Deputy Chief Inspector will require:
- A full set of keys.
  - A meeting with the team leader that starts as early as possible to go through the findings to date. A map of the prison and regime timetable should be available at this time to assist the Chief/Deputy Chief Inspector to maximise the time they have in the establishment when prisoners/detainees are not locked up.

- A 30 minute meeting with the governor/director.
- An escort from a uniformed member of staff to assist the Chief/Deputy Chief Inspector to move around the establishment.
- A meeting with the senior management team and any others, at the discretion of the governor/director. This should take place over the lunchtime lock up and should last approximately 45 minutes. This should be followed by a short meeting with the Independent Monitoring Board (IMB).
- A member of the inspection team should liaise directly with the Chief/Deputy Chief Inspector before the deliberation meeting begins to allow the Chief/Deputy Chief Inspector to raise anything further for investigation.

## Deliberation meeting

- 2.91** When the Chief or Deputy Chief Inspector has completed his tour of the establishment and met the senior management team he will join the inspection team's deliberation meeting. The deliberation meeting is chaired by the team leader and used to agree the main findings that will be fed back to the governor/director and to make an assessment of the establishment's performance against the four healthy establishment areas.
- 2.92** A draft debrief is constructed by the team leader from the written information provided by inspectors on Wednesday. Under each healthy establishment heading the team leader should write a summary. The final judgement should be left blank until the deliberation is complete. This summary is followed by detail for each area written by inspectors. You should be prepared to explain your judgements when challenged but also to consider other views. It is important that all inspectors contribute to the discussion and decision-making for the whole inspection, not just the areas you have been inspecting. A healthy process of constructive challenge should be encouraged and managed by the team leader.
- 2.93** The assessments are discussed collectively as each healthy establishment area encompasses a number of subject areas. However, the final decision rests with the team leader and the Chief or Deputy Chief Inspector. For a full list of subject areas encompassed within the four healthy establishment areas please refer to the relevant *Expectations* for the type of detention being inspected.
- 2.94** It is important that these assessments are supported by evidence, as not only will they be fed back during the debrief (see 'Formal feedback' section, below) and appear in the published inspection report, they will also be used to identify the 'risk' level of the establishment and consequently the timing of a subsequent inspection. The debrief should make clear that these are provisional assessments. Where the assessment is very finely balanced, and there is some disagreement or ongoing discussion, the team should usually opt for the lower assessment, as subsequent changes upwards are less contentious.
- 2.95** When the debrief and judgements have been agreed the team leader will contact the governor/director to inform them of the decisions. The coordinating inspector should print a copy of the debrief to give to staff at the establishment after the formal feedback and a copy for each team member to be used at the feedback.

## Formal feedback

- 2.96** On Friday morning, usually at 9.00am, a formal presentation of the debrief is held. Each team member present is allocated a section to read out. The presentation begins with an introduction from the Chief or Deputy Chief Inspector.

- Debriefs should last no more than 30–45 minutes.
- In some establishments the director of custody or their representatives will usually attend. In children and young people's establishment inspections, a representative from both the YJB and, the women and young people's group are also expected to attend.
- Feedback is given under each of the healthy establishment areas; the team leader provides a brief summary of each healthy establishment test with a provisional assessment, followed by feedback from individual inspectors on their subject areas, with a brief opportunity for the governor/director to make factual accuracy comment. Inspectors should note that descriptive feedback material should be kept to a minimum unless it is necessary to support a specific point or to provide a telling example.
- There is no opportunity at this stage for the governor/director or other staff to make comments, as the feedback should comprise the settled view of the inspection team and reflect feedback given during the course of the inspection.
- Not all inspected areas or all findings need to be covered. There is no need for the team to feed back to establishment staff what they already know, for example, the prison is running x number of offending behaviour programmes.
- Given the limited time available, it is important for inspectors not to labour any failings, while making them clear.
- The Chief/Deputy Chief Inspector will then summarise the team's view of the whole establishment.

**2.97** The purpose of a debrief is to ensure that establishment staff know what the inspection has found, the main issues they need to deal with, and what the report is likely to say. It is not an opportunity for establishment staff to further clarify or raise issues.

**2.98** A written debrief note will be provided summarising the main findings and will be left with establishment staff on the last day of the inspection or emailed to the establishment the following week (see Appendix J). Inspectors should ensure this is watermarked with the word 'DRAFT' (go to 'Format', 'Background', 'Printed watermark').

## The inspection week

**2.99** A typical inspection week runs as follows:

### Monday

- Inspection team meets with establishment senior managers
- Detainee groups
- Team feedback meeting
- Team leader feedback on survey and detainee groups to governor/director

### Tuesday

- Team feedback meeting – findings
- Team leader meeting with IMB Chair and staff associations
- Team leader feedback of findings so far to governor/director
- Evening association and night visit

### Wednesday

- Team feedback meeting – findings
- Team leader feedback of findings so far to governor/director
- Inspectors provide written outlines of findings to team leader to form the basis of discussion for judgements

### Thursday

- Chief/Deputy Chief Inspector briefed by team leader and undertakes tour of the establishment
- Inspectors provide feedback to heads of functions
- Team meeting with Chief/Deputy Chief Inspector to determine judgements and prepare briefing

### Friday

- Formal presentation of judgements and evidence briefing to establishment staff

**2.100** Please refer to the *Guide for writing inspection reports* for detailed guidance on writing and finalising the draft report.

## Partner inspectorates

### Learning and skills

- 2.101** Ofsted in England, Estyn in Wales and the Education and Training Inspectorate (ETI) in Northern Ireland cover the inspection of learning and skills and work activities in their respective countries. This partnership working minimises the burdens on the inspected bodies and presents a set of coherent inspection findings. HM Inspectorate of Prisons takes the lead for these inspections and publishes all the key inspection findings in a single report.
- 2.102** *Expectations* have been developed jointly with Ofsted to reflect the Common Inspection Framework. The inspection of learning and skills and work activities forms the majority of the purposeful activity test.
- 2.103** Each establishment is invited to nominate a senior member of staff with responsibility for learning and skills, and work activities across the establishment to act as the main link with the inspection team. The learning and skills nominee will attend Ofsted daily feedback meetings to receive feedback and to ensure that all appropriate evidence is taken into account.
- 2.104** Ofsted inspectors have their own base room which is organised in the first inspection week by the Inspectorate of Prisons coordinating inspector. The learning and skills nominee will not participate in the inspection judgements at the final moderation meeting.
- 2.105** In addition to the Ofsted daily meetings, the Ofsted lead inspector will attend the Inspectorate of Prisons team debrief meetings at an agreed time and for approximately 30 minutes to feed back emerging learning and skills and work findings.

### Offender management

- 2.106** HM Inspectorate of Prisons is joined by HM Inspectorate of Probation inspectors (for an offender management inspection, OMI) on a designated number of full inspections of adult and young adult establishments. They will jointly inspect offender management arrangements and the work preparing for the resettlement of prisoners, and will gather evidence against the relevant parts of the OMI 2 criteria (HM Inspectorate of Probation's published criteria, in relation to assessment, interventions and outcomes) and HM Inspectorate of Prisons' *Expectations* (available on our respective websites).

- 2.107** The findings from the inspection of offender management will be incorporated into the published prison inspection report, primarily under offender management and planning. Key themes from the inspection of offender management will also be included in the feedback to lead managers and the formal feedback on the Friday of the inspection week, if appropriate.
- 2.108** In addition, HM Inspectorate of Probation will send a briefing of its findings to the head of the offender management unit (OMU) approximately two weeks after the inspection.
- 2.109** The coordinating inspector from HM Inspectorate of Prisons will discuss the OMI arrangements with the liaison officer during week one of the inspection.

## Health and social care

- 2.110** Care Quality Commission (CQC) is an independent statutory organisation responsible for registering health and adult social care services in England, if they meet essential standards of quality and safety; and monitoring providers to check they continue to meet those standards. CQC also monitors the operation of the Mental Health Act 1983, including those who are detained under mental health law. CQC carries out inspections of health care in prisons and immigration detention alongside HM Inspectorate of Prisons, and participates in inspections of police custody by HM Inspectorate of Prisons and HM Inspectorate of Constabulary.
- 2.111** The General Pharmaceutical Council (GPhC) is the regulator for pharmacists, pharmacy technicians and pharmacy premises in England, Scotland and Wales. The GPhC sets standards for conduct, ethics, proficiency, education and training, maintains a register of pharmacists, and deals with complaints, and where appropriate, sanctions, in relation to allegations of impairment of fitness to practise. The GPhC maintains an inspectorate under article 8 of the Pharmacy Order 2010 and inspectors routinely inspect registered pharmacy premises in prisons alongside HM Inspectorate of Prisons, to ensure compliance with the relevant legislation.
- 2.112** Healthcare Inspectorate Wales (HIW) is responsible for undertaking reviews and investigations into the provision of NHS-funded care (either by or for Welsh NHS organisations) in order to provide independent assurance about and to support the continuous improvement in the quality and safety of Welsh NHS-funded care, including that provided in prisons. HIW joins HM Inspectorate of Prisons on inspections of prisons in Wales.

## Announced inspections

- 2.113** Announced inspections follow the same format as unannounced inspections (as described above), except that the first week of the inspection (pre-inspection) is conducted approximately four to six weeks in advance of the main inspection.

## Pre-inspection visit by the coordinating inspector

- 2.114** The coordinating inspector will contact the establishment and arrange a pre-inspection visit for a full day on an agreed date at least six weeks prior to the actual inspection. The appointed liaison officer from the establishment should spend the full day with you to act as a guide in order to complete the pre-inspection report.
- 2.115** You should liaise with the allocated researchers to agree when they will visit to undertake the survey. This normally takes place around four weeks before the inspection week.

- 2.116** You should make arrangements for the inspection week, using the *Preparatory inspection pack* to establish the documentation which will be requested and when it will be required.
- 2.117** Key documents and policies should be requested electronically in advance of the inspection week and forwarded to individual inspectors, rather than all being available on the first day of the second week. All documentation provided should be copies, as inspectors may wish to take them away. Any originals should be clearly identified.
- 2.118** At this point it is useful to pass on the contact details of appropriate lead inspectors to:
- the head of health care
  - the head of offender management (also identified in the *Preparatory inspection pack*)
  - the head of learning and skills.

This will enable partner agencies and health care colleagues to make contact before the inspection begins to arrange meetings and exchange initial information.

- 2.119** Allow the governor/director to discuss any relevant issues and include these in your pre-inspection briefing.



## 3. Professional standards

### Staff conduct

- 3.1** All staff require at least basic security checks and Disclosure and Barring (DBS) checks before they move unaccompanied around most establishments. This applies to all full-time, associate and office-based staff. Counter Terrorism Check (CTC) clearance is required for immigration detention and high security (dispersal) prisons.
- 3.2** A separate document, detailing the specific ethical principles for research activities conducted as part of announced, unannounced and thematic inspections and internal evaluation/review exercises, is available at [www.justiceinspectorates.gov.uk/hmiprison/about-our-inspections/](http://www.justiceinspectorates.gov.uk/hmiprison/about-our-inspections/). All staff conducting research activities are required to adhere to the ethical principles set out in the document.

### At all times

- 3.3** Treat everyone with respect and work to the values of HM Inspectorate of Prisons.
- 3.4** You should ensure you remain independent and impartial at all times. This independence should not be compromised, nor be perceived as being compromised. There are some types of paid and voluntary work which, while essential and supported by the Inspectorate more generally, would nonetheless raise a conflict of interest (or perceived conflict of interest) if undertaken by Inspectorate staff and call into question our independence and impartiality. The general principles are that you:
- should not undertake paid or voluntary activities for organisations falling within the Inspectorate's remit and which are therefore subject to inspection; this includes paid or voluntary work with current detainees or in places of detention
  - should not undertake paid or voluntary work for another organisation which may affect your or the Inspectorate's judgements during inspection and which may be perceived as raising a conflict of interest
  - should not undertake paid or voluntary work which could bring the Inspectorate into disrepute (see Appendix M)
  - should take care that your involvement with an organisation or company is not seen to imply that the activity/organisation or company is endorsed by HM Inspectorate of Prisons
  - should take care that your involvement does not result in an organisation or company gaining any benefit (or being perceived to gain benefit) through its links with the Inspectorate (for example, in bidding for a contract).
- 3.5** Declare any conflict of interest. New staff members are generally not allowed to inspect their previous place of work within five years of joining the Inspectorate. However, it is inevitable that Inspectorate staff will know staff in other establishments. Remember that undeclared relationships between the inspector and the inspected could be seen to compromise the impartiality of inspection.
- 3.6** Associate inspectors may still work in prisons and the other establishments we inspect, and we value the experience this brings. However, the agreement of the Deputy Chief Inspector must be obtained before taking on such work and these other activities must be reviewed by the Deputy Chief Inspector or a designated team leader annually. An associate inspector may not inspect any establishment in which they currently work or have worked in the last five

years, they must not offer any advice about the inspection process, and they must not allow any perception that their involvement in any activity implies endorsement by the Inspectorate.

- 3.7** Remain politically neutral and adhere to the Ministry of Justice (MOJ) rules governing the political activities that civil servants can be involved in. Band A and above, including senior civil servants, are a politically restricted group and there are rules relating to political activities where you might express your views in public.
- 3.8** All staff, both on inspection and in the office, should be mindful of personal relationships that could lead to embarrassment, offence or conflict of interests within the Inspectorate, and should maintain professional working relationships.
- 3.9** If a member of staff is unclear about the application of these principles they must seek the advice of their line manager or the Deputy Chief inspector. For more information please refer to the Inspectorate and MOJ policies on volunteering and conflicts of interest.

### During inspections

- 3.10** Dress smartly. Remember, you are acting on behalf of the Chief Inspector.
- 3.11** Always wear your ID badge.
- 3.12** Politely refuse 'gifts' from any place of detention (e.g. payment for taxis/lunch, etc).
- 3.13** Do not socialise with people working in the inspected place of detention during the course of the inspection.
- 3.14** Keep the base room tidy.

### Security

- 3.15** Inform the team leader if you think security is being compromised. Be mindful of the varying degrees of security compromise as, in some cases, this information is a finding of the inspection. The team leader will determine whether this should be passed immediately onto a member of staff at the place of detention.
- 3.16** Both in and outside places of detention, do not share personal information about detainees within the hearing of others (unless required in a professional capacity).
- 3.17** Do not let detainees enter into restricted areas or through locked doors unless they are accompanied by a member of staff.
- 3.18** If detainees declare that they wish to hurt themselves or others, tell them that you will be sharing this information with a member of staff 'Serious allegations against staff by detainees (over the age of 18)' section, below).
- 3.19** Do not take any unnecessary items into a place of detention, such as overnight bags. Leave these at your hotel or in yours/a colleague's car if possible.
- 3.20** Do not carry any unnecessary items around a place of detention, such as house keys or money.

- 3.21 Prisons only:** Do not take mobile phones or SIM cards or any other electronic equipment, unless specifically allowed, into a prison – it is illegal. Always check at the gate for lists of prohibited items.
- 3.22** Check with colleagues, particularly those who are new or from partner inspectorates and are unfamiliar with a custodial environment, that they do not have prohibited items with them.
- 3.23** Immediately inform the team leader if you have been responsible for any security breach.

*'The Chief Executive of NOMS has asked the Ombudsman and Chief Inspector of Prisons to agree that they and their staff do not bring in mobile phones to closed prisons. They have also been asked to keep to the minimum that is essential for their work the bringing in of sound recording devices and cameras. Both the Ombudsman and HMCIP staff will of course wish to take away documents which may be considered "restricted documents" under this legislation. Subject to these voluntary restrictions both organisations have been granted authorisation outside of this PSO to convey in and out of the prison those items necessary for their work.'* (PSO 1100, paragraph 4.21)

## Personal safety

- 3.24** Make sure you have a whistle. In the event of an emergency when you cannot reach an alarm, blow your whistle for three sharp blasts, or failing that, shout.
- 3.25** It is generally sensible to alert custodial staff to your presence on the wing, accommodation unit or custody suite unless you need to observe wing or unit routines unobserved. Inspectors are not required to sign in on arrival to wings/units.
- 3.26** Always make sure that the bolt is 'shot' on a cell door before going into a cell to ensure you cannot get locked in. If you do not know how to do this or do not have a cell key ask a member of staff to do it for you or invite the detainee to talk to you in a different location.
- 3.27** If you are speaking to a detainee in a separate room or office make sure you are aware of the location of the alarm. Always seat yourself rather than the detainee closest to the door.
- 3.28** If interviewing a difficult detainee in private, take the advice of custodial staff. If staff believe the detainee presents a specific risk to you at that particular time, you may wish to consider a different approach. If you go ahead with the interview, ensure you can be seen by staff and give them an idea of when the interview is likely to end.
- 3.29** If you are sent something from an identifiable detainee after a visit, report it to the team leader who will then refer this to the place of detention.
- 3.30** Team leaders must assess the personal protection needs of new HM Inspectorate of Prisons staff. All staff who visit or work in places of detention should receive personal protection breakaway training, unless there are medical or other relevant reasons for exemption. If you have medical concerns you may still attend such training as an observer. At the very least team leaders must ensure that new staff are aware of how to raise the alarm and how to minimise risk to themselves and others when attending places of detention.
- 3.31** Personal protection training for new staff should be facilitated by the team leader and be arranged as soon as possible. While HMP Liverpool, HMP Swaleside or Prison Service College Newbold Revel are not obligated to meet our training needs they have been very supportive of this request to date. Team leaders may therefore wish to make contact with

the C&R coordinators at those prisons (Roy Smith, HMP Liverpool; Ian McKeen, HMP Swaleside) or with the prisons local to new staff members.

## Dealing with detainees

- 3.32** Address detainees by their family or preferred name.
- 3.33** Knock and ask permission before entering a detainee's cell, other than in an emergency.
- 3.34** Do not share any personal details with detainees, such as your address, and be aware that your conversations with staff in the inspected place of detention can often be overheard by detainees.
- 3.35** Do not provide detainees with your contact details (even work details). You can give out the office address. There should not usually be a reason for detainees to contact you personally once the inspection is over. If they have an issue take their details for possible follow-up.
- 3.36** Do not accept gifts from detainees, their families or friends or take things in or out of any place of detention on their behalf.
- 3.37** If a detainee asks you to do something for them direct them to a member of staff at the place of detention.
- 3.38** If you recognise a detainee you know personally during a visit, try to leave without being seen and alert the team leader immediately. Declaring an association in front of others can put both you and the detainee at risk.
- 3.39** Do not directly challenge criticism or aggression from a detainee – always acknowledge their feelings and repeat what they've said to you to show understanding, but do not commit to sorting out problems for them.
- 3.40** Remember that a high proportion of detainees suffer from communication problems so keep your descriptions and questions short and simple.
- 3.41** If you are ever unhappy about the way a conversation is going, or feel threatened by a detainee, extricate yourself from the conversation; your personal safety is paramount.

## Conduct outside of work

- 3.42** Be careful when discussing your work in public, especially when sharing details with other work colleagues. Do not talk about individuals or the details of a place of detention.
- 3.43** Be aware of who may be listening to any conversation while you are staying in a hotel during an inspection.
- 3.44** If you are involved in an incident outside work that could have repercussion for your work at the Inspectorate, you must report it to your line manager immediately, such as involvement in a court case, as a defendant or a witness, or even a speeding conviction.

## Keys

- 3.45** Do not take possession of keys at a place of detention unless you have had key training.

- 3.46** Keep keys on your key chain. In establishments it is expected that they are kept in a pouch or pocket when they are not in use so that detainees cannot see them. Keep them in your possession at all times. Do not lend or borrow keys, regardless of who asks!
- 3.47** Always ensure you lock gates behind you.
- 3.48** If a key breaks off in a gate lock, stay with it and get help. Take broken keys to the security department.
- 3.49** If you are unable to lock a security gate do not leave it, attract the attention of a member of staff who will assist you.
- 3.50** If you lose your keys report this immediately to a custodial staff member or the security department. Let your team leader know.
- 3.51** Do not let detainees through gates unless they are with a member of staff.
- 3.52** Always hand keys in at the gate each time you leave the place of detention. If you leave with keys alert the place of detention, keep them with you at all times and return them, immediately and in person.

## Complaints

- 3.53** The Inspectorate takes all complaints seriously, whether from our staff or about our staff. The handling of complaints will reflect the best practice we expect from inspected establishments. It is also our responsibility to handle third party complaints appropriately, for example complaints against custodial staff by detainees that are brought to our attention (see Appendix K) and, particularly, any complaints from children about their treatment in custody (see 'Child protection protocol' section, below).
- 3.54** Complaints from our staff arising from an inspection may take various forms.
- If the complaint concerns inappropriate comments or behaviour from staff or detainees during an inspection, refer to section 2.3.
  - If the complaint or grievance concerns the inappropriate behaviour of one or more of your own colleagues, this should be raised with the line manager or, if this is inappropriate (for example, because the line manager is the subject of the complaint), directly with the Deputy Chief Inspector. Grievance procedures are set out in the MOJ grievance policy and guidance document (see intranet).
  - If the complaint concerns the inappropriate behaviour of one or more colleagues from a partner inspectorate, these can either be raised with the relevant team leader or referred to the Deputy Chief Inspector. Our protocols with partners require that they investigate complaints made against them or their staff.
- 3.55** Complaints against our staff may take various forms.
- Formal complaints may be received from staff or detainees (or partner inspectorates) in the place of detention and, depending on their nature, will be investigated by line managers and, if necessary, the Deputy Chief Inspector.
  - Complaints may also be contained in exit surveys and, depending on their nature, will be investigated by line managers and, if necessary the Deputy Chief Inspector.
  - In principle, the Inspectorate will respond to a complaint, however minor or misguided, and the staff concerned will be consulted on any response.

- 3.56** Any misconduct investigation will be conducted in line with MOJ policy and guidance on disciplinary matters (see intranet).

## Serious allegations against staff by detainees (over the age of 18)

- 3.57** Detainees should be made aware of the actions that will be taken by the Inspectorate if a serious allegation is made, for example, verbally at the start of detainee groups and in the detailed description on the front sheet of the detainee survey.

### From the survey

- 3.58** Any serious and confidential comments made by detainees in the survey will be extracted by the researcher from the overall responses and emailed separately to the inspection team leader, coordinating inspector and health care inspector. Information should include a summary of the allegation and any narrative text verbatim. If the researcher has immediate concerns, they will contact the team leader, before the survey analysis is distributed, who will then decide if the establishment should be informed immediately.
- 3.59** **Please note:** with adult detainee surveys, we are only able to act on the information if the individual completing the survey has identified themselves. The original survey response must be kept as a record and archived with other relevant information in the establishment file.

### During the inspection

- 3.60** At the beginning of all detainee groups and one-to-one interviews inspectors and researchers must inform the detainee that if they say anything that suggests they are at risk of physical harm from staff or detainees, that there is a risk of harm to another person, or that there may be an impact to the security of the establishment, the information will be passed on to the governor/director. If a detainee makes an allegation against a member of staff, try to persuade them to report the matter themselves as very little can be done unless they make a statement. However, if the detainee refuses to waive his/her right to confidentiality any information must be anonymised. The researcher/inspector should obtain advice from the team leader/Deputy Chief Inspector before approaching the governor/director.
- 3.61** A written account must be sent to the following people:
- Chief Inspector of Prisons
  - Deputy Chief Inspector of Prisons
  - inspection team leader
  - coordinating inspector
  - Head of Research, Development and Thematics (if actioned by a researcher).
- 3.62** The report should detail the nature of the allegation and the action taken. This account must be archived in the establishment file.

## Action by inspection team leader

- 3.63** The team leader must decide on the timing of a course of action according to the severity and proximity of risk to the respondent. This decision should be made following discussion with the Chief Inspector and the person who originally received the information.

## Action to be taken

- 3.64** If the respondent has identified him/herself, the following course of action should be taken.

- The team leader or an inspector must speak to the respondent to ask if they are willing to waive their right to confidentiality (they have already waived their right to anonymity). This meeting should ideally take place during the second week of inspection unless the respondent is thought to be in imminent danger. For announced inspections, you should attempt to attend the place of detention as soon as possible, but at the very least within seven days.
- If the respondent refuses to waive their right to confidentiality you should respect their decision. However, you should inform them that we will still pass the information on to the governor/director but that it will be anonymised. You should ensure that the respondent cannot be identified by the information you pass on. To this end, you should not provide copies of the completed survey.
- If they agree to waive their right, you should pass all relevant information to the governor/director, including the respondent's identity.
- If the allegation is withdrawn, the governor/director should still be made aware that we received a serious allegation but that this was withdrawn and therefore we will be taking no further action.

- 3.65** If the respondent has not identified him/herself, the following action should be taken.

- The team leader should speak directly to the governor/director immediately. It is not necessary to wait until the planned inspection.
- The team leader should pass all relevant anonymised information to the governor/director. Again, all attempts must be made to ensure that the respondent cannot be identified from the information we pass on.

- 3.66** Once the information has been passed to the governor/director, it is their responsibility to follow the matter up and to take the necessary action, such as involving the police. The team leader should, however, continue to monitor progress and, if required, request an update following the inspection.

- 3.67** The team leader will keep a written record of the action taken and the outcome of that action. All relevant information will be held in the establishment file.

## Child protection protocol

- 3.68** This protocol sets out procedures to be followed if information comes to the attention of any member of Inspectorate staff which indicates that a child has been abused or injured while held in any place of detention.

- 3.69** Information may come from a variety of sources: written accounts (including surveys), observation of a specific incident, discussions with groups of staff, discussions with groups of young people and individual discussions with staff and young people.

- 3.70** It is important to state that any undertaking of confidentiality or anonymity during the inspection or preliminary visit cannot be maintained if it concerns information which suggests a child has been harmed or is at risk of being harmed in any way. Any written request for information must also state this clearly.
- 3.71** Surveys distributed to children are individually identified and make clear that confidentiality cannot be maintained if information given in a survey has child protection implications (see front sheet of children and young people survey). As far as is possible this should be repeated verbally when the surveys are handed out.

## **Making a child protection referral**

*(Responsibility of the member of staff making the initial referral)*

- 3.72** The majority of referrals in young offender institutions (YOIs) and secure training centres (STCs) arise from allegations/comments made in surveys. A member of the research team will read all survey responses before leaving the establishment.
- 3.73** The researcher will immediately inform the team leader of the children and young people team (or a member of the team in his/her absence) by telephone or email. The email should include a summary of the allegation and the name, number, age and location of the respondent.
- 3.74** If the source of information is a survey, the researcher or an inspector should speak to the child concerned at the earliest possible opportunity. You should draw the child's attention to the front sheet of the survey which explains child protection and the need to follow child protection procedures to ensure that they and other children are protected.
- 3.75** If the source of information is a discussion with a member of staff or a child, you should explain that a child protection referral will be made and confidentiality and anonymity cannot be maintained in the face of overriding child protection concerns (this should have been agreed before the discussion – see information above).
- 3.76** In the event of the allegation being withdrawn at this point, you should explain to the child or member of staff that a referral will be made regardless, and that they will have an opportunity to explain that they wish to withdraw the allegation to the appointed investigator.
- 3.77** If a member of Inspectorate staff is alerted to a child protection issue in another way they should inform their team leader immediately.
- 3.78** You should write an initial brief report of the incident promptly (no more than one hour after the information has come to light). You should forward a copy of the report to the team leader immediately.
- 3.79** If the issue has come to light through written information, copies of the documentation should be preserved and forwarded to the team leader.

## **Team leader's responsibility**

- 3.80** The team leader should inform the governor/director/child protection coordinator at the earliest opportunity that information received by the Inspectorate requires a child protection referral. The governor/director/child protection coordinator will be given full details to



enable him/her to make the referral and to consider any immediate action that may be required to protect the child concerned and others who may be at risk.

- 3.81** The team leader will be responsible for ensuring that the referral is made and ask to be notified of the outcome.
- 3.82** The full record of the referral (i.e. referrer's initial report; the team leader's discussion with the governor/director/child protection coordinator and the outcome) will be retained on the establishment's file. The team leader is responsible for ensuring that the record on file is complete.

## Safeguarding adults at risk

- 3.83** This protocol sets out action to be taken if information comes to the attention of any member of Inspectorate staff which indicates that an adult at risk may have been, or is at risk of being, abused or injured while held in any place of detention.
- 3.84** Adults at risk are defined as people who (a) are or may be in need of community care services because of mental or other disability, age or illness, or (b) are unable to care for themselves or unable to protect themselves from significant harm or exploitation.
- 3.85** Guidance refers to harm in terms of 'abuse'. This might be physical, sexual, psychological, financial or material, neglect and acts of omission, discriminatory or institutional. The lead agency for safeguarding vulnerable adults in any locality is the local authority and the lead officer is the Director of Adult Social Services<sup>3</sup> (DASS). Unlike children's safeguarding there is no statutory duty on councils to respond to adults at risk, although in practice it is taken seriously. Each locality has an adult safeguarding team, usually within adult social care, to which referrals can be made, directly or through an access team.
- 3.86** *It is important to state that any undertaking of confidentiality or anonymity during the inspection cannot be maintained if it concerns information which suggests an adult at risk may have been harmed or is at risk of being harmed. Any written request for information must also state this clearly.*

## Making a safeguarding referral and subsequent action

- 3.87** The inspection team member who finds abuse or suspected abuse should immediately contact the inspection team leader, having recorded basic information. (It is important that adults at risk are interviewed a minimum number of times; you should only gather the basic information required at this stage.) You should explain to the adult at risk that a safeguarding referral will be made, at the same time as ensuring their immediate safety. If the situation is critical staff should follow standard emergency procedures.
- 3.88** The inspection team leader should contact the governor/director to explain that a safeguarding referral is being made, advising them to make contact with the council's adult social care department. They should give the governor as much detail as possible so that immediate protection can be assured. If the allegation is against a member of staff they must give the governor this information to allow them to take appropriate action. If a full investigation is likely the adult at risk should not be interviewed in depth at this stage.
- 3.89** The inspection team leader should then immediately refer to the adult safeguarding team and inform the DASS that this has taken place. The safeguarding team should agree action with

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<sup>3</sup> Current directors can be found on the ADASS website at: <http://www.adass.org.uk>. Go to 'contacts' then 'members'.

the prison and relevant partners. The relevant inspection team members should record all information, discussions and referrals as soon as possible. The safeguarding team should be asked to inform the inspection team leader of the outcome of any investigation.

- 3.90** The inspection team should feel assured that appropriate and timely action has been taken to protect and support the adult at risk, both in the short-term and subsequently. If the adult at risk is moved to another establishment they should have a transferable care plan to ensure they remain safeguarded. If the alleged perpetrator is also an adult at risk, you should ensure that they are receiving the appropriate support and guidance. If the alleged perpetrator is a member of staff you should be confident that appropriate action is being taken by the prison. The full record of the referral will be retained on the establishment's file, held at the office. The inspection team leader will be responsible for ensuring this is complete.

## Visitors shadowing inspections

- 3.91** All professional standards, as set out above, also extend to any visitor or guest accompanying us on an inspection. There is a separate agreement set out in Appendix C for all visitors shadowing our inspections. The agreement must be signed by both the visitor and the Chief Inspector before the designated inspection begins.

## Information security – classification system (Ministry of Justice policy)

- 3.92** During the course of our work, some of the information we handle on a regular basis may be of a sensitive or confidential nature. As such, we are required to comply with certain measures to ensure this information is handled securely.
- 3.93** It is unlikely that we will handle information that has a higher security marking than 'OFFICIAL SENSITIVE'. However, descriptions of all the relevant markings and the corresponding requirements for practice are outlined below. For all other protective markings and their accompanying measures, please see the 'information security – classifying information' section on the MOJ intranet.

### OFFICIAL

#### Impact

The compromise of assets marked OFFICIAL would be likely to:

- cause distress to individuals
- breach proper undertakings to maintain the confidence of information provided by third parties
- breach statutory restrictions on the disclosure of information.

#### Examples

HM Inspectorate of Prison-specific examples include:

- documentation owned by the inspected body
- detainee summary with comments.

#### Measures

In order to meet the OFFICIAL marking we must do the following.

- Mark each page of official information if it is electronic, or on the cover/first page if it is in hard copy. This should be done by the originator.

- Make sure office-based, 'official' marked information is locked away in a cupboard and not left on desks for cleaners and visitors to see.
- All 'official' marked information must be destroyed securely, which means bringing documentation for destruction into the office.
- Protected information should only be sent to secure and encrypted 'gsi' email addresses and marked in the headers as OFFICIAL.
- If information is to be stored at home it must be kept securely (a lockable cabinet would be preferable).

## OFFICIAL SENSITIVE

A small amount of information may require an OFFICIAL SENSITIVE marking. This applies to any documentation that identifies any individuals by name or contains sensitive or confidential information.

### Examples

- Documentation that identifies individual detainees, e.g. named surveys, confidential comments, confidential waste and P-Nomis lists.
- Documentation that is owned by the inspected body and includes individual identifiers which we remove from the establishment, such as detainee records. This also includes research tasks where written templates include detainees' personal details.
- Internal staff information such as completed performance management reviews.
- Passwords to encrypted memory sticks or laptops.

### Measures

- Do not print electronic documents marked OFFICIAL SENSITIVE unless absolutely necessary.
- The front page of each document should be marked OFFICIAL SENSITIVE.
- Do not remove documents or data in hard copy from any custodial setting or secure facility that lists the names or attributable personal information of detainees or other persons. This instruction applies to all data that is sufficiently confidential to require the 'official sensitive' security marker.
- If such information is absolutely required for the purpose of the inspection arrangements should be made to scan or transcribe the data on to a secure, password protected IT network. Names recorded on hand written notes must be redacted or transcribed on to a secure network.
- In exceptional circumstances hard copy data may be removed but only after consultation with the team leader, Deputy Chief Inspector and appropriate authorities in the custodial facility. Data that is removed in such a way must be secured and carried in accordance with MOJ guidance on information security. It should not be read in public, or left in a car or taxi.
- Protected information should only be sent to secure and encrypted 'gsi' email addresses and marked accordingly.
- All confidential waste and P-Nomis lists should be disposed of in confidential recycling boxes or paper shredders on return to the office, or at the appointed time in line with destroy dates.
- Information should be held for no longer than three months after publication of the inspection report. Research trainees in charge of archiving should ensure that surveys are routinely destroyed three months following publication of the report.
- Any passwords that have been written down should be sealed in envelopes as described above. Envelopes should be carried separately to the laptop/stealth stick they correspond to.

## **Inspection/thematic reports**

- 3.94** You should not circulate draft inspection, thematic and annual reports outside the Inspectorate (other than to inspected and other bodies as set out in our MOUs with them). Draft reports should only have a protective marking applied in exceptional circumstances and should be judged on a case-by-case basis.

## **Freedom of information protocol**

- 3.95** Freedom of information requests are coordinated by the personal assistant to the Chief Inspector of Prisons.
- 3.96** You should assume that all the documents you retain, including correspondence and emails, are potentially subject to public disclosure. You should assume this when you write documents and when you retain them.
- 3.97** Requests for documents may be made by the Chief Inspector. You should be rigorous in ensuring that all relevant documents are returned. Any that are likely to be contentious or controversial should be highlighted. The Chief Inspector will determine whether a document is to be redacted, and this is usually only on legal advice.
- 3.98** Please note files where documents are retained include all email files.
- 3.99** You should comply with the Inspectorate's retention of information policy – see Appendix L.

# Guide for inspectors

## Appendix A

### Attendees list for inspection, including key requirements and Laptop numbers

HMP xxxxxxxxxx Full Un/Announced Week one	Monday 10 June	Tuesday 11 June	Wednesday 20	Thursday 21	Friday 22
Inspector # CA1590283	X	X			
Inspector # CA1590285	X	X			
Inspector # CA1590288	X	X			
Researcher	X	X			
Researcher	X	X			
Researcher	X	X			
HMP xxxxxxxxxx Full Un/Announced Week Two	Monday 17 June	Tuesday 18 June	Wednesday 19 June	Thursday 20 June	Friday 21 June
Inspector # CA15902887	X	X	X	X	X
Inspector # CA15902886	X	X	X	X	X
Inspector # CA15902883	X	X	X	X	X
Inspector # CA15902882	X	X	X	X	X
Inspector # CA15902884	X	X	X	X	X
Healthcare **	X	X	X	X	X
Pharmacist \$			X		
HMCIP/ HMDICP			X	X	X
Drugs	X	X	X		
POMI	X	X	X	X	X

# Cell Key

\*\* Healthcare keys

\$ No keys

## Appendix B

### Accommodation list for inspection

HMP XXXXX Unannounced/Announced

Hotel:

Name and Booking Reference	Sunday	Monday	Tuesday	Wednesday	Thursday	Total
Team Leader						
Inspector						
Inspector						
Inspector						
Inspector						
Researcher						
Researcher						
Researcher						
Total						
Name and Booking Reference	Sunday	Monday	Tuesday	Wednesday	Thursday	
Team Leader						
HMCIP/ HMDCIP						
Inspector						
Inspector						
Inspector						
Inspector						
Inspector						
CQC						
Health Inspector						
Substance use inspector						
POMI						
POMI						
POMI						
Researcher						
Researcher						
Total						

## Appendix C

### SHADOWING HM INSPECTORATE OF PRISONS DURING AN INSPECTION

<b>ESTABLISHMENT</b>	
<b>DATE</b>	
<b>VISITOR</b>	
<b>TEAM LEADER</b>	
<b>COORDINATOR</b>	

We are looking forward to you joining us on the inspection of the establishment named above. We hope you have a safe, enjoyable and informative visit.

You will be visiting the prison as our guest – not as the responsibility of the inspected establishment. The Inspection Team Leader will be responsible for you throughout the visit and we want to make sure that your visit is safe and useful and that nothing happens that might compromise the reputation of you or the inspectorate. We would be grateful if you could read this agreement carefully and return a signed copy to us before the inspection to show that you have understood and agree to abide by it.

Separate agreements apply to personnel of partner inspectorates who are inspecting the establishment with us.

#### CONTACT DETAILS

Your first point of contact for any queries before or after the inspection should be the inspection coordinator named above. Contact details are:

<b>Coordinator</b>	Tel:	Email
<b>HMI Prisons main office</b>	Tel:	Email

## **DOMESTIC ARRANGEMENTS**

You will be responsible for meeting your own accommodation, travel and other expenses unless specifically agreed otherwise. The inspectorate may be able to book accommodation for you or advise where the inspection team will be staying so you can do so yourself. If the inspection is unannounced, the coordinator will discuss with you how that will be handled.

Some members of the team usually eat together most nights and you would be welcome to join them or make your own arrangements. It is best to bring your own lunch in for the first day and discuss arrangements after that with the team. Tea and coffee are usually provided by the prison.

Depending on how far the hotel is from the establishment, the team usually leave in the mornings about 8am and return from the prison about 6.30pm. These times may vary. If you are joining us at the prison you should aim to arrive at reception by 9am.

Dress is business dress. Be prepared to do a lot of walking and in some establishments have to do so outside in bad weather.

The inspectorate's website is at [www.justiceinspectorates.gov.uk/hmiprisons/](http://www.justiceinspectorates.gov.uk/hmiprisons/) and here you will find further details of our inspections process and standards (known as Expectations) and previous inspection report.

## **THE PRISON OR DETENTION FACILITY**

Before the inspection we will send you some background information about the establishment. This is confidential. It should not be copied or shared with other people and should be kept securely.

## **THE PRISON OR DETENTION FACILITY**

Before the inspection we will send you some background information about the establishment. This is confidential. It should not be copied or shared with other people and should be kept securely.

## **ARRIVAL**

**You must not bring mobile phones, cameras or other electronic equipment into the establishment.**

**You must not bring alcohol or drugs, prescribed or otherwise, into the establishment. If you need to keep prescribed drugs with you please let the coordinator know.**



**You must have some form of official photo ID with you – if in doubt, bring your passport.**

At high security and some other prisons you will have to pass bags, jackets, shoes and belts through a scanner, be scanned yourself and have a pat down search (similar to airport security). There may rarely be a drug dog present.

The coordinator will agree with you where you will be met. Please let us know if you are delayed.

## **CONDUCT**

Your safety is paramount. You will be accompanied by a member of the inspectorate throughout your visit. You must follow their advice and instructions. Visitors will also adhere to all health and safety advice provided by HMI Prisons. Visitors who have been security and key trained may not be accompanied by an inspector at all times but must abide by the prison's security requirements and all other aspects of this agreement.

Make sure your inspectorate escort or prison staff know where you are at all times. However, if you wish to speak to a prisoner in private, you should ask for space to do so but follow advice if you are advised this is not appropriate. Do not enter a cell with a prisoner unless the bolt is shot so the door cannot be closed.

You should give prisoners and staff your name if asked and wear a name badge if you have one but you should not give them your contact details. If someone wants to make further contact with you they should be asked to do so through the HMI Prisons office.

If you see or hear anything that concerns you, you should draw it to the attention of an inspector or, if you feel it would be more appropriate, to the Inspection Team Leader. You must make it clear to prisoners and prison staff that they cannot speak to you in confidence and you will report what they say to you to a member of the inspectorate. In particular, visitors will be bound by the HMIP safeguarding policies and procedures, which set out procedures to be followed in the event of information coming to the attention of any member of staff indicating that a child or vulnerable adult held in any place of detention has suffered, is suffering or is at risk of suffering harm during their period in detention. If any such information comes to the attention of the visitor they must report it immediately to the HMIP inspection team leader. Any general undertaking of confidentiality or anonymity during the inspection must have the caveat that this cannot be maintained where information suggests that a child or a vulnerable adult has been harmed in any way.

For the time being, the establishment is the home of the people who are held there and they should be treated accordingly. Detainees should be addressed by their preferred name (start with Mr or Mrs if you are unsure) and you should ask their agreement before entering their cell or sitting down with them

for instance at meals. Most prisoners and staff will be happy to talk to you but if they are not, their wishes should be respected.

## **CONFIDENTIALITY**

All the information you obtain during your visit is confidential.

HMI Prisons is responsible for meeting all legal requirements for the protection of personal information, records and images accessed in inspection. You must not take any documents containing sensitive personal data away from the establishment.

All information that is published regarding an inspection is subject to a protocol between HMCIP and the inspected service. You must not report or publish any material relating to what you have seen, read or been told during an inspection without prior permission from HMI Prisons.

## **WELL BEING**

We anticipate that the inspection visit will be an interesting experience for you and that you will not be adversely affected by your attendance in a place of custody. We do, however, appreciate that the conditions and circumstances of those you will encounter could affect you and cause you concerns.

Your host inspector/team leader will check in with you throughout your stay with the inspection team, but if you feel the need to speak to someone outside of the inspection team about the matter, it can be raised with the Ministry of Justice Employee Assistance Programme (MOJ EAP), where professionally trained staff will help you with the concerns you have.

The MOJ EAP can be contacted on:

There is also online support available via:

You need to click REGISTER and enter the Organisation Code: MoJ1, and then complete the registration process.

## **COMPLAINTS**

We expect your visit will go very well and we would like feedback. However, if you need to make a complaint about detention staff, detainees or the inspection team this should be referred to the inspection team leader or the Chief or Deputy Chief Inspector as appropriate.

I have read and understood this agreement and agree to abide by it.

VISITOR

NAME

SIGNED.....

DATE.....

FOR HMI CHIEF INSPECTOR OF PRISONS

NAME

SIGNED.....

DATE.....

## Appendix D

### Allocation of subject areas

Establishment.....

Week one.....

Week two.....

EXPECTATION SUBJECT AREA	CONTRIBUTOR
<b>Safety</b>	
Courts, escorts and transfers	
Early days in custody	
Bullying and violence reduction	
Self-harm and suicide prevention	
Safeguarding (protection of adults at risk)	
Security	
Incentives and earned privileges	
Disciplinary procedures (including use of force and segregation)	
Substance misuse	
<b>Respect</b>	
Residential units	
Staff-prisoner relationships	
Equality and diversity	
- Strategic management	
- Protected characteristics	
Faith and religious activity	
Complaints	
Legal rights	
Health services	
- Governance arrangements	
- Delivery of care (physical health)	
- Pharmacy	
- Dentistry	
- Delivery of care (mental health)	
Catering	
Purchases	
<b>Purposeful activity</b>	
Time out of cell	
Learning and skills and work activities	
Physical education and healthy living	
<b>Resettlement</b>	
Strategic management of resettlement	
Offender management and planning	
- Public protection	
- Categorisation	
- Indeterminate sentence prisoners	
Reintegration planning	
- Accommodation	

- Education, training and employment	
- Mental and physical health	
- Drugs and alcohol	
- Finance, benefit and debt	
- Children, families and contact with the outside world	
- Attitudes, thinking and behaviour	
- Additional resettlement services	
<b>Healthy Establishment Summary</b>	
Safety	
Respect	
Purposeful Activity	
Resettlement	
<b>Appendices</b>	
Fact Page	
Key establishment information	
Prisoner population breakdown	
Inspection Team	
<b>Prisoner groups</b>	
To Be Confirmed	
<b>Evening Duty &amp; Night Visit</b>	
<b>Researchers</b>	
Week 1	
<b>PLEASE E-MAIL CONTRIBUTIONS TO :</b>	
<u>Coordinating inspector</u>	

## Appendix E

<b>PRE-INSPECTION BRIEFING</b>
Team coordinator:
Establishment name and date:
Address, telephone number and website:
Function:
Date of inspection:
Last inspection and type:
Previous HP scores:
Governor/Director name and date she/he took up post:
Name of contractor (private/IRCs) & controller (private) or contract:
Monitor/immigration manager (IRCs):
Liaison officer and contact details:
IMB Chair & telephone number:
Contact details for AVID volunteer visitors group (IRCs):
CNA :
Op Cap:
Unlock Roll (Date):
Healthcare provider and contact details:
Learning and skills provider and contact details:
Resettlement Provider (If outsourced)
Location of base rooms and telephone contact
Main base room:
Projector required Y/N
OFSTED base room:
POMI base room

<p><b>Wi-fi coverage</b></p> <p><b>Hotel:</b></p> <p><b>Base room:</b></p>
<p><b>Travel/entry/catering/car parking arrangements:</b></p>
<p><b>Timetable for the week</b></p> <p>Team meeting with SMT:</p> <p>Prisoner/detainee groups:</p> <p>Team leader meeting with IMB:</p> <p>Team leader meeting with professional associations:</p> <p>Chief/Deputy Chief Inspector arrangements:</p> <p>Location of feedback:</p>
<p><b>Main issues highlighted by Governor/Director and impressions from pre inspection visit</b></p>

## Appendix F



**Ministry of  
JUSTICE**  
National Offender  
Management Service



### **Memorandum of Understanding Between HM Inspectorate of Prisons and the National Offender Management Service**

1. HM Inspectorate of Prisons (HMIP) is an independent inspectorate whose Chief Inspector is a Crown appointment. It carries out its functions under section 5A of the Prisons Act 1952<sup>1</sup>. The Chief Inspector reports directly to the relevant Secretaries of State and Parliament on the treatment and conditions for prisoners in England and Wales, and immigration detainees in the United Kingdom. HMIP also inspects court custody with the relevant criminal justice inspectorates, and invites HM Inspectorate of Probation to inspect offender management in custody on all full inspections of prisons and young offender institutions. HMIP also inspects military custody and other jurisdictions by invitation.

2. The National Offender Management Service (NOMS) is an executive agency of the Ministry of Justice (MoJ), and brings together HMP Prison Service and the Probation Service to enable a more effective delivery of their services. NOMS is responsible for commissioning and delivering offender management services in custody and in the community helping to deliver punishments and reparation and coordinate rehabilitative, health, educational, employment and housing opportunities for offenders to reduce re-offending as well as overseeing the contracts of privately run prisons and managing the delivery of probation services through oversight of contracts with Probation Trusts.

#### **Purpose**

3. The purpose of this Memorandum of Understanding (MOU) is to replace the current MOU signed in October 2010.

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<sup>1</sup> As amended by the Criminal Justice Act 1982, the Asylum and Immigration Act 1999 and the Police and Justice Act 2006



## Programming

4. The Police and Justice Act 2006, requires HMIP to consult annually on its inspection plans and framework, and on the joint plan of the chief inspectors of criminal justice. Consultation is undertaken with a range of stakeholders, including NOMS. However, the decision to inspect a particular establishment is ultimately a matter for HMIP.

5. An outline programme of inspections will subsequently be published in HMIP's annual business plan. Any announced inspections will be published quarterly.

6. Currently, HMIP will inspect adult prison establishments at least once every five years and juvenile establishments at least once every three years but will ordinarily inspect more frequently. Inspections may on occasions be announced but normally unannounced. The nature and timing of an inspection will be at the discretion of HMIP and will be informed both by chronology and risk<sup>2</sup>.

7. HMIP is the "gatekeeper" under the Police and Justice Act 2006 for other inspectorates seeking to inspect in prison custody. To minimise burdens and maximise effectiveness, HMIP will seek to ensure that all its partners<sup>3</sup> inspect simultaneously under its auspices and, in so far as possible, produce uniform and consistent judgments. HMIP will put in place Memoranda of Understanding with all its partners to ensure that they adhere to the requirements placed upon HMIP by this MOU.

## Access

8. NOMS will provide authorised HMIP staff<sup>4</sup> acting on the instructions of the Chief Inspector unfettered access to establishments, records and prisoners. This will include the immediate provision of keys on arrival for authorised inspection staff. Records will include electronic images and records identified by inspectors relevant to the inspection, as well as relevant records held regionally or nationally.

9. HMIP will have immediate access to SIRs where this is relevant to their inspections and will guarantee their confidentiality. Where records or files relate to covert surveillance and/or use of a covert human intelligence source (CHIS), the establishment's Governing Governor will be notified in case any

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<sup>2</sup> The inspectorate maintains intelligence files in all establishments under its jurisdiction and guarantees the confidentiality of all material provided to it from whatever source, including NOMS, subject to any overriding safeguarding issues.

<sup>3</sup> Depending on the nature and location of the inspection, HMIP is currently joined by Ofsted, the Care Quality Commission, Royal Pharmaceutical Society of Great Britain, Dental Practice Division of the NHS Business Services Agency, Estyn (Wales), Healthcare Inspection Wales, Employment and Training Inspectorate (Northern Ireland), Regulation and Quality Assurance Inspectorate (Northern Ireland), HM Inspectorate of Education (Scotland) and HMI Probation.

<sup>4</sup> Authorised staff will include researchers as well as inspectors, together with authorised partner inspectors from other inspectorates. HMIP may on occasions also approach a governor or director for permission concerning access for a suitably vetted guest or observer (HMIP will not be accompanied by any media personnel without the agreement of the MoJ Press Office).

additional and proportionate arrangements are required for their secure viewing.

10. HMIP will ensure that all staff, including partners, have appropriate security vetting, personal photographic identification and security training. HMIP is covered by Crown immunity from prosecution under the Offender Management Act 2007 regarding the conveying of items in and out of the establishment related to their designated duties. HMIP has agreed not to take mobile phones into establishments, but will routinely take in cameras. HMIP and its partners will take in secure (laptops) with secure internet access and related mobile media devices as part of the inspection process – without the need for individual authorisations.

### **Data and Retention Periods**

11. This MOU is also the data sharing agreement between NOMS and HMIP. NOMS will supply HMIP with case level information centrally, when requested. This will include paper and electronic records. HMIP will ensure that it uses suitably encrypted media when sharing sensitive electronic data.

12. HMIP will meet all legal and government requirements for the protection of personal information, records and images accessed on inspection.

13. NOMS has a specific set of retention periods about the length of time offender data should be kept. Personal data provided to HMIP by NOMS will be kept for retention periods defined by HMIP and then destroyed in accordance with standard MoJ policy.

### **Inspections**

14. HMIP will seek in all instances to minimise unnecessary burdens on establishments during inspections.

15. HMIP will issue pre-inspection instructions about the conduct of inspections, either as part of a pre-inspection visit for announced inspections or on the day of arrival of an unannounced inspection. In particular, the establishment will be required to appoint a liaison officer and provide a suitable room or rooms for the inspection team. HMIP will also appoint a coordinator as first point of call for establishments.

16. On full inspections, the inspection team will endeavour to provide informal feedback throughout the inspection to explain and reinforce its findings and evidence base. HMIP will provide a formal debrief with indicative judgments on the final day of the inspection. The location of and attendance at the final debrief will be a matter for the governor or director, but NOMS will encourage regional management attendance.

17. At the formal debrief HMIP will provide the Governor with a debrief note that details the key judgements made during the inspection. These

judgements will be provisional and may be subject to review as evidence is considered further. In addition HMIP will send a copy of the debrief note to NOMS Headquarters. This will be done the week following the inspection and will be coordinated in NOMS by the Director of Public Sector Prisons' and Deputy Director of Contracted Custodial Services' offices. There is a requirement that the debrief note will not be made public or quoted publically, that it will be communicated under an "Official" marking with all the requirements that entails, and that it will only be communicated in a targeted way consistent with the requirements of specific pieces of work. It will not be circulated generally.

### **Conduct and complaints**

18. The conduct of inspectors, including partner inspectors, will be the responsibility of the on-site inspection team leader. Complaints about inspection staff should be referred to the inspection team leader or to the Chief or Deputy Chief Inspector as appropriate. Formal complaints will be dealt with in accordance with HMIP's complaints process.

19. Formal complaints by inspectors about prison staff, or the behaviour of prisoners, will be made to the governor or director or, if necessary, regional or national managers within NOMS.

20. HMIP will seek voluntary feedback for quality assurance purposes from establishments after each inspection. In addition, HMIP will conduct an annual stakeholder survey to inform performance improvement.

### **Correspondence**

21. Correspondence received from prisoners or members of the public that raise issues or matters of potential concern or urgency about a prisoner's safety will ordinarily be referred to the governor of the establishment to which the concern relates. In exceptional circumstances, or where the nature of the correspondence requires it, correspondence will be referred directly to NOMS.

### **Report production**

22. The content of inspection reports and the decision to publish are entirely matters for HMIP. However, HMIP will send a draft report to NOMS' Regulation Team for factual accuracy checks within nine weeks of the completion of an inspection. A covering letter will specify an indicative publication date approximately nine weeks later.

23. Regulation Team will ensure that factual accuracy checks are undertaken within three weeks. During this time Regulation Team will indicate whether NOMS is content for publication to go ahead on the indicative date, although HMIP reserves the right to move to publication if NOMS does not meet this deadline.

24. HMIP will respond to any factual accuracy points within two weeks. Matters of judgement will remain entirely for HMIP.

25. HMIP will publish within a further four weeks; this will include printing, circulation to Ministers, media handling and ensuring the availability of relevant senior staff.

### **Media handling**

26. All HMIP reports will be preceded by a press notice. HMIP's press officer will produce a draft press notice five working days before publication and seek a quote from the Chief Executive of NOMS to insert into this notice.

27. HMIP and NOMS will independently manage their own media relations.

### **Action plans**

28. NOMS will ensure that, within three months of report publication, the establishment puts in place an action plan setting out whether recommendations are accepted and the consequential action taken or planned. The Regulation Team will quality assure these plans, clear them with the Chief Executive and Ministers, and pass them to HMIP no later than six months after the publication of the report.

29. Establishments will keep their action plan up to date and a revised version will be sought by HMIP as part of its next inspection.

### **Thematic reviews**

30. HMIP may undertake thematic reviews. The nature and subject of these reviews will be a matter for the Chief Inspector but will be informed by the annual consultation arrangement set out above.

31. Where additional fieldwork is required for thematic reviews, individual governors or directors will be approached directly to agree access and make appropriate arrangements. HMIP will discuss the emerging findings of its thematic inspections, with NOMS before the report is finalised.

32. The report publication, media handling and action plan stages set out above will apply but, where necessary, will be tailored to the nature, length and complexity of a thematic report. The Regulation Team, will coordinate handling of thematic reviews on behalf of NOMS. For reports about a single policy area the lead NOMS group will coordinate tailored responses and action plans, seeking advice and guidance from the Regulation Team as necessary.

## **Reviewing the MOU**

33. The MOU will be reviewed annually. Lead contacts for the MOU will be the Deputy Chief Inspector (HMIP) and the Head of Regulation (NOMS).

Signed

**Signature**

Nick Hardwick CBE  
HM Chief Inspector of Prisons  
Date: 17 April 2013

Signed

**Signature**

Michael Spurr  
Chief Executive, NOMS  
Date: 18 April 2013

## Appendix G



**PROTOCOL**  
**BETWEEN**  
**HER MAJESTY'S CHIEF INSPECTOR OF PRISONS**  
**INDEPENDENT MONITORING BOARDS**  
**and**  
**PRISONS AND PROBATION OMBUDSMAN**

### Purpose of the Protocol

1. This protocol sets a broad principle for how Her Majesty's Inspectorate of Prisons (HMIP), Independent Monitoring Boards (IMBs) National Council and the Prisons and Probation Ombudsman (PPO) will work together to protect any prisoner/ detainee from sanctions or other prejudice arising from their, or someone acting on their behalf's, communication with either party and to provide reassurance that they can freely communicate with HMIP, IMBs and the PPO without fear of sanctions or other prejudice.
2. Staff who have similar concerns are protected by the relevant agencies 'reporting wrong doing' and public interest disclosure policies to which they should be directed.
3. This protocol has been endorsed by HMIP, IMB National Council and the PPO.

### The role of HMIP

4. HMIP is an independent inspectorate whose duties are primarily set out in section 5A of the Prison Act 1952 as amended by section 57 of the Criminal Justice Act 1982. HMIP has a statutory duty to report on the treatment of prisoners and detainees and the condition in prisons, young offender institutions (YOIs) and immigration detention facilities. HMIP also inspects court custody, police custody and customs custody (jointly with HM Inspectorate of Constabulary), and secure training centres (with Ofsted). Prison inspections are led by HMIP but include colleagues from HMI Probation, Ofsted and the CQC who inspect functions within their respective remits. HMIP does not deal with individual complaints.

### The role of IMBs

5. The role of IMBs is to monitor day-to-day life in their local prison or removal centre and ensure that proper standards of care and decency. IMB members are independent and unpaid.
6. Members have unrestricted access to their local prison or immigration detention centre at any time. They can also talk to any prisoner or detainee they wish to, out of sight and hearing of a member of staff, if necessary.
7. Board members also play an important role in dealing with problems inside the establishment. If a prisoner or detainee has an issue that he or she has been unable to resolve through the usual internal channels, he or she can put in a confidential request to see a member of the IMB.
8. The IMBs National Council's primary purpose is to provide leadership, guidance, training and quality control to boards and to help them fulfil their statutory and other duties. The National Council is required by the Secretary of State, through and on the advice of the Secretariat, to ensure boards work in accordance with policies and good practices where it is considered necessary for standard procedures to be operated by all boards. The Secretary of State also requires the National Council to protect the independence of boards in making their proper enquiries and reporting fully the conclusions they reach.

### The role of the PPO

9. The Prisons and Probation Ombudsman investigates complaints from prisoners, children in Secure Training Centres those on probation and those held in immigration detention. The Ombudsman also investigates all deaths that occur in prison, secure training centres, secure children's homes, immigration detention and in probation hostels (approved premises).
10. The Ombudsman is appointed by the Secretary of State for Justice and is completely independent of the Prison Service, Probation Trusts, the Home Office, the Youth Justice Board and the Department of Health.

Obligations arising from Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and HMIP's and IMBs' status as part UK National Preventative Mechanism (NPM)

11. The UK is a party to the UN Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). At the local level OPCAT requires each state party to maintain, designate or establish one or several independent national preventative mechanisms (known as the NPM) for the prevention of torture<sup>5</sup>.
12. HMIP and IMBs are two of the organisations that deliver the UK government's obligations arising from its status as a party to OPCAT. At the international level, OPCAT established the Subcommittee for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) which also conducts visits to places of detention within the jurisdiction of state parties. SPT visits to the UK are likely to be rare events.
13. The UK ratified OPCAT in December 2003 and designated its NPM on 31 March 2009. The UK NPM is made up of 18 different inspection/ monitoring bodies which covers the whole of the UK. The bodies monitor various types of detention including prisons, police, court and customs custody, children in secure accommodation, immigration, mental health and military detention, across all jurisdictions.
14. OPCAT requires State Parties to "*ensure that no authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the SPT or NPM any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way*"<sup>6</sup>.
15. The SPT has made references to the obligation of State parties to ensure that there are no reprisals following either their or NPM visits; this has been in their Annual Reports, country visit reports and specific mention is also made in revised NPM guidelines.
16. HMIP inspection evidence suggests that there have been rare instances when prisoners/ detainees have been subject to informal, unauthorised sanctions for engaging with inspection teams or to prevent such engagement. This is a particular concern for those prisoners who lack the competence to advocate on their own behalf. These concerns are likely to be exacerbated for prisoners/detainees who have been or fear being subject to sanctions arising from their contact with HMIP, IMBs, PPO or the SPT.

#### The Protocol

17. This protocol is intended to assist joint working between the three organisations with a clear focus on ensuring that prisoners/ detainees are protected from any victimisation/ sanctions which might take place for communicating or trying to communicate with the IMB, HMIP or the PPO.
18. Nothing in this protocol will supersede the obligations of parties to ensure the safety and security of individuals and establishments as set out in their existing policies and procedures.

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<sup>5</sup> *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: Article 17*

<sup>6</sup> *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: Articles 15 and 21.1*



19. HMIP will:

- Make clear to all prisoners/detainees in its written and verbal communication prior to, during and after an inspection that they may communicate freely with inspectors and may not be subject to sanctions for doing so and that they may raise any concerns about this, at any time, with the inspectorate or IMB;
- If allegations are made to HMIP that such sanctions have been applied, obtain the permission of the prisoner/detainee to inform both the IMB and the PPO;
- If such permission is obtained, inform relevant members of both the IMB National Council through the IMB Secretariat and either the Prisons and Probation Ombudsman or his Deputy;
- In exceptional circumstances, where it appears that there may be a risk to the prisoner concerned, other individuals or the security of an establishment, pass the allegation directly to the Chief Executive of NOMS;
- Where the issue raised is a general concern that sanctions might be applied, rather than a specific allegation, obtain permission from the prisoner/detainee to pass the concern to the local IMB and the PPO;
- Treat allegations concerning sanctions relating to a prisoner's/detainee's contact with the IMB or PPO in the same way as allegations relating to an inspection;
- Log all incidences where a sanction is reported to have taken place to allow for follow-up and analysis; and
- Ensure all members of HMIP are aware of the provisions of this protocol...

20. The IMB National Council will pass any concern about the use of sanctions it receives from HMIP to the relevant local IMB and have in place and oversee national procedures that require individual IMBs to:

- Make clear to all prisoners/detainees in its written and verbal communication that they may communicate freely with the IMB, the inspectorate and the PPO and may not be subject to sanctions for doing so and that they may raise any concerns about this, at any time, with the IMB;
- If allegations are made directly to the IMB that such sanctions have been applied or they are informed about them by the establishment, speak confidentially to the prisoner/detainee concerned, and if such allegations are not evidently spurious or trivial, obtain the permission of the prisoner/detainee to inform HMIP and the Prisons and Probation Ombudsman (PPO);
- If allegations are passed to them by HMIP via the IMB National Council, obtain further information as necessary from HMIP, speak confidentially to the prisoner/detainee concerned, and if such allegations are not evidently spurious or trivial, obtain the permission of the prisoner/detainee to inform the Prisons and Probation Ombudsman (PPO) and to update HMIP;
- When such permission is obtained from the prisoner/detainee, refer the complaint to the PPO;
- Where such a complaint was initially made to HMIP, keep HMIP informed of any action they take;
- In exceptional circumstances, where it appears that there may be a risk to the prisoner concerned, other individuals or the security of an establishment, pass the allegation directly to the Chief Executive of NOMS and inform HMIP;
- Where the issue raised is a general concern that sanctions might be applied, rather than a specific allegation, obtain permission from the prisoners/detainee to inform the HMIP and the PPO of the concern;

- Closely monitor the treatment and conditions of any prisoner/detainee who has made allegations or raised concerns about sanctions, either with the IMB or HMIP and report any further concerns to HMIP and PPO;
- Ensure HMIP is copied into all correspondence to ensure the incident is logged; and
- Ensure all members of the IMB are aware of the provisions of this protocol.

21. The PPO will:

- accept any referrals by an IMB member or HMIP suggesting that an allegation of sanctions has been applied;
- Depending on the seriousness of the allegation, decide whether to conduct an investigation;
- Keep both HMIP and the IMB informed of their decision;
- Inform HMIP and IMB if the PPO received complaints direct about the application of sanctions; and
- Ensure all members of the PPO are aware of the provisions of this protocol.

22. Organisation leads will be:

- HMIP: Danielle Pearson (HMIP policy officer)
- IMB: John Thornhill (Chair IMB National Council)
- PPO: Louise Falshaw (Deputy Ombudsman)
- Organisation leads will reconvene on a six monthly basis to discuss potential findings which may emerge from this piece of work.

ENDS

## Appendix H

### ROLL-CHECK (date & time)

Establishment .....  
Total unlock on day of roll check.....  
Time.....

Wing	Unlock roll	No. unlocked in activity OFF wing	No. unlocked in activity ON wing	No. unlocked NOT involved in activity ON wing	No. locked up	No. retired/ sick	Total
TOTAL							

## Appendix I



### DEATHS INVESTIGATIONS

#### HMIP FEEDBACK TO PPO FOLLOWING INSPECTION

**TO:** Learning.lessons@ppo.gsi.gov.uk

**FROM:**

**DATE:**

**Inspection of HMP/IRC .....**

We have recently inspected HMP/IRC .....  
Thank you for providing information about recent deaths in custody.

In accordance with the protocol between the HMCIP and PPO please note our brief assessment of the establishment's compliance with recommendations from PPO investigations.

**A proforma should be completed for all inspections of prisons and IRCs**

**General overview of suicide and self harm procedures including care/support offered to those at risk and care for those at end of life (this can also include other relevant areas including: early days arrangements, vulnerability, segregation, security and healthcare etc)**

**Deaths since our last inspection:**

**Had the establishment received reports / feedback from PPO?**

**If so had the establishment developed any action plans in response?**

**Please provide comment regarding progress against specific recommendations (you should liaise with healthcare colleagues):**

Prisoner Name	Date of Death	Recommendation	Progress against Recommendation

Were these plans active / reviewed discussed at Safer Custody Meetings?

Had the action plans resulted in any real change in practice?

Any further comments from Healthcare Colleagues (including emergency response procedures, emergency services, staff training etc)

Inspectors please copy email to:

cc [redacted] DPA  
Kellie Reeve [redacted] DPA

## Appendix J



Debriefing paper by HM Inspectorate of Prisons

Full inspection of:

HMP XXX

[Date]

This paper represents the material presented at the full inspection debrief by HM Inspectorate of Prisons. The material and assessments are indicative only, and may be changed at the discretion of the Chief Inspector after due reflection during the report production process or on the discovery of additional evidence. Inspected bodies will be offered the opportunity to correct factual inaccuracies as part of the publication process.

# Contents

## Healthy prison assessments

1. Safety
2. Respect
3. Purposeful activity
4. Resettlement

## Healthy prison assessments

---

*Outcomes for prisoners are good against this healthy prison test.*

There is no evidence that outcomes for prisoners are being adversely affected in any significant areas.

*Outcomes for prisoners are reasonably good against this healthy prison test.*

There is evidence of adverse outcomes for prisoners in only a small number of areas. For the majority there are no significant concerns. Procedures to safeguard outcomes are in place.

*Outcomes for prisoners are not sufficiently good against this healthy prison test.*

There is evidence that outcomes for prisoners are being adversely affected in many areas or particularly in those areas of greatest importance to the well-being of prisoners.

Problems/concerns, if left unattended, are likely to become areas of serious concern.

*Outcomes for prisoners are poor against this healthy prison test.*

There is evidence that the outcomes for prisoners are seriously affected by current practice.

There is a failure to ensure even adequate treatment of and/or conditions for prisoners.

Immediate remedial action is required.



# 1. Safety

[text on safety]

## 2. Respect

[text on respect]

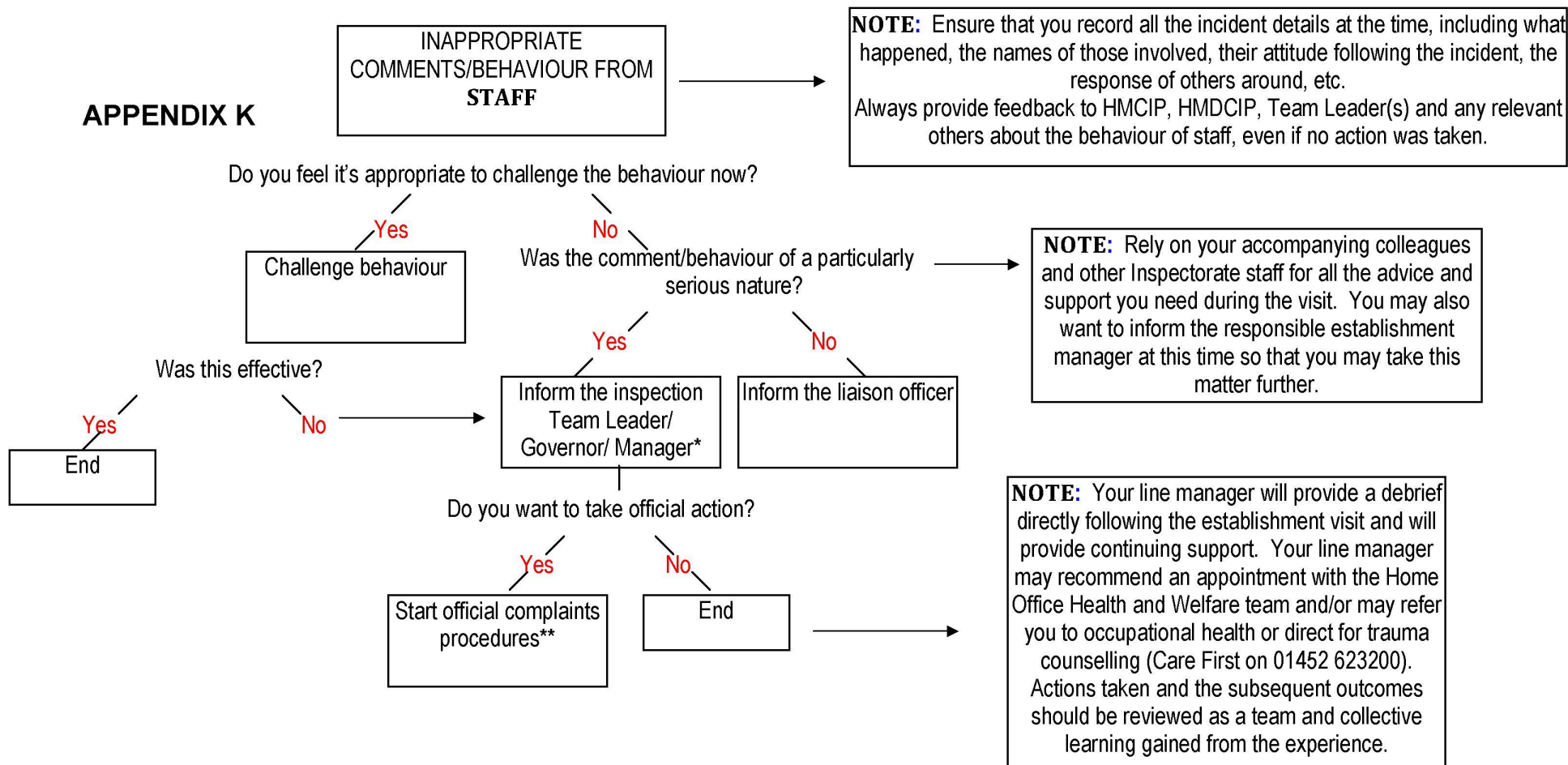
### 3. Purposeful activity

[text on purposeful activity]

## 4. Resettlement

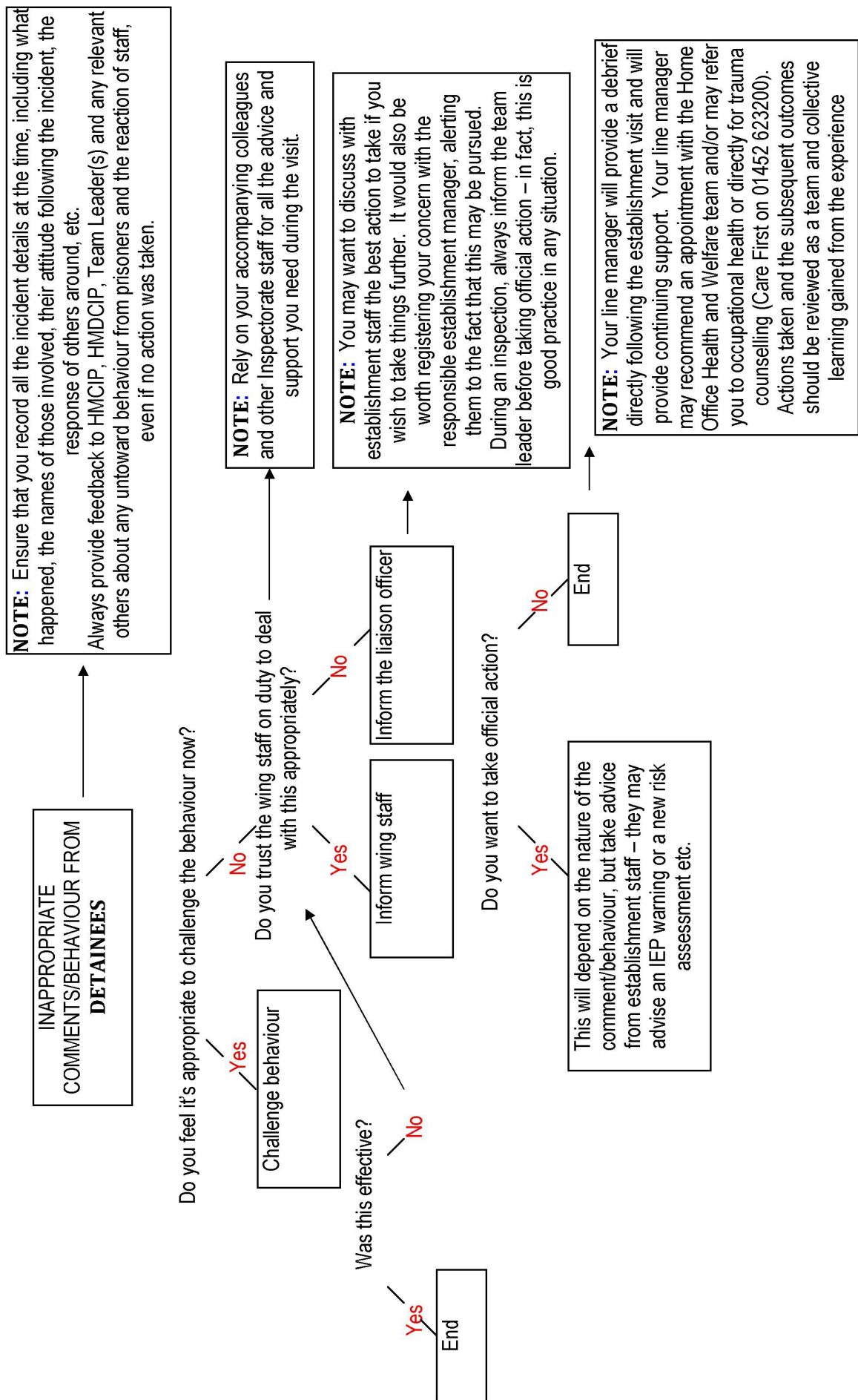
[text on resettlement]

## APPENDIX K



\*During an inspection the Team Leader must be informed first – it is through the Team Leader that the Governor/ Manager will be informed. During an announced pre-inspection or other establishment visit you must contact the Team Leader or HMDCIP before speaking to the Governor/ Manager and/or taking official action.

\*\*If you wish to make an official complaint, ideally alert the Governor/Manager to this at the time, though you may want to wait until back in the office where you can get advice and support before starting proceedings.





**HM INSPECTORATE OF PRISONS**

**RECORD RETENTION AND DISPOSITION SCHEDULE**

Government Departments, Agencies, and all other public sector bodies, are instructed to retain any and all documents; correspondence; notes; e-mails and all other information – however held – which contain or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection and care. For the purposes of this instruction, the word “children” relates to any person under the age of 18.		
No		
1	Inspection reports a. completed surveys & SNAP records of same/ completed research templates (hard copies) b. completed surveys & SNAP records of same/ completed research templates (electronic versions) c. pre-inspection/ inspection packs and any other evidence/ intelligence received prior to inspection d. inspection evidence – inspectors’ notes & documentation e. submissions to Ministers f. key points in bullets & debrief note g. factual accuracy response h. draft reports – all versions i. press release j. action plans k. survey databases final report (hard copy and electronic version)	Destroy 6 months after report publication (a) Destroy 1 year after report publication (b,c,d,e,f,g,h) Keep – for permanent preservation by HMI Prisons (i,j,k,l)
2	Thematic reviews a. project plans – all versions b. project & steering group meeting minutes c. completed surveys & SNAP records of same/ completed research templates (hard copies and electronic versions) d. submissions to Ministers e. factual accuracy response f. draft reports – all versions g. thematic evidence – inspectors’ notes & documentation h. survey and interview databases used for thematic (electronic version) i. researcher analysis j. press release k. action plans l. blank research templates m. final report (hard copy and electronic version)	Destroy 1 year after report publication (a,b,c,d,e,f) Review 1 year after report publication (g,h,i) Keep – for permanent preservation by HMI Prisons (j,k,l,m)
3	Annual report a. evidence, datasheets & analysis b. factual accuracy response c. draft reports – all versions d. submissions to Ministers e. press release f. final report (hard copy and electronic version)	Destroy 1 year after report publication (a,b,c,d) Keep – for permanent preservation by HMI Prisons (e,f)

4	Establishment intelligence a. correspondence b. press cuttings c. IMB reports d. MQPL e. Audit reports f. Ofsted report	Destroy 6 months after report publication (a,b) Destroy at next full inspection (c,d,e,f)
5	Expectations: a. criteria b. inspection manual c. pre-inspection pack d. drafts – all versions e. consultation responses	Destroy 1 year after document publication (a,b,c,d,e)
6	Annual inspection programme a. drafts – all versions b. consultation responses c. inspector allocation table d. final version	Destroy 1 year after programme publication (a,b) Destroy 1 year after end of programme (c) Keep – for permanent preservation by HMI Prisons (d)
7	Business plan and annual corporate plan a. drafts – all versions b. consultation responses c. final version	Destroy 1 year after plan publication (a,b) Keep – for permanent preservation by HMI Prisons (c)
8	Parliamentary question files	Folder closed annually Destroy 1 year after folder closed
9	FOI request files	Folder closed annually Destroy 2 years after folder closed
10	Consultation response files	Folder closed annually Destroy 2 years after folder closed
11	Hansard summaries	Destroy after 1 year on a rolling basis to match parliamentary session
12	Minutes of internal meetings: a. Management Board b. Ops meeting c. Diversity meeting d. Team meetings e. Tactics f. Bi-laterals g. Policy Fora	Review after 5 years (a,b) Destroy after 5 years (c,d,e,f,g)
13	Development Day a. planning notes b. programme and papers	Destroy immediately after event (a) Destroy 1 year after event (b)
14	CI & DCI correspondence files	Review after 5 years



The MOJ Departmental Record Officer has drawn up this schedule in consultation with HM Inspectorate of Prisons.

Most recent up-date to Schedule agreed July 2015.

Please retain for future reference.

Departmental Records Officer  
Records Management Services  
Ministry of Justice  
1st Floor, 102 Petty France  
London  
SW1H 9AJ

## Appendix M

### Volunteering & Conflicts of Interest

25 January 2013

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#### Context

HM Inspectorate of Prisons supports volunteering and encourages staff to take part in voluntary work. Voluntary work provides staff with the opportunity to develop skills and knowledge and to contribute to their community. The Ministry of Justice has a policy on volunteering and on special leave for voluntary activity.<sup>7</sup> The MoJ policy does not however take account of the specialist nature of HMIP's work and the possibility that conflicts of interest may arise while volunteering. A number of inspectorate staff have asked for guidance on this issue. This document therefore provides guidance to HMIP staff (including secondees and fee-paid staff) regarding potential conflicts of interest and sets out what staff should do if they are thinking about volunteering.

#### Conflicts of interest

HMIP staff should ensure they remain independent and impartial at all times. This independence should not be compromised, nor be perceived as being compromised. There are some types of voluntary work which, while essential and supported by HMIP more generally, would nonetheless raise a conflict of interest if undertaken by HMIP staff.

#### General principles

- HMIP staff should not undertake voluntary activities for organisations falling within HMIP's remit and which are therefore subject to inspection. This prevents staff from undertaking voluntary work with current detainees or in places of detention.
- Voluntary work for another organisation which may affect your or HMIP's judgements during inspection will raise a conflict of interest.
- Staff should not undertake voluntary work which could bring HMIP into disrepute.
- Staff should also take care that their involvement is not seen to imply that the activity/organisation is endorsed by HMIP.
- Staff should take care that their involvement does not result in the organisation gaining any benefit through its links to HMIP (e.g. in bidding for a contract).

#### Procedure

Staff who volunteer, or who would like to carry out voluntary work, should notify and seek the permission of their line manager. Line managers will facilitate and encourage staff participation in voluntary activities. However, where the voluntary work raises a potential conflict of interest, line managers will discuss with staff whether it is appropriate. While some voluntary activities will clearly be prohibited (such as serving as a member of an Independent Monitoring Board), it may be more difficult to assess whether other activities raise a conflict of interest. Decisions will be made on a case-by-case basis and will take into account:

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<sup>7</sup> See <http://intranet.justice.gsi.gov.uk/guidance-support/charities-volunteering/volunteering/index.htm>.

- the nature of the voluntary work and the organisation for which it is undertaken, including whether the role is back office or front line
- the role of the staff member at HMIP

Please note that this applies to regular voluntary work only: staff do not need to notify their line manager of one-off activities such as volunteering at a community event.

### ***Examples***

Care should be taken when volunteering with an organisation that delivers services in a prison or through-the-gate services. For example, volunteering with Shelter is acceptable; volunteering specifically with a Shelter service delivering housing services to prisoners may not be acceptable because this service may be inspected by HMIP.

Mentoring young people at risk of offending will be acceptable, but staff should consider whether the mentoring relationship with the young person would end if the young person was imprisoned.

### **Specific roles raising a conflict of interest**

The following volunteering opportunities are considered to raise a conflict of interest with working at HMIP (this list is not exhaustive):

- Independent Monitoring Board
- Independent custody visitor
- Lay observer of court custody
- Appropriate adult
- Magistrate
- Special Constable
- Prison visitor

### **Paid work**

Permission should be sought before undertaking paid work in addition to working at HMIP. HMIP staff should not undertake paid work which could otherwise be undertaken as part of their HMIP role (i.e. working as a consultant inspector on a prison inspection abroad). Please discuss any external paid work with your line manager if you are unsure about what may or may not be acceptable.

## Appendix N

### Health and social care information required (week one)

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Her Majesty's Inspectorate of Prisons (HMI Prisons) is an independent statutory organisation which carries out regular inspections of places of detention, to assess the treatment of and conditions for prisoners. HMIP inspects all prisons in England and Wales, including YOIs, all IRCs, STHFs and escort arrangements for immigration prisoners. The HMI Prisons team includes specialist health and substance misuse inspectors to inspect these areas.

Since April 2015 inspections of health services and clinical substance misuse provision are jointly undertaken by the Care Quality Commission (CQC) and HMI Prisons under a memorandum of understanding agreement between the agencies.

HMI Prisons is inspecting HMP [insert name here] on the week commencing [insert date here]. I am the health inspector and will be accompanied by a CQC colleague [insert name and contact details here]. A pharmacy inspector colleague [insert name and contact details here] will visit on Tuesday morning to inspect pharmacy services. Please note that both myself and the CQC inspector will have keys, but the pharmacy inspector will not.

We inspect by speaking to staff and prisoners, observing practice, reading key documents and checking records (including SystmOne or equivalent clinical records), complaints, training records and adverse incident records. We also liaise with commissioners.

It would be very helpful to have access to the information below. Wherever practicable it is preferable to have the documents requested below sent by email by Friday of this week so that the inspectors can read them before coming on site.

**Our CQC colleagues need the following information as soon as possible to allow them check their registration records before next week:**

Name and contact details of all health service providers including:

Primary care:

GP service:

Primary mental health:

Secondary mental health:

Dental services:

Details of clinical substance misuse service provider(s):

## Health services

### Clinical governance

- Health needs assessment and action plan
- Details of commissioner
- Details of ALL providers
- CQC/HIW registration details
- Clinical governance meeting minutes for last six months
- Serious and untoward incidents reports for last 12 months, including summary
- Complaints reports for last six months
- Health and Justice Indicators of Performance (HJIPs) for last six months (or any equivalent performance reports that are submitted)
- Patient forum minutes for last six months
- Action plan following results / findings from any patient survey carried out
- Staffing make up to include numbers of qualified nurses/HCA and what vacancies the team is carrying (specifically which posts/grades)
- Health specific action plans arising from deaths in custody

### Primary care

- Access to SystmOne from day one, including the ability to run reports and look at patients no longer at the establishment.
- Access to Windows from day one to enable access to SystmOne
- Timetable of clinics and those run by internal and visiting specialists including number of GP sessions provided and number of dental sessions provided

### Inpatients (if relevant)

- Occupancy activity in the past six months – percentage bed occupancy, data on reasons for admission (physical health issues, detox, mental health issues, non-clinical admissions)

### Pharmacy

*Please note that the pharmacy inspector will not have keys and will need a member of staff (ideally from the pharmacy team) to be with them for the morning to explain processes and escort him/her to the different areas where medicines are stored, dispensed and used for administration.*

*If any of the below is in hard copy only please ensure it is available onsite for the inspector to view.*

- Pharmacy standard operating procedures (SOPs)
- Evidence that staff have read and signed the SOPs
- In establishments without a pharmacy, SOPs relating to the administration and/or supply of medicines and medicines management policies
- Staff training records
- In-possession policy
- 'Special sick' policy

- Canteen list
- Out-of-hours policy
- Patient group directions (PGDs)
- Evidence that the PGDs have been read and signed
- Minutes of last three medicines and therapeutics committee meetings
- Report data from prescribing analysis/audit
- Report of numbers on tradeable medications – gabapentin, pregabalin, opiate-based analgesia, benzodiazepines, night sedation
- Report of proportion of detainees prescribed medication daily in-possession, weekly in-possession and monthly in-possession
- Completed intervention forms
- Near-miss records
- Specials records
- Responsible pharmacist record

#### Mental health

- Number of patients transferred under mental health act in the previous six months and their waiting times to second assessment and transfer

#### Social care

- Contact details of the prison lead for Adult Social Care
- The Memorandum of Understanding with relevant local authorities and providers of care and support services
- Information sharing agreement between the prison and the local authority relating to social care assessments
- Details of all referrals made in the previous six months and the outcome

Thank you for your assistance.