

Prison Reform Trust response to HM Inspectorate of Prisons consultation on adult male prison expectations – February 2017

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. The Prison Reform Trust provides the secretariat to the All Party Parliamentary Penal Affairs Group and has an advice and information service for people in prison.

The Prison Reform Trust's main objectives are:

- reducing unnecessary imprisonment and promoting community solutions to crime
- improving treatment and conditions for prisoners and their families.

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Introduction

We welcome the opportunity to provide our feedback on the inspectorate's revised expectations for adult male prisons. In our response we outline our principal concerns about the expectations; provide a suggestion for a revised structure using the safety expectations as a template (at Annex A); and give further detailed feedback on noteworthy amendments and omissions to the individual expectations in each section.

Principal concerns

Whilst we appreciate that inspectorate's expectations are not minimum standards, in the absence of a statutory code they provide an absolutely critical protection against the risk that treatment and conditions for prisoners depart from international standards against which our prison system should be measured. The inadequacy of domestic statutory backing for these basic standards makes this by far the most important aspect of the inspectorate's work, and the expectations it sets to inform it. We accept and welcome the other core aspect of the inspectorate's work, to drive up standards across the prison estate, but there is a clear hierarchy of importance, and we believe this should be reflected in the language and structure of the expectations.

The existing introduction to the 2012 expectations gives the clearest possible expression to this crucial distinction and we cannot improve upon it:

“The starting point of our inspections remains outcomes for prisoners, not the management of prisons. The expectations were drawn up after extensive consultation and are based on and referenced against international human rights standards. The independent inspection of prisons has a long history in England and Wales and is part of the mechanism by which the UK fulfils its obligations as a signatory to the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).”

Upholding human rights

It follows that we are deeply concerned about the inclusion of the phrase “in the better prisons, we usually find...” throughout the new expectations. Despite the intention to highlight some of the outcomes that better performing prisons provide, this language devalues the importance of expectations which reflect law and/or our international obligations. There is a danger that the expectations are viewed as a menu of options from which prisons are able to choose—selecting those that they feel confident they can deliver, irrespective of any legal obligations that may underpin them.

Rather than driving up standards in our prisons, the draft expectations could have the opposite effect, lowering the expectations of operational managers ahead of inspections. The use of “in the better prisons” could lead to some prisons settling for poorer performance as a result of misguided pragmatism—choosing to concentrate on outcomes that they believe are within their reach, as they are not a “better prison”. There is a risk that the message this sends could harm both the inspectorate and prisons, undermining the critical role that inspectors play in upholding human rights, the credibility of the expectations, and in lowering the aspirations of prison managers.

Many of the inspectorate’s expectations are built on the foundation of international and domestic law. As the inspectorate has consistently and methodically highlighted, conditions in prisons during the last five years have deteriorated markedly. There is no doubt that the continued and unacceptable overcrowding of the estate and a significant reduction in resources has played a part in this. Whilst this places an unenviable challenge on governors and staff to meet the needs of the people in their care, it does not absolve their legal obligations. As European Prison Rule 4 clearly states:

“Prison conditions that infringe prisoners’ human rights are not justified by lack of resources.”

There are some sections within the expectations where it is difficult to envisage what would be classed as desirable and only seen in better prisons—rather than essential. This is particularly true of safety. In Annex A we have chosen to focus on the safety expectations to provide the inspectorate with an alternative structure. This clearly states to staff what

must be provided in accordance with the law. The 2012 expectations currently in use in the adult male estate helpfully already cross reference the relevant legislation. This should remain in any revised version.

Leadership

Recognising and monitoring the performance of leaders within our prisons is an important aspect of the inspectorate's legitimate function to help drive up standards in prisons. Inspectors have long highlighted the successes and shortcomings of staff and management in their reports. However, we have serious concerns that the new draft expectations place greater emphasis on the management and running of prisons, rather than the outcomes people in prison receive.

We agree that the decision to include leadership across all expectation sections is preferable to a distinct leadership section. However, this more explicit focus on the role of senior staff in the overall performance of a prison also has the potential to devolve ultimate accountability down from ministers and onto the shoulders of senior operational staff.

Operational staff work within a climate and parameters which are often beyond their direct control. Areas including sentencing, prison overcrowding, estate planning, prison categorisation, and commissioning of services all lie largely outside their sphere of influence. These changes are made centrally, either originating from, or approved by ministers, and then imposed on prisons.

Some of our prisons are led by exceptional people, but still fail to deliver the right outcomes to those in their care that both the inspectorate and the public demand. Whilst it is right that prison leaders are held to account, it is important that inspectors acknowledge that the failings of some prisons go beyond the powers of individual governors, and that responsibility ultimately lies with ministers.

We are concerned that a focus on an establishment's leadership will present a partial picture, allowing ministers to abrogate responsibility for a poor inspection report by replacing an establishment's senior staff. This is particularly true of large inner city local prisons, where chronic overcrowding, large volumes of people flowing in and out, limited opportunities to provide purposeful activity or RoTL, and squalid and degrading conditions challenge even the most conscientious and committed governor.

Furthermore, the focus on an establishment's leadership in spite of these external factors can inhibit justified critique of a prison's poor performance by the inspectorate. Whilst it may be entirely right that inspectors find dedicated senior staff are doing all they can, there is a risk that the poor outcomes experienced by prisoners are diminished or even excused as a consequence. We know that this will not be the inspectorate's intention, but we are concerned by recent inspections in which the identification of good leadership may have influenced a judgement about the treatment of prisoners. For

example, a recent report on an overcrowded local prison praised its leadership and concluded that conditions in the prison were “basically decent” even though the prison was grossly overcrowded, with a third of prisoners locked up during the working day with an expectation of spending no more than 2 to 3 hours out of cell, and 45% of prisoners reporting having felt unsafe at some point. We do not dispute the judgement on leadership, but the judgement on decency is harder to understand in those circumstances. Fundamentally, a very well led prison may still be a very bad place to be a prisoner. It is not the inspectorate’s role to conclude that a prison is doing well “given all the circumstances”, but to point out what is about those circumstances that prevent the prison from meeting its obligations to prisoners. The historic practice of making recommendations for both the top management of the prison service and for ministers must continue to bring to public and parliamentary attention the issues which fall to those outside the prison to solve.

Normalisation

As well as a clear human rights underpinning, these expectations should be explicitly informed by the test set out in *Raymond v Honey* (1983), that under English law, a convicted prisoner, in spite of his imprisonment, retains all civil rights which are not taken away expressly or by necessary implication . . .” This test is rarely at the front of government’s mind when setting prison policy, but it is the most important expression in English law of how day to day decisions about the way of life in prison should be taken. In some cases it will drive essential standards, and in others provide the guiding principle for the desirable expectations which may drive up standards across the estate. Once again, in the absence of a proper statutory code for the way prisons operate and the experience of the people they hold, these expectations provide a crucial opportunity to enshrine and articulate an often neglected safeguard.

Serious failings

The deprivation of liberty places a great responsibility on the state to ensure that prisons do not fail in their duty of care towards the people that live and work there. We would welcome an extension of the inspectorate’s powers where the failings within an establishment are so great that they pose an imminent threat to safety. The Care Quality Commission (CQC) has as part of its enforcement policy, a range of civil powers to protect people from harm or the risk of harm and to improve care standards. The CQC can place a provider into special measures, and in exceptional circumstances can suspend an establishment with immediate effect (subject to a court order).

In 1990 HMP Grendon was shut following the identification of serious electrical system defects during an electrical survey. This required people to be transferred to other prisons on a temporary basis whilst the situation was rectified. We believe that such powers should be available to inspectors where serious failings within prisons are identified. A formal mechanism, such as the CQC’s enforcement policy, should allow inspectors to take proportionate measures to ensure the safety of the people there. This should

include a requirement for ministers to respond and outline how they will correct failures within a set time. If inspectors are not sufficiently satisfied then the power to close a prison until it addresses its failings should stand as a measure of last resort.

Draft expectations

In this section we provide feedback and specific concerns that we have identified in the current draft expectations. We provide detailed amendments to some expectations, as well as raising broader issues or concerns that we have on the draft. This is broken down into the expectations' four sections.

Safety

Leadership and management of safety: We recommend replacing “of the most vulnerable” with “prisoners”. Leaders and managers should recognise that any failure to meet basic human needs generates conflicts among prisoners that may escalate into violence. There should not be a two-tiered approach to meeting people's needs, particularly if these are underpinned by law or international obligations.

This section should also include “Leaders and managers should also actively promote conflict resolution” as specified in United Nations Standard Minimum Rules for the Treatment of Prisoners (UNNMR) Rule 38.1.

Expectation 4: Replace “progress and reward schemes” with its formal title “Incentives and Earned Privileges”. The IEP policy includes mandatory measures and it would be helpful to clarify that this is what the inspectorate is referring to.

Expectation 5: Add “Staff understand their duty to protect all prisoners from victimisation” as specified in Bangkok Rules, Preliminary Observations, paragraph 9.

Replace “problematic behaviour”, which is open to varying interpretations, with more descriptive language such as “identify and challenge intimidation, exploitation, racism, and other forms of victimisation among prisoners”.

We believe that the current indicator that “Staff understand the link between regime curtailment and anti-social behaviour” is too vague. We recommend that this is replaced with “Officers know that a regime with wide opportunities for purposeful activity is more likely to promote safety than one based on containment.”

Expectation 6: Both inspectors and prison staff may have different interpretations of what constitutes a “last resort” in applying disciplinary procedures. We recommend this is replaced with “Wherever possible, anti-social behaviour is challenged effectively without the use of formal disciplinary measures”.

We appreciate the underlying safeguards that the indicator on ensuring that people with a mental illness or disability are not unfairly punished by the adjudication system provides. However, its inclusion uncovers a more fundamental issue within prisons, that sufficient reasonable adjustments are not being made to ensure that all prisoners have the capacity to obey prison

rules. The current indicator is seeking to tackle a symptom of wider systematic failure, rather than the failure directly.

If, with reasonable adjustments, a person does not have capacity to obey prison rules, then arguably they should not be held in prison and/or the prison is not fulfilling its duty under the Equality Act. If a person does not have the capacity to obey prison rules it is unlikely they had capacity to participate effectively in court proceedings.

We are also concerned that the draft indicator sets a lower threshold for prisons than existing international obligations. Under UNNMR Rule 39.3 it is not necessary for the person concerned to be incapable of following **all** prison rules; an adjudicator's judgement is to be applied in the specific circumstances of that charge. The indicator should reflect this.

The current indicator "Adjudications are conducted in non-intimidating surroundings" should be amended to include "and in a way that ensures full and effective participation of the prisoner concerned."

Expectation 7: We recommend that "non-discriminatory" is added to the list of qualifying statements to read "When used, force is legitimate, necessary, non-discriminatory, proportionate and subject to rigorous governance".

There should be regular scrutiny by senior staff of injuries following use of force and recommend the following insertion "Managers routinely scrutinise F213s (health care assessments of injuries) to gauge the extent of force used".

We also encourage inspectors to consider how to assess the use of force against people for whom English is not their first language and those with communication difficulties.

Expectation 8: Prisons should also keep up to date records of incidents where special or unfurnished accommodation is used when a person is known to have, or suspected of having, mental health problems, learning disabilities, autism or acquired brain injury.

Expectation 9: We are concerned that this expectation currently has a lower threshold than both segregation policy or human rights instruments (Prison Rules 1999, Rule 21(1) and UNNMR Rule 46). It should include the requirement that all other options have first been exhausted, and should make clear that prisoners at risk of suicide or self-harm should only be segregated in exceptional circumstances.

We recommend replacing the final indicator with the following: "The multi-disciplinary staff group regularly scrutinises data on the use of segregation, and assess the extent to which its use is necessary, proportionate, legal and non-discriminatory".

Expectation 10: The current indicator “Reviews are multi-disciplinary and prisoners are able attend” should also include “and participate”.

The indicator on psychological deterioration should be replaced with “Segregation unit staff and health care professionals are vigilant in detecting signs of deterioration in mental health and efficiently prevent further deterioration”.

Expectation 16: The current indicator “Self-harm data is monitored and any emerging patterns are identified and acted on” should be amended to include “including particular attention to protected characteristics.”

The current indicator “Staff are trained to identify and support prisoners who may have mental health problems or who have been affected by trauma” should be amended to also include learning disability and autism.

Expectation 18: Inspectors should also consider that arrangements for initial referrals to adult social care, and that assessment of a person’s social care needs is sufficient. Without adequate assessment arrangements in place there is a risk that potential safeguarding requirements are missed.

Expectation 19: We recommend that “Under no circumstances are visiting rights curtailed in response to a perceived risk of self-harm” should be added to the list of indicators.

Respect

There are some welcome changes within this section of the draft expectations. There is increased emphasis on continuity of support through the gate including indicators relating to chaplaincy, healthcare and social care. Additional indicators relating to prisoner consultation and input into decision making, active citizenship and a detailed section on peer workers are also welcome inclusions.

The strengthening and addition of indicators for some protected characteristics is also positive. For example, the expectation and indicators for foreign nationals now reflect a greater understanding of the needs and challenges for this group, setting clear outcomes on the management and communication of immigration matters as well as the need for equal access to resettlement support. An updated expectation on trans and intersex prisoners is also welcome, builds on the Ministry of Justice’s transgender review and subsequent Prison Service Instruction, and is an improvement on the current expectations.

As we have already stated in our response, relevant legislation and international obligations should be clearly referenced throughout, as they are in the 2012 expectations. In this section, the inspectorate should explicitly refer to all three public sector equalities duties: to provide equal opportunity;

eliminate unlawful discrimination; and promote harmonious relations among people from protected characteristics and those with none.

Expectation 36: A new indicator should be added, based on UNNMR Rule 5.2. “Governors/Directors make reasonable adjustments to enable people with disabilities to have full and equal access to all parts of prison life.”

We agree that there should be a named person with overall responsibility for equality and diversity, however it is important that they have both the training and authority to lead change. The indicator should be amended to read “A named person, with sufficient authority and training, has overall responsibility for equality and diversity”.

Expectation 38: Our forthcoming research into discrimination in prisons highlights concerns about the use of Discrimination Incident Reporting Forms by officers to defend themselves from allegations of discrimination made against them by prisoners. We recommend that there is an expectation against their use by officers for this purpose.

We also recommend strengthening the indicator on links between equality staff and violence reduction to read as follows: “there is evidence of regular, detailed communication between the person responsible for equalities and the violence reduction team, specifically on any links between violence and protected characteristics”.

Whilst we appreciate that there have been efforts to restructure and make the expectations more concise, there are examples where small amendments and changes have subtly altered emphasis and the responsibility of staff to prisoners.

Expectation 42: Inspectors currently assess a prison’s performance in meeting the needs of foreign nationals against expectation 18. One of the expectation’s indicators is that “prisoners *have access* to accredited translation and interpreting services wherever accuracy or confidentiality is important”. However the new draft expectations state that “staff communicate with foreign nationals using professional interpreting services wherever accuracy or confidentiality is required”. This revision is clearly a shift in the emphasis that inspectors should place on translation and interpretation services for prisoners, and an unwelcome one.

More concerning is that some indicators have unnecessarily moved away from that of their closest legal requirements. Where expectations and indicators reflect legislative standards, wording should be kept as close to this as practical.

Expectation 25: Within the new draft expectation an indicator on hygiene has been amended to read “prisoners have their own supplies of hygiene items”; whereas current expectations state that “prisoners have access to *necessary* supplies of their own personal hygiene items and sanitary products”. We are

concerned that the new draft deviates too far from the language and the spirit of the legislation which underpins this—Prison Rule 28. This states “Every prisoner shall be provided with toilet articles necessary for his health and cleanliness, which shall be replaced as *necessary*”.

Expectation 35: Meeting prisoner’s legal needs without delay is absolutely essential to the fair and decent running of prisons. Our advice and information service often hear from prisoners who are having difficulty access legal materials and are faced with a long process to gain support under local access to justice policies. Indicators should therefore emphasise the need for a transparent and timely approach to applications for laptops and other additional provisions.

People in prison are often not aware of their rights and may not know what avenues of redress, legal or otherwise, are available to them or what process they should follow. An expectation should be included which reflects Prison Rule 10 (1)—“Every prisoner shall be provided, as soon as possible after his reception into prison, and in any case within 24 hours, with information in writing about those provisions of these Rules and other matters which it is necessary that he should know, including earnings and privileges, and the proper means of making requests and complaints.”

Expectation 58: We are concerned that reference to the 14 day target for transfers to hospital under the Mental Health Act 1983 has been removed. This should be reinstated.

We have made a number of references to the importance of prisons assessing, identifying and meeting the support needs of those in their care in the previous section. These considerations are just as important in ensuring that all people are able to understand and effectively participate in daily life whilst in prison. To facilitate this the draft expectations should include a requirement that all information for prisoners is accessible, i.e. Easy Read, particularly those that concern daily living arrangements such as food menus, arranging visits, healthcare, canteen and complaints.

Expectation 40: We note that the assessment and identification of protected characteristics indicator now sits under this more general expectation, rather than repeated under each characteristic. Whilst we agree with the increased prominence this gives to this indicator, it is important to ensure that it still gives equal regard to all protected characteristics. This includes race, and we recommend strengthening the indicator on resettlement to include this as follows: “Resettlement work is culturally sensitive and takes account of the specific needs”.

Furthermore, early identification of needs is paramount if other expectations are to be met. If a person with a learning disability, mental health condition or other support need is not identified by staff, then there is no mechanism to ensure that reasonable adjustments are made for them.

This concerns cuts across many of the draft expectations, not just number 40. Unless and until routine screening is undertaken it is unlikely that all protected characteristics, especially so called hidden disabilities such as learning disability and autism, will be recognised or met.

Expectation 57 and 58: Identification of social care needs and mental health needs are further covered under Expectations 57 and 58 respectively. However, whereas the indicator for mental health specifies identification during reception health screening, social care needs are more vaguely expected to be “promptly identified”. Both expectations should specify assessment and identification of these needs as a priority at reception **and** prompt identification and assessment of any further needs which develop later during a person’s sentence. Reference should be made to the Care Act 2014 which clarifies these responsibilities, as the expectations already reference the Mental Health Act. Reference should also be made to forthcoming NICE guidelines on mental health.

A further indicator within expectation 58 should be added—“people with a learning disability should have an annual health check”.

Purposeful activity

As we have highlighted, the need for reasonable adjustments for those with identified support needs extends to all areas of prison life, including purposeful activity. Our own research has found that for prisoners with learning disabilities/difficulties their experience of both in cell and out of cell activity is often poorer.

In both this and the following section the inspectorate should clarify the responsibilities of Community Rehabilitation Companies in monitoring the progression and destination of prisoners as well as their preparation for release.

Expectation 64: Whilst this expectation encourages socialisation amongst prisoners, it does not go as far as the current expectations to mandate at least an hour of evening association every day. This should be reinstated and in our view extended. The governing principle for any prison regime should be normalisation, as explained in *Raymond vs Honey*. It is not normal that an adult should spend the entire evening and most of the weekend locked in a cell, and it is not a necessary consequence of imprisonment either. It is simply a function of the resources made available to prisons, and this expectation risks colluding with an unacceptable – albeit depressingly familiar – situation.

Expectation 65: Whilst the spirit of ensuring that there is sufficient space and facilities for exercise and association in the open air is correct, it is unclear how prisons would be expected to resolve the problem of an exercise yard being too small. This would pose particular challenges to governors in inner city local prisons, where space is at a premium, and expanding the size of outdoor areas would be impractical. The existing expectation that all prisoners

have the use of properly equipped areas for association and exercise is sufficient.

Expectation 68: We support Ofsted's common inspection framework, particularly its recognition of the need to monitor the progression and destination of prisoners; the extent to which release on temporary licence is used; and the importance of preparing for, securing and sustaining employment. However, our own experience from delivering our Out for Good programme has highlighted the paucity of information on employment outcomes following release, with neither prisons nor Community Rehabilitation Companies able to provide data on performance. Whilst performance against this expectation is judged by Ofsted, and would imply responsibility lies with education providers, it is unclear who would have ultimate responsibility for improving these outcomes.

Furthermore, we are concerned that such critically important outcomes and measures of performance are almost hidden amongst an extensive list of other points, increasing the likelihood that it will be missed or ignored.

Expectation 70: We are unclear how inspection teams would investigate whether provision reduces reoffending. If inspectors are looking for evidence that providers offer courses to develop employability skills and other areas which overall have been shown to reduce reoffending then this should be made more explicit. We would also welcome a focus on ensuring that education provision and courses are in line with the needs of the labour market where people will be released.

Preparation for release

We appreciate that there are challenges in attempting to structure and order expectations when they span more than one category. However we are concerned about the relocation of expectations on children and families and contact with the outside world from Section 2: Respect to Section 4: Preparation for release. The importance of maintaining contact with families whilst in prison goes far beyond resettlement, and has implications for wellbeing, safety and decency.

It is also concerning that time limits on processing of mail which current expectations state 'Prisoners' outgoing mail is posted within 24 hours (48 hours when received on Saturday) and incoming mail is received by prisoners within 24 hours of arrival at the prison, including registered and recorded mail' has been removed. These details are important to prisoners and should not be removed regardless of where these expectations sit.

Despite this, we recognise that some indicators have been strengthened, including that prisoners' telephone numbers are added to their PIN account with 24 hours of arrival in prison.

Expectation 72: The inclusion of release on temporary licence is welcome, however a more explicit reference to all prisons holding category C and category D prisoners should be made, rather than “where appropriate”.

As we highlight in our comments on expectation 68, greater clarity on responsibility for assessing the effectiveness of pre- and post-release provision is required. This should be held jointly by the prison and relevant Community Rehabilitation Company/National Probation Service. We are similarly concerned that this is hidden amongst a list of expectations despite its critical importance.

Expectation 74: This should be strengthened to include the following:

- all organisations and departments working to prepare prisoners for release must have a clearly documented and well implemented strategy for communicating and working together to share information.
- A named and clearly identifiable person is responsible for ensuring that prisoners are fully prepared for release, and all organisations and departments are aware of this.

Revised expectations template

In the following section we have developed a proposed new structure for the inspectorate’s draft expectations for safety. As we outline in our principal concerns, we do not agree with the new structure and are particularly worried about the use of the term “in the better prisons, we usually find...”. We have chosen to divide expectations into two areas: Essential—which are strongly underpinned by international and domestic law, which include reference to the relevant legislation and international obligations; and Desirable—which whilst preferable do not include formal legislative requirements that mandate or prohibit activity within a prison.

We have also inserted expectations within the essential measures where we believe that the current draft does not take sufficient account of human rights obligations. These are clearly marked with ‘PRT insert’.

SAFETY

ESSENTIAL MEASURES

1. Leadership	Reference	Reference text
<p>Everyone - the governor/director and all staff, operational, medical, educational and others - understands that their primary duty is to keep people safe. Being safe in custody is fundamental to human dignity. <i>(PRT insert)</i></p> <p>Safe outcomes for prisoners are supported by effective leadership and management.</p> <p>Managers develop and implement a clear strategy for promoting positive behaviour and reducing violence.</p> <p>There is an effective strategy to reduce violence and anti-social behaviour.</p> <p>Managers allocate sufficient resources to promote safety. <i>(cf. EPR 4)</i></p>	<p>UNNMR Rule 1</p> <p>EPR 52.2</p> <p>BR Preliminary Observations, para 10</p> <p>BPTP 4</p>	<p>UNNMR Rule 1: All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.</p> <p>EPR 52.2 Procedures shall be in place to ensure the safety of prisoners, prison staff and all visitors and to reduce to a minimum the risk of violence and other events that might threaten safety.</p> <p>BR Preliminary Observations, para 10.: Violence against women has specific implications for women's contact with the criminal justice system, as well as their right to be free of victimization while imprisoned. Physical and psychological safety is critical to ensuring human rights and improving outcomes for women</p>

Annex A

<p>Safety is recognised as a whole-prison responsibility. Leaders and managers promote a multi-disciplinary approach to care and safety. (<i>PRT insert/ HMIP</i>)</p>		<p>offenders, of which the present rules take account.</p> <p>BPTP 4. The responsibility of prisons for the custody of prisoners ... shall be discharged in keeping with the State's other social objectives and its fundamental responsibilities for promoting the wellbeing of ... all members of society.</p>
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2. Discipline	Reference	Reference text
<p>The purpose of discipline is to ensure safety. Discipline is enforced consistently to protect prisoners from victimisation, which includes intimidation, exploitation, racism, and theft. (<i>PRT insert</i>)</p> <p>Staff promote social order by confronting anti-social behaviour and they maintain a consistent threshold to distinguish behaviour that can be challenged informally from acts which merit a disciplinary sanction or the attention of the police. (<i>PRT insert</i>)</p> <p>Unacceptable conduct is dealt with in an objective, fair, proportionate and consistent manner.</p> <p>Allegations of violence and anti-social behaviour are investigated promptly and thoroughly and action is taken where required.</p> <p>Staff promote positive and supportive relationships, identify and challenge problematic behaviour and model pro-social behaviour.</p>	<p>UNNMR Rule 36</p> <p>UNNMR Rule 41.1</p> <p>EPR 57.1</p> <p>EPR 55</p>	<p>UNNMR Rule 36: Discipline and order shall be maintained with no more restriction than is necessary to ensure safe custody, the secure operation of the prison and a well ordered community life.</p> <p>UNNMR Rule 41. 1: Any allegation of a disciplinary offence by a prisoner shall be reported promptly to the competent authority, which shall investigate it without undue delay.</p> <p>EPR 57.1 Only conduct likely to constitute a threat to good order, safety or security may be defined as a disciplinary offence.</p> <p>EPR 55 An alleged criminal act committed in a prison shall be investigated in the same way as it would be in free society and shall be dealt with in accordance with national law.</p>

Annex A

3. Vigilance	Reference	Reference text
<p>Staff promote positive and supportive relationships, identify and challenge problematic behaviour and model pro-social behaviour.</p> <p>Uniformed staff consistently maintain dynamic security, which they demonstrate through their knowledge of individuals in their care, and which they make use of in intervening to pre-empt the escalation of disputes to violent outcomes. (PRT insert)</p> <p>Uniformed staff understand that violence by one prisoner on another can constitute 'cruel, inhuman or degrading treatment', when the State fails in its duty to protect a victim of violence. (PRT insert)</p> <p>Staff identify prisoners who self-isolate and provide support to encourage reintegration. (HMIP)</p> <p>Health care staff contribute to a safer prison by keeping alert to signs of injury that might have been caused by violence, and sharing information (subject to the terms of medical confidentiality) with operational staff. (PRT insert)</p>	<p>UNNMR 76(1), 34</p> <p>BR Rule 31</p> <p>EPR 25.1, 25.4</p>	<p>UNNMR Rule 76.1 Training [of prison staff] shall include, at a minimum, training on:</p> <p>(a) Relevant national legislation, regulations and policies, as well as applicable international and regional instruments, the provisions of which must guide the work and interactions of prison staff with inmates;</p> <p>(b) Rights and duties of prison staff in the exercise of their functions, including respecting the human dignity of all prisoners and the prohibition of certain conduct, in particular torture and other cruel, inhuman or degrading treatment or punishment;</p> <p>(c) Security and safety, including the concept of dynamic security, the use of force and instruments of restraint, and the management of violent offenders, with due consideration of preventive and defusing techniques, such as negotiation and mediation; . . .</p> <p>BR Rule 31 Clear policies and regulations on the conduct of prison staff aimed at providing maximum protection for women prisoners from any gender-based physical or verbal violence, abuse and sexual harassment shall be developed and implemented.</p> <p>EPR 25.1 The regime provided for all prisoners shall offer a balanced programme of activities. . . .</p> <p>25.4 Particular attention shall be paid to the needs of prisoners who have experienced physical, mental or sexual abuse.</p> <p>UNNMR Rule 34 If, in the course of examining a prisoner upon admission or providing medical care to the prisoner thereafter, health-care professionals become aware of any signs of torture or other cruel, inhuman or degrading</p>

Annex A

		treatment or punishment, they shall document and report such cases to the competent medical, administrative or judicial authority. Proper procedural safeguards shall be followed in order not to expose the prisoner or associated persons to foreseeable risk of harm.
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4. Resolving conflicts	Reference	Reference text
<p>Mechanisms are easily accessible and made use of by prisoners to resolve their disputes through mediation or other nonviolent means of dispute resolution. <i>(PRT insert)</i></p> <p>Mediation is used to help resolve disputes.</p> <p>Uniformed staff conduct themselves in such a way that prisoners have confidence in them to help resolve conflicts.</p>	<p>UNNMR 38.1</p> <p>EPR 56.2</p> <p>CPT, para 60.</p>	<p>UNNMR Rule 38 (1) Prison administrations are encouraged to use, to the extent possible, conflict prevention, mediation or any other alternative dispute resolution mechanism to prevent disciplinary offences or to resolve conflicts.</p> <p>EPR 56.2 Whenever possible, prison authorities shall use mechanisms of restoration and mediation to resolve disputes with and among prisoners.</p> <p>CPT para 60. . . . the CPT believes that aptitude for interpersonal communication should be a major factor in the process of recruiting law enforcement personnel and that, during training, considerable emphasis should be placed on developing interpersonal communication skills, based on respect for human dignity. The possession of such skills will often enable a police or prison officer to defuse a situation which could otherwise turn into violence, and more generally, will lead to a lowering of tension, and raising of the quality of life, in police and prison establishments, to the benefit of all concerned.</p>

5. Official sanctions	Reference	Reference text
<p>Prisoners are subject to disciplinary procedures which are fair and proportionate and follow due process. Prisoners understand the charges and procedures they face.</p>	<p>EPR 57.2, 58, 59, 60.1, 60.3, 61, 63, 55</p> <p>UNNMR 39</p>	<p>EPR 57.2 National law shall determine:</p> <p>a. the acts or omissions by prisoners that constitute disciplinary offences;</p> <p>b. the procedures to be followed at disciplinary hearings;</p>

Annex A

<p>No unofficial or collective punishments are used.</p> <p>Prisoners are routinely offered legal advice.</p> <p>Prisoners who lack the capacity to obey all prison rules as a consequence of mental illness or disability are not punished under the adjudication system.</p>		<p>c. the types and duration of punishment that may be imposed;</p> <p>d. the authority competent to impose such punishment; and</p> <p>e. access to and the authority of the appellate process.</p> <p>EPR 58 Any allegation of infringement of the disciplinary rules by a prisoner shall be reported promptly to the competent authority, which shall investigate it without undue delay.</p> <p>EPR 59 Prisoners charged with disciplinary offences shall:</p> <p>a. be informed promptly, in a language which they understand and in detail, of the nature of the accusations against them;</p> <p>b. have adequate time and facilities for the preparation of their defence;</p> <p>c. be allowed to defend themselves in person or through legal assistance when the interests of justice so require;</p> <p>d. be allowed to request the attendance of witnesses and to examine them or to have them examined on their behalf; and</p> <p>e. have the free assistance of an interpreter if they cannot understand or speak the language used at the hearing. (see also UNNMR Rule 41)</p> <p>UNNMR 39 3. Before imposing disciplinary sanctions, prison administrations shall consider whether and how a prisoner's mental illness or developmental disability may have contributed to his or her conduct and the commission of the offence or act underlying the disciplinary charge. Prison administrations shall not sanction any conduct of a prisoner that is considered to be the direct result of his or her mental illness or intellectual disability.</p> <p>EPR 60.1 Any punishment imposed after conviction of a disciplinary offence shall be in accordance with national law.</p>
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		<p>60.3 Collective punishments and corporal punishment, punishment by placing in a dark cell, and all other forms of inhuman or degrading punishment shall be prohibited.</p> <p>EPR 61 A prisoner who is found guilty of a disciplinary offence shall be able to appeal to a competent and independent higher authority.</p> <p>EPR 63 A prisoner shall never be punished twice for the same act or conduct.</p> <p>EPR 55 An alleged criminal act committed in a prison shall be investigated in the same way as it would be in free society and shall be dealt with in accordance with national law. (see also UNNMR Rule 41.5)</p>
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6 Security	Reference	Reference text
<p>Security and good order are maintained through an attention to effective security intelligence and positive staff-prisoner relationships. A clear and coordinated multi-disciplinary approach ensures prisoners feel and are safe from violence and other anti-social behaviour.</p> <p>Searches and other controls on contraband, including weapons, are thorough and used to detect and eradicate threats to personal safety, Searches are systematically recorded. (PRT insert/HMIP)</p> <p>The staff's role in the detection of contraband and the safeguarding of prisoners' property is recognised as the best means of preventing prisoners from feeling a need to defend their interests by force. (PRT insert)</p>	<p>UNNMR 50</p> <p>EPR 31.7</p>	<p>UNNMR Rule 50 The laws and regulations governing searches of prisoners and cells shall be in accordance with obligations under international law and shall take into account international standards and norms, keeping in mind the need to ensure security in the prison. Searches shall be conducted in a manner that is respectful of the inherent human dignity and privacy of the individual being searched, as well as the principles of proportionality, legality and necessity.</p> <p>EPR 31.7 Where prisoners are allowed to keep possession of their property the prison authorities shall take steps to assist in its safekeeping.</p>

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Staff supervise prisoners well during association and movement.		
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7 Categorisation	Reference	Reference text
<p>Prisoners are not exposed to danger from other prisoners when the risks of mixing one category with another should have been foreseen and prevented.</p> <p>Single cell occupation is the norm unless individuals prefer to live together.</p> <p>Cell sharing risk assessments are thorough.</p>	<p>UNNMR 11, 12.1</p> <p>EPR 18.5, 18.6, 18.7</p>	<p>UNNMR Rule 11 The different categories of prisoners shall be kept in separate institutions or parts of institutions, taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment; thus:</p> <p>(a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate;</p> <p>(b) Untried prisoners shall be kept separate from convicted prisoners;</p> <p>(c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;</p> <p>(d) Young prisoners shall be kept separate from adults.</p> <p>UNNMR Rule 12. 1. Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself or herself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.</p> <p>EPR Rule 18</p> <p>18.5 Prisoners shall normally be accommodated during the night in individual cells except where it is preferable for them to share sleeping accommodation.</p> <p>18.6 Accommodation shall only be shared if it is suitable for this purpose and shall be occupied</p>

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		<p>by prisoners suitable to associate with each other. 18.7 As far as possible, prisoners shall be given a choice before being required to share sleeping accommodation.</p>
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8 Record keeping and monitoring	Reference	Reference text
<p>Managers ... make effective use of data to identify and minimise risks to the safety of prisoners and staff.</p> <p>The prisoner file system maintains up to date and accurate information about the individual, including any injuries sustained while in custody, disciplinary offences, and notes on any anti-social behaviour. These files guide staff in their interactions with individual prisoners. (PRT insert)</p> <p>All fights and assaults are recorded, together with details about the background circumstances. The data are regularly analysed to detect trends and these analyses are used by operational staff to target their supervision of prisoners. (PRT insert)</p> <p>Data on disorder and violence against both prisoners and staff are regularly analysed and used to inform strategy.</p> <p>Adjudication data are monitored and any emerging patterns are identified and acted on.</p>	<p>UNNMR 8, 10</p> <p>EPR 16b, 16c, 52.1</p>	<p>UNNMR Rule 8 The following information shall be entered in the prisoner file management system in the course of imprisonment, where applicable: ...</p> <p>(c) Information related to behaviour and discipline;</p> <p>(d) Requests and complaints, including allegations of torture or other cruel, inhuman or degrading treatment or punishment, unless they are of a confidential nature;</p> <p>(e) Information on the imposition of disciplinary sanctions;</p> <p>(f) Information on the circumstances and causes of any injuries or death and, in the case of the latter, the destination of the remains.</p> <p>EPR Rule 16 As soon as possible after admission:</p> <p>b the appropriate level of security for the prisoner shall be determined in accordance with Rule 51;</p> <p>c the threat to safety that the prisoner poses shall be determined in accordance with Rule 52;</p> <p>EPR 52.1 As soon as possible after admission, prisoners shall be assessed to determine whether they pose a safety risk to other prisoners, prison staff or other persons working in or visiting prison or whether they are likely to harm themselves.</p> <p>UNNMR Rule 10 Prisoner file management systems shall also be used to generate reliable data about trends relating to and characteristics of the prison population, including occupancy rates, in order to create a basis for</p>

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		evidence-based decision-making.
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9. Basic human needs	Reference	Reference text
<p>The prison demonstrates its commitment to meet basic human needs, because they are fundamental to human dignity, but also because doing so prevents violence and promotes safety.</p> <p>Leaders and managers pay close personal attention to meeting the basic human needs of all prisoners.</p>	<p>EPR 18.1, 19, 20, 22, 49</p>	<p>EPR Rule 49 Good order in prison shall be maintained by taking into account the requirements of security, safety and discipline, while also providing prisoners with living conditions which respect human dignity and offering them a full programme of activities in accordance with Rule 25.</p> <p>EPR Rule 18.1 The accommodation provided for prisoners, and in particular all sleeping accommodation, shall respect human dignity and, as far as possible, privacy, and meet the requirements of health and hygiene, due regard being paid to climatic conditions and especially to floor space, cubic content of air, lighting, heating and ventilation.</p> <p>19.1 All parts of every prison shall be properly maintained and kept clean at all times.</p> <p>19.2 When prisoners are admitted to prison the cells or other accommodation to which they are allocated shall be clean.</p> <p>19.3 Prisoners shall have ready access to sanitary facilities that are hygienic and respect privacy.</p> <p>19.4 Adequate facilities shall be provided so that every prisoner may have a bath or shower, at a temperature suitable to the climate, if possible daily but at least twice a week (or more frequently if necessary) in the interest of general hygiene.</p> <p>20.1 Prisoners who do not have adequate clothing of their own shall be provided with clothing suitable for the climate.</p>

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		<p>EPR 22.1 Prisoners shall be provided with a nutritious diet that takes into account their age, health, physical condition, religion, culture and the nature of their work.</p> <p>22.2 The requirements of a nutritious diet, including its minimum energy and protein content, shall be prescribed in national law.</p> <p>22.3 Food shall be prepared and served hygienically.</p> <p>22.4 There shall be three meals a day with reasonable intervals between them.</p>
<p>10. Contact with family/friends</p> <p>Access to phones and the privacy of letters and visits are potential flashpoints for prisoners. Hence the prison minimises conflict by ensuring that prisoners have free and full access to means of communicating with their families. (PRT insert)</p>	<p>Reference</p> <p>UNNMR 43</p> <p>EPR 24.1, 24.5, 60.4</p>	<p>Reference text</p> <p>EPR Rule 24.1 Prisoners shall be allowed to communicate as often as possible by letter, telephone or other forms of communication with their families, other persons and representatives of outside organisations and to receive visits from these persons.</p> <p>24.5 Prison authorities shall assist prisoners in maintaining adequate contact with the outside world and provide them with the appropriate welfare support to do so.</p> <p>60.4 Punishment shall not include a total prohibition on family contact.</p> <p>UNNMR Rule 43. 3. Disciplinary sanctions or restrictive measures shall not include the prohibition of family contact. The means of family contact may only be restricted for a limited time period and as strictly required for the maintenance of security and order.</p>
<p>11. Proportionality</p> <p>Disciplinary and security measures consistently meet the requirements of proportionality, necessity and legality. (PRT insert)</p> <p>Leaders and managers ensure that security arrangements are effective and proportionate.</p>	<p>Reference</p> <p>EPR 51.1, 54.3, 54.9, 56.1, 57.1</p> <p>BR 19, 41</p> <p>UNNMR 36</p>	<p>Reference text</p> <p>EPR 56.1 Disciplinary procedures shall be mechanisms of last resort.</p> <p>EPR 57.1 Only conduct likely to constitute a threat to good order, safety or security may be defined as a disciplinary offence.</p> <p>51.1 The security measures applied to individual prisoners</p>

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<p>Disciplinary procedures are only used as a last resort.</p> <p>Routine searching is not excessive.</p> <p>Prisoners know how to make confidential complaints about staff and are confident that the system works effectively.</p>		<p>shall be the minimum necessary to achieve their secure custody.</p> <p>EPR 54.3 Staff shall be trained to carry out these searches in such a way as to detect and prevent any attempt to escape or to hide contraband, while at the same time respecting the dignity of those being searched and their personal possessions.</p> <p>54.9 The obligation to protect security and safety shall be balanced against the privacy of visitors.</p> <p>BR Rule 19 Effective measures shall be taken to ensure that women prisoners' dignity and respect are protected during personal searches, which shall only be carried out by women staff who have been properly trained in appropriate searching methods and in accordance with established procedures.</p> <p>BR Rule 41 The gender-sensitive risk assessment and classification of prisoners shall: (a) Take into account the generally lower risk posed by women prisoners to others, as well as the particularly harmful effects that high security measures and increased levels of isolation can have on women prisoners;</p> <p>UNNMR Rule 36 Discipline and order shall be maintained with no more restriction than is necessary to ensure safe custody, the secure operation of the prison and a well ordered community life.</p>
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12. Use of force	Reference	Reference text
<p>Force is only used against prisoners when other methods of encouraging compliance have failed. When used, force is legitimate, necessary, proportionate, and subject to rigorous governance.</p>	<p>EPR 65</p> <p>UNNMR 30, 34, 49, 82</p> <p>CPT para 53</p>	<p>EPR 65 There shall be detailed procedures about the use of force including stipulations about:</p> <ul style="list-style-type: none"> a. the various types of force that may be used; b. the circumstances in which each type of force may be used; c. the members of staff who are entitled to use different types of force;

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<p>Staff are trained in and use de-escalation techniques routinely.</p> <p>Restraints are used as a last resort and for the shortest possible period.</p> <p>Planned use of force is properly authorised and all staff involved in the use of force complete appropriate reports promptly.</p> <p>Health staff recognise risks associated with restraint and attend all planned C&R situations.</p> <p>Use of force data are monitored and any emerging patterns are identified and acted on.</p>		<p>d. the level of authority required before any force is used; and e. the reports that must be completed once force has been used.</p> <p>UNNMR Rule 82 1. Prison staff shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Prison staff who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the prison director. 2. Prison staff shall be given special physical training to enable them to restrain aggressive prisoners.</p> <p>UNNMR 49 The prison administration should seek access to, and provide training in the use of, control techniques that would obviate the need for the imposition of instruments of restraint or reduce their intrusiveness.</p> <p>CPT para 53. A prisoner against whom any means of force have been used should have the right to be immediately examined and, if necessary, treated by a medical doctor. This examination should be conducted out of the hearing and preferably out of the sight of non-medical staff, and the results of the examination (including any relevant statements by the prisoner and the doctor's conclusions) should be formally recorded and made available to the prisoner.</p> <p>Finally, a record should be kept of every instance of the use of force against prisoners.</p> <p>UNNMR Rule 30 A physician or other qualified health-care professionals, whether or not they are required to report to the physician, shall see, talk with and examine every prisoner as soon as possible following his or her admission and thereafter as necessary. Particular attention shall be paid to:</p>
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		<p>(b) Identifying any ill-treatment that arriving prisoners may have been subjected to prior to admission;</p> <p>Rule 34 If, in the course of examining a prisoner upon admission or providing medical care to the prisoner thereafter, health-care professionals become aware of any signs of torture or other cruel, inhuman or degrading treatment or punishment, they shall document and report such cases to the competent medical, administrative or judicial authority. Proper procedural safeguards shall be followed in order not to expose the prisoner or associated persons to foreseeable risk of harm.</p>
<p>13. Segregation</p> <p>Segregation is only used as a last resort, for as short a time as possible and is subject to authorisation by a competent authority, in consultation with health care professionals.</p> <p>Prisoners are only segregated with proper authority and for the shortest period.</p> <p>Prisoners are informed of the reasons for their segregation in a format and language they understand.</p> <p>A multi-disciplinary staff group monitors prisoners held in segregation units to ensure they are held there as a last resort and for the shortest time possible.</p>	<p>Reference</p> <p>UNNMR Rule 37, 43, 45</p> <p>CPT para 56</p>	<p>Reference text</p> <p>UNNMR Rule 37 The following shall always be subject to authorization by law or by the regulation of the competent administrative authority: . . .</p> <p>(d) Any form of involuntary separation from the general prison population, such as solitary confinement, isolation, segregation, special care units or restricted housing, whether as a disciplinary sanction or for the maintenance of order and security, including promulgating policies and procedures governing the use and review of, admission to and release from any form of involuntary separation.</p> <p>UNNMR Rule 43 1. In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment. The following practices, in particular, shall be prohibited:</p> <p>(a) Indefinite solitary confinement;</p> <p>(b) Prolonged solitary confinement ...</p>

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		<p>Rule 45 1. Solitary confinement shall be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority. It shall not be imposed by virtue of a prisoner's sentence.</p> <p>2. The imposition of solitary confinement should be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures. The prohibition of the use of solitary confinement and similar measures in cases involving women and children, as referred to in other United Nations standards and norms in crime prevention and criminal justice, 28 continues to apply.</p> <p>CPT para 56. The CPT pays particular attention to prisoners held, for whatever reason (for disciplinary purposes; as a result of their "dangerousness" or their "troublesome" behaviour; in the interests of a criminal investigation; at their own request), under conditions akin to solitary confinement. The principle of proportionality requires that a balance be struck between the requirements of the case and the application of a solitary confinement-type regime, which is a step that can have very harmful consequences for the person concerned. Solitary confinement can, in certain circumstances, amount to inhuman and degrading treatment; in any event, all forms of solitary confinement should be as short as possible.</p>
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14. Wellbeing in segregation	Reference	Reference text
<p>Prisoners are kept safe at all times while held in the segregation unit and individual needs are recognised and given proper attention.</p> <p>The highest level of authority is required to hold prisoners with severe mental illness and prisoners at risk of suicide or self-harm in segregation.</p> <p>Particular attention is paid to ensuring that isolation does not cause psychological deterioration.</p> <p>As a minimum there is one hour per day of outside exercise.</p> <p>Prisoners are provided with extra care and support after a period of isolation with a view to preventing future episodes.</p> <p>There is a clear focus on meeting individual need and providing care and support for segregated prisoners.</p> <p>Health care professionals have three roles with regard to segregated prisoners:</p> <p>a) on admission, they assess each prisoner and they must notify the manager responsible of any concerns they have about the impact of segregation on the person's mental health;</p> <p>b) throughout a period of segregation, they provide treatment on request; but they just also monitor each segregated person and inform the responsible manager of any evidence of mental deterioration;</p>	<p>UNNMR 45, 46,</p>	<p>Rule 45</p> <p>1. Solitary confinement shall be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority. It shall not be imposed by virtue of a prisoner's sentence.</p> <p>2. The imposition of solitary confinement should be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures. The prohibition of the use of solitary confinement and similar measures in cases involving women and children, as referred to in other United Nations standards and norms in crime prevention and criminal justice,²⁸ continues to apply.</p> <p>Rule 46 1. Health-care personnel shall not have any role in the imposition of disciplinary sanctions or other restrictive measures. They shall, however, pay particular attention to the health of prisoners held under any form of involuntary separation, including by visiting such prisoners on a daily basis and providing prompt medical assistance and treatment at the request of such prisoners or prison staff.</p> <p>2. Health-care personnel shall report to the prison director, without delay, any adverse effect of disciplinary sanctions or other restrictive measures on the physical or mental health of a prisoner subjected to such sanctions or measures and shall advise the director if they consider it necessary to terminate or alter them for physical or mental health reasons.</p> <p>3. Health-care personnel shall have the authority to review and recommend changes to the involuntary separation of a prisoner in order to ensure that such separation does not exacerbate the medical</p>

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<p>c) they must make recommendations to the responsible manager to adjust the treatment or conditions of segregation to ameliorate the impact on mental health, or advise that the segregation be curtailed.</p> <p>Prisoners in the segregation unit are not strip/squat-searched unless there is sufficient specific intelligence and proper authorisation</p>		<p>condition or mental or physical disability of the prisoner.</p>
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DESIRABLE MEASURES

Consultation	Reference	Reference text
<p>Prisoners should be consulted about institutional measures to achieve a safe environment, and there should be clear evidence that their advice has been taken into account. Prisoners should be surveyed (at least annually) about their feelings of safety and their perception of risk factors. (PRT insert)</p>	<p>EPR 50</p>	<p>EPR Rule 50 Subject to the needs of good order, safety and security, prisoners shall be allowed to discuss matters relating to the general conditions of imprisonment and shall be encouraged to communicate with the prison authorities about these matters.</p>

<p>Rewarding positive behaviour Prisoners' positive behaviours are promoted and rewarded.</p> <p>Progress and reward schemes are motivational, fair and proportionate and take account of individual needs.</p> <p>Behaviour is regularly reviewed and prisoners are able to demonstrate progress.</p>

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Prisoners know they can appeal decisions about reward schemes and are helped to do so.

Consultation with prisoners about the scheme is regular and responsive.

Safety

Leaders and managers are visible and appropriately challenge staff and prisoners.

Staff understand the link between regime curtailment and anti-social behaviour.

Perpetrators of violence and anti-social behaviour receive support to change their behaviour.

Adjudications are conducted in non-intimidating surroundings.

The governor conducts adjudications regularly and routinely quality assures a proportion of adjudications conducted by other managers.

Adjudication data are monitored and any emerging patterns are identified and acted on.

Use of Force

The use of personal protective equipment (PPE) to manage prisoners is made on an individual basis each day by a senior manager.

Prisoners and staff are debriefed.

Use of force documentation and associated CCTV or video footage is scrutinised by senior managers to identify opportunities for improvement and possible ill-treatment.

Segregation

Reviews are multi-disciplinary and prisoners are able attend.

Efforts are made to understand and address the behaviour leading to segregation.

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The number of staff necessary to unlock individual men in segregation is decided on the basis of a daily risk assessment, which is properly authorised and recorded. (HMIP)

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Prisoners have meaningful conversations with a range of staff every day, including the opportunity to speak in confidence with a senior manager, a health care professional and a chaplain.

References

UNNMR	United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)
EPR	European Prison Rules
BR	The UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules)
BPTP	UN Basic Principles for the Treatment of Prisoners
CPT	European Committee for the Prevention of Torture (1992) Extract from the 2 nd General Report [CPT/Inf (92) 3]