

# Guide for inspectors

## Appendix A

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

HMP xxxxxxxxxxxx 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 xxxxxxxxxxxx Full Un/Announced Week Two	Monday 17 June	Tuesday 18 June	Wednesday 19 June	Thursday 20 June	Friday 21
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/ HMDCIP			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.

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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: **0800 019 8988**.

There is also online support available via: **[MoJ-help.wellbeingzone.co.uk](https://www.moj.gov.uk/help/wellbeingzone)**

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

### **PRE-INSPECTION BRIEFING**

**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**

**Wi-fi coverage**

**Hotel:**

**Base room:**

**Travel/entry/catering/car parking arrangements:**

**Health and Safety**

Fire evacuation procedures at establishment

[coordinators to ask establishment for evacuation procedures]

Operational risk and threat assessment

[coordinators to ask establishment for any known risks and threats]

Base room protocol

[location of base room; nearest fire exits; nearest first aid/health care; establishment emergency phone number]

Miscellaneous

[any additional information coordinators think inspectors and research staff should be aware of – remind colleagues that if they discover anything else or have concerns to communicate it to the team leader/coordinator to disseminate]

The following is an extract from HMIP's H&S policy:

*Effective team leadership in the field and daily meetings with inspectors must permit time and a safe cultural environment where colleagues can raise and share risk or threat concerns. Issues to be escalated to HMDCIP or HMCIP as required.*

*All staff should at all times adhere to HMIP's professional standards outlined in the Guide for Inspectors: <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2014/02/2.-GUIDE-FOR-INSPECTORS-2015-01.pdf>*

**Timetable for the week**

Team meeting with SMT:

Prisoner/detainee groups:

Team leader meeting with IMB:

Team leader meeting with professional associations:

Chief/Deputy Chief Inspector arrangements:

Location of feedback:

**Main issues highlighted by Governor/Director and impressions from pre inspection visit**

## 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 publicly, 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

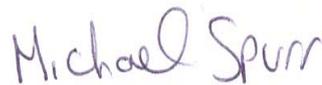
33. The MOU will be reviewed annually. Lead contacts for the MOU will be the Deputy Chief Inspector (HMIP) and the Head of Regulation (NOMS).

Signed



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

Signed



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 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**    Learning.lessons@ppo.gsi.gov.uk  
      Kellie Reeve            [kellie.reeve@hmiprisons.gsi.gov.uk](mailto:kellie.reeve@hmiprisons.gsi.gov.uk)

## Appendix J



Debriefing paper by HM Inspectorate of Prisons

Full inspection of:

HMP XXX

[Date]

# 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]

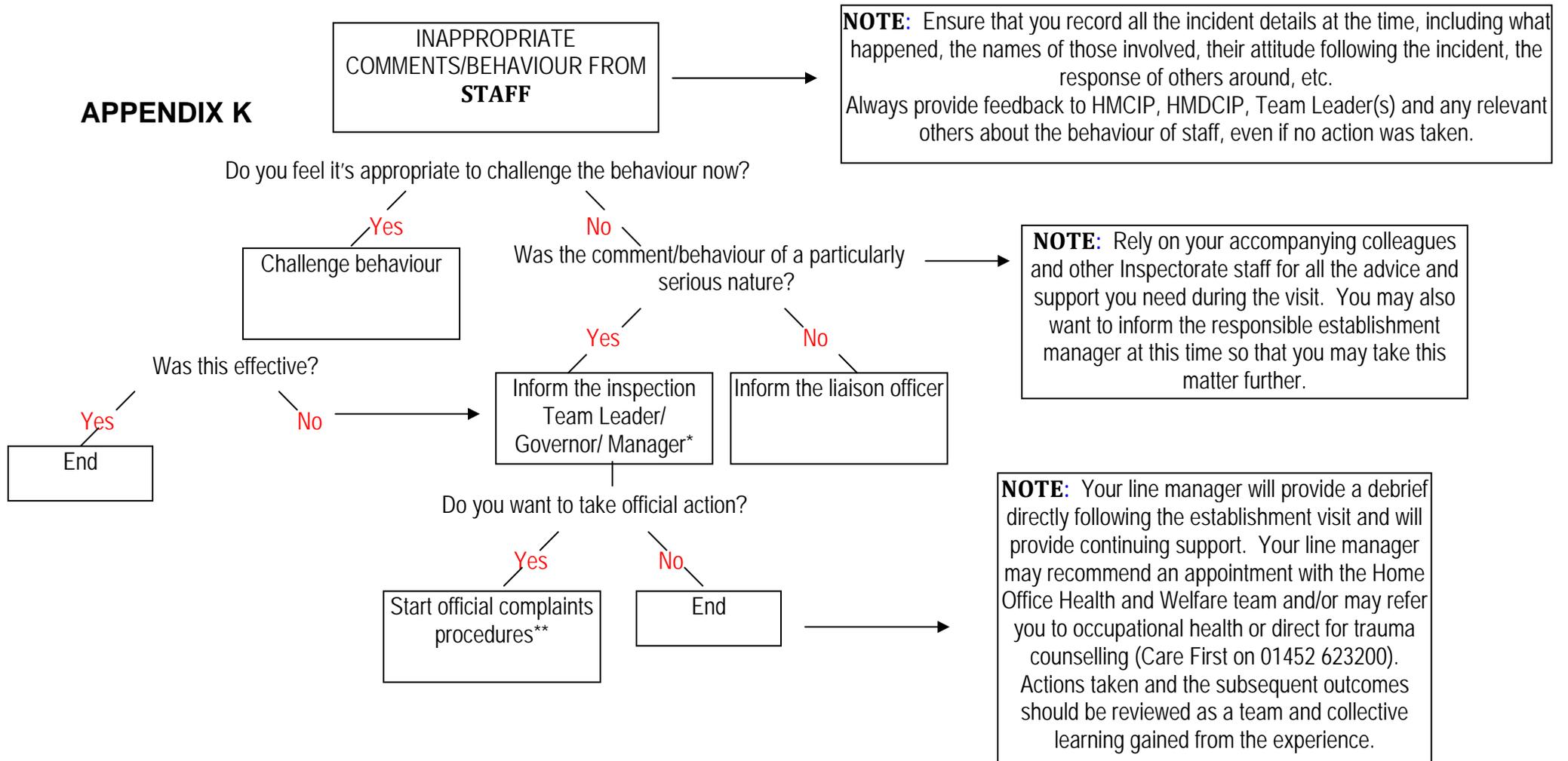
### 3. Purposeful activity

[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 HMD CIP 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.

**INAPPROPRIATE  
COMMENTS/BEHAVIOUR FROM  
DETAINEES**

**NOTE:** Ensure that you record all the incident details at the time, including what happened, the names of those involved, their attitude following the incident, the response of others around, etc.  
Always provide feedback to HMCIP, HMDCIP, Team Leader(s) and any relevant others about any untoward behaviour from prisoners and the reaction of staff, even if no action was taken.

Do you feel it's appropriate to challenge the behaviour now?

Yes

Challenge behaviour

No

Do you trust the wing staff on duty to deal with this appropriately?

Yes

Inform wing staff

No

Inform the liaison officer

**NOTE:** Rely on your accompanying colleagues and other Inspectorate staff for all the advice and support you need during the visit.

Was this effective?

Yes

End

No

Do you want to take official action?

Yes

This will depend on the nature of the comment/behaviour, but take advice from establishment staff – they may advise an IEP warning or a new risk assessment etc.

No

End

**NOTE:** You may want to discuss with establishment staff the best action to take if you wish to take things further. It would also be worth registering your concern with the responsible establishment manager, alerting them to the fact that this may be pursued. During an inspection, always inform the team leader before taking official action – in fact, this is good practice in any situation.

**NOTE:** Your line manager will provide a debrief directly following the establishment visit and will provide continuing support. Your line manager may recommend an appointment with the Home Office Health and Welfare team and/or may refer you to occupational health or directly for trauma counselling (Care First on 01452 623200). Actions taken and the subsequent outcomes should be reviewed as a team and collective learning gained from the experience



**HM INSPECTORATE OF PRISONS**

**RECORD RETENTION AND DISPOSITION SCHEDULE**

<p>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.</p>		
No		
1	<p>Inspection reports</p> <ul style="list-style-type: none"> <li>a. completed surveys &amp; SNAP records of same/ completed research templates (hard copies)</li> <li>b. completed surveys &amp; SNAP records of same/ completed research templates (electronic versions)</li> <li>c. pre-inspection/ inspection packs and any other evidence/ intelligence received prior to inspection</li> <li>d. inspection evidence – inspectors’ notes &amp; documentation</li> <li>e. submissions to Ministers</li> <li>f. key points in bullets &amp; debrief note</li> <li>g. factual accuracy response</li> <li>h. draft reports – all versions</li> <li>i. press release</li> <li>j. action plans</li> <li>k. survey databases</li> </ul> <p>final report (hard copy and electronic version)</p>	<p>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)</p>
2	<p>Thematic reviews</p> <ul style="list-style-type: none"> <li>a. project plans – all versions</li> <li>b. project &amp; steering group meeting minutes</li> <li>c. completed surveys &amp; SNAP records of same/ completed research templates (hard copies and electronic versions)</li> <li>d. submissions to Ministers</li> <li>e. factual accuracy response</li> <li>f. draft reports – all versions</li> <li>g. thematic evidence – inspectors’ notes &amp; documentation</li> <li>h. survey and interview databases used for thematic (electronic version)</li> <li>i. researcher analysis</li> <li>j. press release</li> <li>k. action plans</li> <li>l. blank research templates</li> </ul> <p>m. final report (hard copy and electronic version)</p>	<p>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)</p>
3	<p>Annual report</p> <ul style="list-style-type: none"> <li>a. evidence, datasheets &amp; analysis</li> <li>b. factual accuracy response</li> <li>c. draft reports – all versions</li> <li>d. submissions to Ministers</li> <li>e. press release</li> </ul> <p>f. final report (hard copy and electronic version)</p>	<p>Destroy 1 year after report publication (a,b,c,d)            Keep – for permanent preservation by HMI Prisons (e,f)</p>

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. HMI Prisons 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 to 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.



# Code of conduct for staff

# 1. Introduction

- I.1 The statutory purpose of the Chief Inspector of Prisons is to ensure independent inspection of places of detention, report on conditions and treatment, and promote positive outcomes for those detained and the public.
- I.2 The inspection framework governs HM Inspectorate of Prisons' (HMI Prisons') inspection process and is supplemented by detailed manuals for inspectors on the inspection process and report writing, which are available on our website: <https://www.justiceinspectrates.gov.uk/hmiprisons>
- I.3 Due to the nature of our business, the way in which we conduct ourselves and go about our business is as important as the outcomes we deliver.
- I.4 This document is the approved HMI Prisons code of conduct for HMI Prisons staff, including associates<sup>8</sup> and seconded staff. Seconded staff are also obliged to follow any code of conduct or professional conduct guidance issued by the organisations to which they are contracted. Statutory registrants are expected to comply with their professional codes of practice.
- I.5 Formerly entitled Professional Standards, the HMI Prisons code of conduct has been revised (2017) following work on the HMI Prisons people strategy and the establishment of the Equality and Diversity Advisory Group. Staff have been consulted on this revised version, which must be read in conjunction with the Civil Service Code to which staff must also adhere: <https://www.gov.uk/government/publications/civil-service-code>.
- I.6 The core values of the civil service code are:
- Integrity: putting public service above personal interests
  - Honesty: being truthful and open
  - Objectivity: basing decisions on analysis of evidence
  - Impartiality: serving governments of different political parties equally
- I.7 The HMI Prisons code of conduct sets out the standards of behaviour and practices that you are expected to follow in discharging your responsibilities. It is a requirement of your role that you familiarise yourself with this document and what it means for you personally in your role. You need to ensure you understand the Inspectorate's expectations of you so please discuss with your line manager or a member of the Secretariat if you need any further guidance or have queries as to how any aspect might apply to you.
- I.8 As our sponsor department is the Ministry of Justice (MoJ), we follow many MoJ policies and procedures. This can sometimes be confusing so please contact a member of the Secretariat for further information. Please also refer to the section in this document on breaches of the code and other useful information which provides details of where you can find various policies and procedures.

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<sup>8</sup> Further details are outlined in the written arrangements for associates.

- I.9 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:  
<http://www.justiceinspectorates.gov.uk/hmiprison/about-our-inspections/>
- I.10 All staff conducting research activities are required to adhere to the ethical principles set out in the above document.
- I.11 There is a section on breaches of the code. If you fail to meet the standards expected of you, your manager may decide to investigate your actions and/or follow disciplinary procedures.
- I.12 Information on the following can be found in section 9 of this document:
- Bullying and harassment at work
  - Making complaints
  - Whistle-blowing
  - Mediation
  - Support and well-being
  - HMI Prisons Equality and Diversity staff representatives
  - HMI Prisons First Contact Advisor
  - The employee assistance programme

## **HMI Prisons values**

- I.13 The established values of HMI 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.
- I.14 HMI Prisons has an Equality and Diversity Advisory Group chaired by the Chief Inspector. The group has staff representatives from across the organisation. Members include staff representatives who can offer advice and guidance to staff. For further information on the staff representatives, contact the Head of Secretariat.

## 2. Standards of behaviour, accountability and integrity

2.1 At all times you are expected to:

- Always act in a way that is professional and that inspires confidence in those you deal with.
- Treat everyone with respect and work to the values of HMI Prisons. Aggressive, intimidating or bullying behaviour will not be tolerated in any form.
- Seek to foster and support a culture where everyone feels confident to challenge or report inappropriate behaviour directed at yourself or others.
- Include and actively promote equality and diversity in all that you do.
- 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.
- Be aware of who may be listening to any conversation while you are staying in a hotel during an inspection or when you are travelling on public transport.
- Report any involvement in the justice system (including being arrested, cautioned, receiving a speeding conviction, involvement in a court case as a defendant or as a witness).

2.2 Read and make yourself familiar with the HMI Prisons Health and Safety policy and associated documents. If you regularly drive as part of your role at HMI Prisons, you will be expected to complete an annual driving assessment with your manager. If you work from home, you must read the working from home policy and will be expected to complete a working from home checklist.

2.3 You should complete all mandatory training.

2.4 While working for HMI Prisons you should not:

- Discriminate against any person or group for any unfair reason (including their race, ethnic or national origin, sex, sexual identity, sexual orientation, marital or civil partnership status, age, disability, religion or belief, caring responsibilities, working pattern or trade union membership).
- Harass, victimise or bully others through your actions, language or behaviour (whether deliberately or not).
- Misuse your position to further your private interests or those of others.
- Engage in any activity (in or outside of work) that could or be perceived as bringing HMI Prisons into disrepute. Membership of, or active participation in activities organised by, groups or organisations whose values are inconsistent with HMI Prisons' may create reasonable doubt in your ability to comply with HMI Prisons' values or this code.
- Accept gifts and hospitality or receive other benefits from anyone which might be perceived by others to compromise personal judgement or integrity (see the section below on gifts and hospitality).

2.5 While working for HMI Prisons you can expect:

- To be treated with courtesy, consideration, fairness and respect by colleagues at all grades/pay bands within the organisation.
- Allegations of unacceptable behaviour to be taken seriously and appropriate action to be taken.
- To receive appropriate support from your manager, including regular bilaterals, mid-year and annual Performance Monitoring Reviews (PMRs) and development plans.
- To be treated fairly in recruitment, training, career development opportunities, promotion and the allocation of work.

2.6 As a manager at HMI Prisons you will:<sup>9</sup>

- Set a positive example for your staff in both your managerial and professional behaviour which is appropriate to your level of responsibility.
- Include and promote equality and diversity in all that you do.
- Put the standards of this code into practice and deal with any problems fairly (you have a responsibility to take appropriate action to make sure that you maintain standards within your immediate work area and outside of HMI Prisons).
- Make sure that the members of your team are properly inducted and are aware of and understand their personal responsibilities to meet the standards in this code of conduct.
- Monitor their behaviour to make sure they keep to the policy and, where necessary, explain all parts of this policy to your team to improve their understanding.
- Take complaints seriously and take appropriate action, as soon as possible, to deal with anyone who does not adhere to this code.

2.7 The Chief Inspector is accountable to the Ministry of Justice as the sponsor department. The relationship between the Chief Inspector, Inspectorate and the Ministry of Justice is set out in a memorandum of understanding which can be found on the HMI Prisons website.

2.8 While working for HMI Prisons you are expected to:

- Conduct yourself without bias and with integrity, objectivity and honesty. You should not deceive or knowingly mislead others, including other staff, the sponsor department, ministers, Parliament or the public.
- Ensure that HMI Prisons' resources are used in the most economical, efficient and effective manner as befits public money.

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<sup>9</sup> Reflects expectations laid out in the MoJ conduct policy:  
<https://intranet.justice.gov.uk/documents/2015/04/conduct-policy.pdf>

## 3. Conflicts of interest

- 3.1 Given the role of HMI Prisons and the nature of our remit, we must be prepared to face scrutiny and demonstrate that our decisions, judgements and recommendations are free from any undue influence.
- 3.2 To manage the risk of a conflict of interest arising, staff are expected to identify and register specific personal interests and inform the Head of Secretariat or Head of Finance, HR and Inspection Support. This minimises the likelihood that you will be asked to become involved in a matter where your judgement could be perceived as conflicted. This provides protection to both you and HMI Prisons.
- 3.3 Defining what a real or perceived conflict of interest is can be difficult and will sometimes be subjective. A good rule to follow is that a real or perceived conflict of interest occurs when a reasonable member of the public could perceive that your behaviour or decision-making might be subject to influence.
- 3.4 All staff are required to declare:
- Previous work in establishments that HMI Prisons inspects.
  - Any employment or remunerated activities outside of your HMI Prisons post (associates are only required to declare this where there is a real or perceived conflict of interest).
  - Close family members working in a place of custody that HMI Prisons inspects (for example, if partners, parents, brothers, sisters or children work in an establishment that the Inspectorate inspects, you must declare this).
  - Close family members or friends detained in a custodial setting.
- 3.5 The Chief Inspector, Deputy Chief Inspector and members of the Management Board must declare their interests to the Head of Secretariat. This information will be published on the HMI Prisons website and updated on a yearly basis.

### Other employment or activities outside of your HMI Prisons post

- 3.6 HMI Prisons supports and encourages staff to undertake voluntary work and staff may request up to five days' special leave a year for voluntary activity.
- 3.7 You may take on other work (including voluntary work) as long as you declare your plans to your manager before starting the work, it does not conflict with your duties, and you have been given permission to do so.
- 3.8 There are some types of paid and voluntary work which, while essential and supported by HMI Prisons more generally, would nonetheless raise a real or perceived conflict if undertaken by Inspectorate staff and call into question our independence and impartiality (please also refer to section 5 on political activity). Your manager will need to make sure that it does not:

- affect you negatively because it breaks the Working Time Regulations or health and safety regulations;
  - have a negative effect on your official work;
  - conflict with your official position, or with our interests;
  - bring HMI Prisons into disrepute and/or damage public confidence in HMI Prisons (see 3.9 for further details).
- 3.9 When considering the above, the general principles to be followed are that HMI Prisons staff:
- Should not undertake paid or voluntary activities for organisations falling directly within HMI Prisons' remit and which are therefore subject to inspection. This normally 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 their or the Inspectorate's judgements during inspection and which may be perceived as raising a conflict of interest.
- 3.10 When taking on additional work, you should take care that:
- involvement with an organisation or company is not seen to imply that the activity/organisation or company is endorsed by HMI Prisons
  - 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).
- 3.11 If you do another job while receiving Statutory Sick Pay or occupational sick pay from us and are not entitled to do so, we may take disciplinary action.
- 3.12 You will not do any other work while on special leave.

## Writing chapter/blog/publications as a member of HMI Prisons

- 3.13 If you have been approached to write a chapter or contribute to a book or academic publication as a result of your role at HMI Prisons, you should discuss this with your line manager before agreeing to do so. You should also discuss with your manager how this work will fit into your other work commitments and priorities. Final drafts should be shared with your line manager before publication. Secondees and MoJ contracted staff should not accept fees or payment of any kind for this work.
- 3.14 Book launches and press conferences relating to this work should be discussed with the Chief Communications Officer.
- 3.15 If you have been approached to write or contribute to a blog you should seek advice from the Chief Communications Officer before agreeing to do this. Again, secondees and MoJ contracted staff should not accept fees or payment of any kind for this work.
- 3.16 Associates should be clear about who will be paying for the time spent doing this work in advance.

## **Writing a chapter/blog/publications in a personal capacity**

- 3.17 If you want to write a chapter/blog or contribute to a publication in a personal capacity you must ensure that this is done in your own name, does not refer to where you work, does not bring HMI Prisons into disrepute, does not create a conflict of interest and does not use or refer to any HMI Prisons data that is not already in the public domain. However, if you intend to write something that references a significant amount of HMI Prisons data, please speak to your line manager and/or the Chief of Communications Officer in advance.
- 3.18 If you expect any publicity in regard to this, you should make your line manager and the Chief Communications Officer aware.

## **Making speeches/presentations and/or sitting on panels as a member of HMI Prisons**

- 3.19 If you have been invited to make a speech, presentation or sit on a panel as a result of your role at HMI Prisons, you should discuss this with your line manager before agreeing to do so. You should also discuss with your manager how this work will fit into your other work commitments and priorities.
- 3.20 Final drafts should be shared with your line manager. You should inform the Chief Communications Officer in advance if the event is being held in public and will have a media presence. Seconded and MoJ contracted staff should not accept fees or payment of any kind for this work.
- 3.21 Associates should be clear about who will be paying for the time spent doing this work in advance.

## **Making speeches/presentations and/or sitting on panels in a personal capacity**

- 3.22 If you have been invited to make a speech or sit on a panel in a personal capacity, you must ensure that this is done in your own name, does not refer to where you work, does not bring HMI Prisons into disrepute, does not create a conflict of interest and does not use or refer to any HMI Prisons data that is not already in the public domain. This should be done in your own time.
- 3.23 If you expect any publicity in regard to this, you should make your line manager and the Chief Communications Officer aware.
- 3.24 You must not publish or broadcast your personal experiences (or memoirs) in HMI Prisons, or enter into commitments to do so while you are employed by the MoJ.<sup>10</sup>

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<sup>10</sup> For further information on this, please see the MoJ conduct policy.

## **Previous work in detention establishments**

- 3.25 You must declare previous work in detention establishments. 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.

## **Identifying a conflict of interest in your day-to-day work**

- 3.26 While the above will minimise the likelihood of this, it is possible that in the course of normal day-to-day business an actual or potential conflict of interest may occur. It is your responsibility to be vigilant to this and if, in the course of your duties, a matter arises that you have a personal interest in, you must declare it to your responsible manager immediately.
- 3.27 If you have any questions about this section or queries about what constitutes a conflict of interest, please contact the Head of Secretariat.

## 4. Gifts and hospitality

- 4.1 You should not use your official position to receive benefits of any kind from a third party which might reasonably be seen to compromise your personal judgement and integrity.

### Gifts

- 4.2 You must not accept or give any gifts in connection with your official duties. The only permissible exception is where refusal to accept a gift is judged to cause unnecessary offence.
- 4.3 You should declare gifts given to you to a member of the Secretariat who will add them to the gifts and hospitality register.
- 4.4 In the event that you suspect a gift has been offered with the expectation of influencing you, this must be immediately reported to your line manager (please refer to the Bribery Act, which defines bribery as giving financial or other advantage to encourage a person to perform their functions or activities improperly or to reward a person for already having done so).

### Hospitality

- 4.5 You may accept conventional hospitality, provided it is normal and reasonable in the circumstances, for example:
- tea, coffee, biscuits and sandwiches at meetings;
  - a working lunch in the course of normal business, provided this is not frequent, regular or lavish.
- 4.6 Apart from the conventional hospitality outlined above, all other invitations or hospitality should be declared to the Head of Secretariat prior to responding. All hospitality received must be in relation to delivering your official duties and you should apply the test as to whether a reasonable member of the public would consider it appropriate for you to accept. This may include invitations to an annual dinner or conference of an organisation with which HMI Prisons has regular contact. Offers made by stakeholders and service providers to attend purely social, artistic or sporting functions must be declined.
- 4.7 Staff should not expect HMI Prisons to pay for the meals/drinks of stakeholders and service providers unless they have permission for this from the Deputy Chief Inspector.

## 5. Political activity<sup>11</sup>

- 5.1 While this section applies to government department secondees and MoJ contracted staff, associates are asked to follow the principles of the following.
- 5.2 As a civil servant you must:
- serve the government, whatever its political persuasion, to the best of your ability in a way which maintains political impartiality and is in line with the requirements of the civil service code and this code, no matter what your own political beliefs are;
  - act in a way which deserves and retains the confidence of ministers, while at the same time ensuring that you will be able to establish the same relationship with those whom you may be required to serve in some future government;
  - comply with any restrictions that have been laid down on your political activities.
- 5.3 You must not:
- act in a way that is determined by party political considerations, or use official resources for party political purposes;
  - allow your personal political views to determine any advice you give or your actions.
- 5.4 Your senior manager will decide whether to give you permission to take part in political activities. This will depend on whether you are employed in an area where being seen as independent is at risk.
- 5.5 You will fall into one of the following three groups, depending on your job role:
- **Politically-free group** – industrial and non-office (which includes drivers, ushers and messengers) staff.
  - **Politically-restricted group** – members of the senior civil service (SCS) and civil servants at levels immediately below the SCS (band A/grade 7 and above), press office, legal and fast-stream employees.
  - **The intermediate group** – employees not covered in the politically-free or restricted groups (bands B to F).
- 5.6 These rules relate to activities where you might express your political views in public. They do not concern your private beliefs and opinions, prevent you from being a member of a political party or prevent you from being part of a campaign or protest group. If you want to get involved in any political activity, you may need to apply for permission.

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<sup>11</sup> Taken from the Civil Service Code: <https://www.gov.uk/government/publications/civil-service-code/the-civil-service-code#standards-of-behaviour> and from the MoJ conduct policy: <https://intranet.justice.gov.uk/documents/2015/04/conduct-policy.pdf>

## 6. Other work-related issues

- 6.1 This section covers contact with the media, personal relationships and use of alcohol or illegal drugs.

### Contact with the media

- 6.2 All media enquires should be directed to the Chief Communications Officer in the first instance. You should not make direct contact with the media or respond to media enquiries unless it has been agreed with the Chief Communications Officer. Associates who have public speaking engagements, are writing or contributing to a book or undertaking media interviews in regard to their other duties outside of HMI Prisons should inform the Chief Communications Officer. This ensures the Chief Communications Officer is prepared for any media coverage which can lead to calls from journalists.

### Social media

- 6.3 Expectations in relation to your conduct as a member of staff or associate apply equally to use of social media and online activity as they would do in any other social context. You must not refer to any HMI Prisons-related matters in these forums unless you have been authorised to do so by the Chief Communications Officer.
- 6.4 You are advised to exercise due care in sharing any personal details online, including your role at HMI Prisons.

### Personal relationships

- 6.5 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.
- 6.6 If you are unclear about the application of these principles, you must seek the advice of your line manager, the Head of HR or Head of Secretariat.

### Use of alcohol or illegal drugs

- 6.7 You cannot drink alcohol during your working hours (including meal breaks). This includes times at which you are representing HMI Prisons at external events. Some exceptions to this are:
- in the evenings after inspection and provided you have finished at the establishment for the day;
  - receptions/conferences where you are not expected to return to work afterwards.

- 6.8 If you are at work under the influence of alcohol or illegal drugs, it will be regarded as a serious disciplinary matter. If you are prescribed drugs which may affect your ability to do your job, you should seek advice from your line manager on the health and safety implications of this at the earliest opportunity.

## 7. Security

- 7.1 All full-time, associate and office-based staff are required to be security cleared. This involves going through a basic security check, Counter Terrorism Check (CTC – required for immigration detention and high security (dispersal) prisons) and Disclosure and Barring Service (DBS) check. Staff must have received security clearance before they can move unaccompanied around most establishments.
- 7.2 You must show your pass to reception when entering Victory House and it must be on your person at all times when at Victory House. You should take your pass off and put it somewhere safe when leaving the building.
- 7.3 You must have your badge visible at all times when on inspections.

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

- 7.4 We encourage openness and follow the principle that we should make official information available to the public unless it is clearly not in the public interest to do so. However, there are some restrictions on what you can release.
- 7.5 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.
- 7.6 You will not release, to anyone who is not authorised to receive it, personal, sensitive information or information you have gained through your official duties.
- 7.7 If you are not sure, ask your manager before releasing any information.
- 7.8 You will:
- take particular care with information which has a security marking (see below);
  - confirm the identity of anyone asking for information before deciding if it should be released;
  - ask for permission before becoming involved in any activity which might lead to revealing official information, or before using your official experience, for example, taking part in discussions or seminars outside of HMI Prisons (see above information on conflicts of interest);
  - use personal or sensitive information in line with the Data Protection Act 1998 (please see below for information on Freedom of Information requests).

### Protective marking

- 7.9 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**

7.10 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.

7.11 HM Inspectorate of Prisons-specific examples include:

- documentation owned by the inspected body;
- detainee comments analysis.

### **Measures**

7.12 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 either through shredding or in confidential bins in 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 (you are encouraged to have a lockable cabinet which is the most preferable option).

## **OFFICIAL SENSITIVE**

7.13 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 or medical information of detainees or other persons. This applies to all data that is sufficiently confidential to require the OFFICIAL SENSITIVE security marker.
- Where documentation and/or data is required for the purpose of the inspection, it must be kept securely in a protectively marked envelope and destroyed within a week of the inspection.
- Handwritten notes containing attributable personal information must be stored securely at all times or be redacted as soon as is practicable. Inspectors must comply with HMI Prisons' Record Retention and Disposition Schedule (RRDS).
- 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 on public transport.
- Where an inspector feels it necessary to remove original documents for evidential purposes, they must discuss this first with the team leader. Any removal of original documents must be done in compliance with the Data Protection Act and should not be read in public or left in a car or on public transport.
- 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. Please refer to the Record Retention and Disposition Schedule (RRDS).
- 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.
- If you misplace or lose confidential data or leave confidential data on public transport, you should report it immediately to the Head of Finance, HR and Inspection Support, who is HMI Prisons' Senior Information Risk Owner (SIRO).

## Inspection/thematic reports

- 7.14 Unless authorised to do so, you should not print out or circulate the inspection programme outside the Inspectorate.
- 7.15 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**

- 7.16 Freedom of information requests are coordinated by the personal assistant to the Chief Inspector of Prisons.
- 7.17 You should assume that all the documents you retain, including correspondence and emails (including attachments), are potentially subject to public disclosure. You should assume this when you write documents and when you retain them.
- 7.18 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.
- 7.19 Inspection evidence (inspectors' notes and documentation) should be retained in line with the Record Retention and Disposition Schedule (RRDS). You are encouraged to keep notes of meetings and/or inspections in a notebook, which should be retained in line with the RRDS.

## 8. During inspections

- 8.1 Dress smartly and appropriately.
- 8.2 Always wear your ID badge.
- 8.3 Politely refuse 'gifts' from any place of detention (e.g. payment for taxis/lunch, etc).
- 8.4 Do not socialise with people working in the inspected place of detention during the course of the inspection.
- 8.5 Keep the base room tidy and report any health and safety concerns to the liaison officer at the establishment.

### Security

- 8.6 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 on to a member of staff at the place of detention.
- 8.7 Both in and outside places of detention, do not share personal information about detainees within the hearing of others (unless required to in a professional capacity).
- 8.8 Do not let detainees enter into restricted areas or through locked doors unless they are accompanied by a member of staff.
- 8.9 If detainees declare that they wish to hurt themselves or others while speaking to you, tell them that you will be sharing this information with a member of staff. See 'Serious allegations against staff by detainees (over the age of 18)' section, below). Please note that when handing out surveys, members of the research team will explain that if detainees make any comments about personal safety and put their name on the survey, these comments will be passed on to a member of staff and that it is not always possible for a researcher to speak to them prior to passing the information on. This information is also included on the front cover of the survey.
- 8.10 Unless you have prior permission from the establishment, do not take any unnecessary items into a place of detention, such as overnight bags. Leave these at your hotel or in your/a colleague's car if possible.
- 8.11 Do not carry any unnecessary items around a place of detention, such as house keys or money.
- 8.12 **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.

- 8.13 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.
- 8.14 Immediately inform the team leader if you have been responsible for any security breach.

*The Chief Executive of HM Prison and Probation Service<sup>12</sup> 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 HMCIIP 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)<sup>13</sup>*

## **Personal safety**

- 8.15 All staff are required to read the HMI Prisons health and safety policy and associated documents. This includes policies and risk assessments for working in the field, for less experienced members of staff and for lone working.
- 8.16 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.
- 8.17 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.
- 8.18 Always make sure that the bolt is in the out position or ‘shot’ on a cell door before going into a cell to ensure you cannot get locked in. This may be achieved by either ‘shooting the bolt’ or using your cell key where there is no spring mechanism. If the bolt is not in the out position you are always at risk of being trapped in a cell. 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.
- 8.19 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.
- 8.20 If interviewing a challenging 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.
- 8.21 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.

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<sup>12</sup> Formerly National Offender Management Service (NOMS).

<sup>13</sup> PSOs are currently being reviewed and subject to change.

- 8.22 Team leaders must assess the personal protection needs of new HMI Prisons staff and decide whether or not any risk assessments (such as a risk assessment for less experienced staff) should be carried out. All staff who visit or work in places of detention should receive personal protection 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. All staff should receive jail craft training, which can be arranged through the Head of Secretariat.
- 8.23 Personal protection training for new staff should be facilitated by the team leader in liaison with the Head of Secretariat and be arranged as soon as possible. Team leaders may therefore wish to make contact with the C&R (control and restraint) coordinators at those prisons or with the prisons local to new staff members.

### Dealing with detainees

- 8.24 You should address prisoners using their preferred name, pronoun or title and never use insulting nicknames or derogatory or impersonal terms.
- 8.25 Knock and ask permission before entering a detainee's cell, other than in an emergency.
- 8.26 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.
- 8.27 Do not provide detainees with your contact details (even work details). You can give out the HMI Prisons office address, general enquiries phone number and email. 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.
- 8.28 Do not accept gifts from detainees, their families or friends, or take things in or out of any place of detention on their behalf.
- 8.29 If a detainee asks you to do something for them direct them to a member of staff at the place of detention.
- 8.30 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.
- 8.31 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.
- 8.32 Remember that a high proportion of detainees suffer from communication problems so keep your descriptions and questions short and simple.

- 8.33 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.

## Keys

- 8.34 Do not take possession of keys at a place of detention unless you have had key training. Line managers are responsible for ensuring that new staff are key trained.
- 8.35 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!
- 8.36 Always ensure you lock gates behind you. If you are the last one through a gate, it is your responsibility to lock it.<sup>14</sup>
- 8.37 If a key breaks off in a gate lock, stay with it and wait for help. Take broken keys to the security department.
- 8.38 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.
- 8.39 If you lose your keys report this immediately to a custodial staff member or the security department. Let your team leader know.
- 8.40 Do not let detainees through gates unless they are with a member of staff.
- 8.41 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.

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

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

### From the survey

- 8.43 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.

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<sup>14</sup> Check what the practice is in the establishment as in some establishments they operate a policy that the person who unlocks a gate is responsible for ensuring that it is locked again.

- 8.44 **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 within the establishment file, and archived and destroyed in line with HMI Prisons' data retention policy.

### During the inspection

- 8.45 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 on 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.
- 8.46 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)
- 8.47 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

- 8.48 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

- 8.49 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 the 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.

8.50 If the respondent has not identified him/herself, the following action should be taken:

- The team leader or an inspector should speak directly to the governor/director immediately. It is not necessary to wait until the planned inspection.
- The team leader or an inspector 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.

8.51 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.

8.52 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

8.53 Everyone working for HMI Prisons is expected to read, be trained in and follow the Child Protection policy and protocol:

<https://www.justiceinspectorates.gov.uk/hmiprison/about-our-inspections/>

8.54 The 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.

8.55 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.

8.56 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.

8.57 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 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)*

- 8.58 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.
- 8.59 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.
- 8.60 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.
- 8.61 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).
- 8.62 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.
- 8.63 If a member of Inspectorate staff is alerted to a child protection issue in another way they should inform their team leader immediately.
- 8.64 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.
- 8.65 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**

- 8.66 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.
- 8.67 The team leader will be responsible for ensuring that the referral is made and should ask to be notified of the outcome.

- 8.68 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

- 8.69 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.
- 8.70 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.
- 8.71 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 (DASS).<sup>15</sup> 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.
- 8.72 ***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

- 8.73 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.
- 8.74 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.

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<sup>15</sup> Current directors can be found on the ADASS website at: <http://www.adass.org.uk>. Go to 'contacts' then 'members'.

- 8.75 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 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.
- 8.76 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**

- 8.77 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 of the Guide for Inspectors for all visitors shadowing our inspections. The agreement must be signed by both the visitor and either the Chief Inspector or the responsible team leader before the designated inspection begins. Where it is not possible to get a signature from the visitor ahead of the inspection, they should be asked to send an email confirming that they agree to the provisions of the agreement.

## 9. Breaches of the code of conduct

- 9.1 The HMI Prisons code of conduct and other MoJ policies provide the standard against which all staff behaviour should be measured. Any breaches of the code could be subject to investigation and serious breaches may lead to MoJ disciplinary proceedings.
- 9.2 Staff who have contracts of employment with other organisations (such as HMPPS) may be disciplined in accordance with the policies of those organisations.
- 9.3 Associates will not be subjected to MoJ disciplinary proceedings.

### Bullying and harassment at work

- 9.4 Everyone is expected to treat others with respect and work to the values of HMI Prisons. Aggressive, intimidating or bullying behaviour will not be tolerated in any form.

#### What is unacceptable behaviour?<sup>16</sup>

- 9.5 **Harassment** is unwanted behaviour which affects a person's dignity. It can relate to age, sex, race, disability, religion, nationality or any other personal characteristic of the individual and may be continuous or a one-off incident. Basically, the actions or comments are seen by the person receiving them as demeaning and unacceptable.
- 9.6 **Bullying** may include offensive, intimidating, malicious or insulting behaviour or an abuse or misuse of power which aims to undermine, humiliate or injure someone.
- 9.7 **Bullying** or **harassment** may be by an individual against an individual or involve groups of people.
- 9.8 **Victimisation** is when an individual is treated in a negative way because they make a complaint, plan to make a complaint, or have helped someone else to make a complaint.

#### Examples of unacceptable behaviour<sup>17</sup>

- 9.9 Unacceptable behaviour may include:
- spreading malicious rumours, or insulting someone;
  - unwanted contact such as verbal abuse or offensive gestures;
  - unwanted physical contact (including unnecessary touching, and physical threats or assaults);
  - misuse of power or position such as making impossible work demands or providing too much unnecessary supervision;
  - unfair treatment; isolating someone or encouraging them to do something illegal or unacceptable;

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<sup>16</sup> Taken from the MoJ conduct policy: <https://intranet.justice.gov.uk/documents/2015/04/conduct-policy.pdf>

<sup>17</sup> Ibid.

- ridiculing or demeaning someone, teasing them or making them the target of pranks or practical jokes;
  - inappropriately commenting on a person's appearance, personal life or lifestyle; or displaying literature, pictures, films, videos or CDs or other items that could offend.
- 9.10 This is not a full list. You should remember that unacceptable behaviour related to harassment, bullying and victimisation could take place face-to-face, on the phone, by email or letter.
- 9.11 If you are not sure what is acceptable, you should get advice from your line manager, your manager's manager or Head of Secretariat.
- 9.12 If you see any conduct which does not meet the standards in this code, or believe you are being asked to act in a way which goes against this code or the Civil Service Code, you should normally report your concerns to your line manager, your manager's manager or Head of Secretariat.
- 9.13 If you feel you have been the victim of such behaviour, please speak to your manager, manager's manager or the Head of Secretariat, who acts as HMI Prisons' first point of contact for those who need guidance on dealing with bullying and harassment at work.
- 9.14 If you feel you need to make a complaint, you may do so using the appropriate grievance policy (see below).
- 9.15 Further support and guidance can be sought from trade union representatives and the Employee Assistant Programme (EAP – see further information below). There are also MoJ bullying and harassment advisers and their details can be found on the MoJ intranet and at the following link:  
<https://intranet.justice.gov.uk/guidance/hr/conduct-behaviour/bullying-and-harassment/>

## Complaints

- 9.16 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 of the Guide for Inspectors) and, particularly, any complaints from children about their treatment in custody (see 'Child protection protocol' section, above).
- 9.17 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, please speak with the relevant team leader.
  - 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 below).

- If the complaint concerns the inappropriate behaviour of one or more colleagues from a partner inspectorate, this 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.

9.18 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 or 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 misfounded, and the staff concerned will be consulted on any response.
- Any misconduct investigation will be conducted in line with MOJ policy and guidance on disciplinary matters.

## Whistle-blowing

9.19 In the event that you have a significant concern about an HMI Prisons-related matter that you feel unable to raise with your line manager or anyone else within the Inspectorate, please refer to the MoJ whistle-blowing policy. Any concerns raised are treated sensitively. Confidentiality is preserved wherever possible. Nominated Officers are available to give impartial, confidential support and advice. The MoJ whistle-blowing policy is on the MoJ intranet and can be found at the following link:  
<https://intranet.justice.gov.uk/guidance/hr/conduct-behaviour/whistleblowing/>

## Mediation

9.20 In cases where you feel a decision is unfair or don't like the way someone behaves towards you, your manager may be able to help you resolve the issue. You could consider mediation, which is an informal way of resolving disputes between colleagues.

9.21 Mediation is voluntary and confidential. Everyone who takes part works towards an acceptable agreement. If you're asked to take part in mediation, you're expected to do so.

9.22 Further information on mediation can be found at the following link:  
<https://intranet.justice.gov.uk/guidance/hr/support-and-wellbeing/workplace-mediation/>

9.23 Please speak to the Head of Secretariat or Head of HR, Finance and Inspection Support if you are considering this option.

## Grievance process

9.24 If you can't resolve the issue informally, you should follow the grievance process.

- 9.25 All employees have a right to raise a grievance with their employer and have it considered in a fair and consistent way.
- 9.26 The grievance policy provides a framework for employees to raise concerns, problems or complaints, and for managers to deal with them effectively and promptly.
- 9.27 HMI Prisons follows the MoJ grievance policy and for further information on this policy, please refer to the MoJ intranet or the following link:  
<https://intranet.justice.gov.uk/guidance/hr/support-and-wellbeing/grievance/>

## 10. Useful information

### Support and well-being

- 10.1 Work can be good for your physical and mental health. It plays an important part in your well-being. There may be times when you can't do your job properly or at all and require support. There is a range of support available to you which you can discuss with your line manager, with the Head of Finance, HR and Inspection Support or with the Head of Secretariat.
- 10.2 The MoJ has detailed information about support and well-being and the link to the pages can be found here:  
<https://intranet.justice.gov.uk/guidance/hr/support-and-wellbeing/>

### HMI Prisons Equality and Diversity staff representatives

- 10.3 HMI Prisons has a number of equality and diversity staff representatives, some of whom represent one or more of the protected characteristics. For further information, please contact the Head of Secretariat.

### First Contact Advisor

- 10.4 The Head of Secretariat is HMI Prisons' first contact advisor who can offer guidance on where to get help, support or advice on work or personal matters. Anna O'Rourke is currently the Head of Secretariat and can be contacted by email or on 020 3681 2792.

### The employee assistance programme

- 10.5 The employee assistance programme (EAP) offers confidential support to employees with personal, social or work-related problems. It offers practical help and up to six counselling sessions a year.
- 10.6 The programme helpline gives help over the phone 24 hours a day, seven days a week. The number is **0800 019 8988**.

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