

PROTOCOL TO SUPPORT JOINT INSPECTION BY ESTYN AND HMIP OF PRISON ESTABLISHMENTS AND IMMIGRATION REMOVAL CENTRES

Scope

- 1 This protocol has been agreed between HM Inspectorate of Prisons (HMIP) and HM Inspectorate for Education and Training in Wales, Estyn. It applies to the inspection of those prison establishments and immigration removal centres holding children and young people up to the age of 18 years and adults aged 18 plus.
- 2 It outlines our commitment to co-operation and collaboration so that together we meet our respective aims and objectives. This protocol is not a legally binding document.

Context

The role of Her Majesty's Inspectorate of Prisons

- 3 Her Majesty's Inspectorate of Prisons (HMIP) was established as an independent inspectorate in 1980. It carries out its functions under section 5A of the Prison Act 1952 as amended by the Criminal Justice Act 1982 and the Immigration and Asylum Act 1999. The main statutory functions are to inspect and report to the Secretary of State on the conditions for and treatment of those detained in prisons and young offender institutions in England and Wales, and immigration removal centres in England, Wales and Scotland. In addition, HMIP inspects by invitation prison establishments in other jurisdictions including Northern Ireland, the Channel Isles and certain Commonwealth territories, as well as immigration short-term holding facilities. HMIP work jointly with a range of colleague inspectorates. Estyn inspectors are invited to inspect purposeful activity in prisons, YOIs and IRCs in Wales by agreement with HMIP.
- 4 Her Majesty's Chief Inspector of Prisons publishes an annual programme of inspections. Currently HM Chief Inspector of Prisons carries out a full inspection of every Prison during a 5 year cycle of inspections. In addition it inspects Prison Service establishments holding children and young people under 18 every 3 years. An unannounced follow-up inspection is carried out in the intervening period, the timing and scale of which will depend on risk assessment. The primary objective of a follow-up inspection is to assess progress in relation to the recommendations made following the previous inspection.

The role of Estyn

Estyn is the office of Her Majesty's Chief Inspector for Education and Training in Wales.

Estyn's aim is :

- o To raise standards and quality in education and training in Wales through inspection and advice, in support of the Welsh Government's strategic direction.

Estyn's objectives are:

- To deliver a high quality education and training inspection service in Wales that is proportionate to risk and supports the continuous improvement of education and training in Wales; and
- To provide sound advice, based on independent inspection advice to inform the Welsh Government in the formulation and evaluation of strategy and policy.

Estyn's vision of "excellence for all" is the driver for its learner-centred approach to inspection work. The quality of the learners' experiences, their attainment of their individual learning plans, and the providers' activities relating to Welsh Government's learning policies are key areas addressed in Estyn's inspection process.

Joint Working Practice

- 5 This protocol is intended to assist joint working between the two organisations with a clear focus on improving efficiency and effectiveness when conducting joint inspections within places of detention, including minimising burdens on the inspected body. Both inspectorates are committed to the principles of public service inspection set out by the Government:
- 6 The Deputy Chief Inspector of Prisons produces an annual inspection programme each December for the twelve months from the following April. The Deputy Chief Inspector of Prisons will liaise with the Assistant Director from Estyn during November each year and inform her of the planned inspection programme and likely staffing needs.
- 7 Estyn inspectors will take the lead role in inspecting purposeful activity in Welsh establishments. The Assistant Director will allocate appropriate Estyn resources to each relevant HMIP inspection.
- 8 Unannounced inspections in which Estyn are to be involved will be notified to them by HMIP 12 weeks prior to the inspection and in confidence to the Estyn Assistant Director alone who will maintain this confidentiality. Where possible, HMIP will inform Estyn of the dates of relevant unannounced inspections for the coming financial year during its regular meetings.
- 9 Amendments to respective programmes will be shared at the earliest opportunity.
- 10 Estyn inspectors will attend inspections simultaneously with HMIP.
- 11 The appointment of inspectors will be a matter for the respective inspectorates. However, in the interests of security, Estyn will liaise with HMIP on the security requirements necessary for custodial inspection. All inspectors require enhanced Criminal Record Bureau checks. HMIP will advise Estyn on issues of enhanced security clearance where necessary.
- 12 Deployment of staff will be a matter for the respective inspectorates. However, in the interest of minimising burdens on those to be inspected, Estyn will liaise with

HMIP on the capacity of particular places of detention to ensure an appropriate balance and total number of inspectors on site.

- 13 Estyn will appoint a lead inspector for each inspection and during the inspection the Estyn lead inspector will report to the HMIP team leader.
- 14 The organisational lead contacts will be:

Estyn – Assistant Director and HMI Sector Lead
HMIP – Deputy Chief Inspector and J Team Leader..

Pre-Fieldwork Activity and Planning

- 15 HMIP will notify Estyn of inspections as early as possible to allow inspectors to be allocated. Estyn will then inform HMIP of the team leader's name.
- 16 For announced inspections, HMIP will send a pre-inspection pack to the Governor/Director, about six weeks before the inspection takes place explaining the process and requesting advance information. This will include information required by Estyn in accordance with Estyn's Common Inspection Framework.
- 17 The HMIP inspection organiser will contact the lead inspector from Estyn to confirm dates for the pre-inspection visit. This meeting will normally take place approximately 6 weeks before the inspection. Estyn will arrange their own (internal) planning separately and make telephone contact with the head of learning and skills at the prison service to be inspected to ensure that pre-inspection planning is proceeding as agreed. This will include requesting data requirements on the outcomes for individuals in respect of their education and training. The Estyn Lead Inspector will provide the HMIP inspection organiser with the names of all the Estyn inspectors who will be present during the inspection, including dates of attendance and who will require keys.
- 18 The HMIP inspection organiser will notify Estyn of hotel arrangements. However, Estyn inspectors will make the final arrangements for their own accommodation. The HMIP inspection organiser will produce a pre-inspection pack including a summary report providing an overview of the establishment in accordance with an agreed template. This report will be sent in a pack, usually electronically, containing other relevant preparatory information to Estyn's Cardiff office, no later than 1 week before the beginning of the inspection.
- 19 There will be no pre-inspection visit for unannounced inspections and pre-inspection planning will be strictly limited to internal preparations only. Given the nature of these inspections, Estyn's Assistant Director will maintain confidentiality within their own organisation, imparting only essential information to inspectors until the latest possible date. HMIP will pass on all relevant pre-inspection information to participating Estyn inspectors including accommodation arrangements and time of arrival at the establishment.

Fieldwork

- 20 Estyn will conduct its inspections using the Common Inspection Framework 2010 and HMIP's New Expectations. They will assist HMIP with its inspection of purposeful activity and time out of cell, specifically looking at the quantity, quality and outcomes of:
- Learning and Skills and Work Activities
 - Physical Education and Healthy Living

Estyn will also assist HMIP with the inspection of Education, training and employment within the Resettlement section of the inspection.

- 21 Estyn will consult HMIP on changes to interpretation of the CIF and HMIP will consult Estyn on changes to its inspection framework.
- 22 A joint team briefing on the first day of the inspection will determine how the Estyn inspection team will assist and support HMIP with, for example, the inspection of association, time out of cell, work and purposeful activity, Detention Training Order review and planning meetings and how learning and skills, PE and the regime work together. Estyn will complete evidence forms (EFs) for all activities inspected and provide HMIP with copies if requested.
- 23 Estyn inspectors will attend the governor's initial briefing along with the HMIP Team Leader. A daily whole team briefing will be held to inform the HMIP Team Leader of progress and to bring emerging issues to his/her attention as required. At this meeting the Estyn lead inspector will also provide emerging key points for daily feedback to the governor.
- 24 Estyn will maintain a separate base room for the inspection. Estyn will also maintain the role of the learning and skills nominee Estyn's lead inspector will meet daily with the nominee to discuss emerging issues, further inspection activities and to provide an opportunity for the presentation of further evidence. A written record will be maintained of this meeting and copied to the HMIP Team Leader if requested.
- 25 The Estyn lead inspector will provide a separate, short feedback session to the nominee by way of bullet points of strengths and areas for development on the last day of inspection. The draft feedback will be shared with HMIP prior to the feedback meeting. In addition, the Estyn lead inspector will be responsible for preparing and delivering brief feedback, agreed in advance, as part of the full HMIP debrief to the establishment on the last day of the inspection.
- 26 Estyn will quality assure the inspection in line with its own procedures.

Sensitive documents and data

- 27 Documents containing sensitive personal data will not be taken away from establishments.

Reporting and Publication

- 28 Estyn will not produce a separate report. The Estyn lead inspector will submit a copy of their draft findings to HMIP within one week of the inspection. These will

be subject to HMIP editorial processes. In addition, the report will include an additional standalone judgement against the Estyn Common Inspection Framework at the beginning of the learning and skills section of the HMIP report.

- 29 Within approximately eight weeks of the end of the inspection, HMCIP will send a draft report to the Prison Service\National Offender Management Service for factual accuracy checks. A response is required within three weeks; any follow-up responses from HMCIP/Estyn will be completed within a further two weeks. Amendments will be made at the discretion of HMCIP and in relation to education and training issues by Estyn. The report will be formally submitted to the Home Secretary with a view to publication three weeks later and will include recommendations for change and any areas of good practice.

Media relations

- 30 HMCIP takes final responsibility for all reports relating to her inspections. Any requests made to Estyn for public comment on such reports will be forwarded to the Chief Inspector of Estyn who will liaise with HMCIP.

Quality assurance and evaluation of inspections

- 31 HMIP will issue a feedback sheet on all inspections that it leads. Any significant issues or complaints from the prison or from HMIP concerning Estyn or an Estyn inspector will be referred to the Estyn Assistant Director and will be dealt with through Estyn's complaints procedure.
- 32 Any significant issues or complaints from the prison or from Estyn concerning HMIP or an HMIP inspector will be dealt with through the HMIP complaints procedures.
- 33 The HMIP team leaders and the Estyn lead inspector will keep each other informed of progress on any significant issues or complaints. The involvement of HMCIP, HMDICIP, the Estyn HMI and/or Estyn's Chief Inspector will be requested as appropriate.
- 34 An analysis of feedback responses will be carried out by both HMIP and Estyn to inform future practice. Estyn may arrange for a visit by an HMI colleague to the inspection to further assure the quality of the inspection by prior agreement with HMIP who will secure the agreement of the establishment.

Protection of children, young people and vulnerable adults

- 35 Estyn and HMIP inspectors will follow the HMIP and Estyn's safeguarding policies and procedures which sets 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 secure estate 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 Estyn or HMIP inspectors they must report it immediately to the HMIP 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.

Inspectors' safety

- 36 Inspectors' safety is paramount. Estyn inspectors will follow all appropriate advice and guidance given by the custodial establishment being inspected.
- 37 Estyn and HMIP inspectors will also adhere to all health and safety advice provided by their own inspectorates.

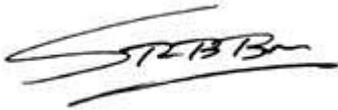
Confidentiality

- 38 This joint protocol is subject to the duty of confidentiality owed by each organisation to those providing them with confidential information. Where either organisation receives information which bears upon the other's responsibility both organisations agree to share such information.
- 39 Nothing in this protocol precludes HMIP from taking relevant action as necessary to safeguard prisoners, staff and/or the public.

REVIEW OF AGREEMENT BETWEEN ESTYN AND H.M INSPECTORATE OF PRISONS

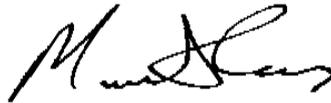
This agreement will be formally reviewed annually by Estyn and H.M Inspectorate of Prisons.

Signed

A handwritten signature in black ink, appearing to read 'STEBB' with a stylized flourish underneath.

Simon Brown
Strategic Director
Estyn

Date: 02.04.12

A handwritten signature in black ink, appearing to read 'M Lomas' with a stylized flourish underneath.

Martin Lomas
Deputy Chief Inspector
HMI Prisons

Date...17.04.12