



HM Prison &
Probation Service

Action Plan: Life in prison: Living conditions

A Response to the HMIP Findings Paper Life in prison: Living conditions

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INTRODUCTION

HM Inspectorate of Prisons (HMIP) is an independent inspectorate which provide scrutiny of the conditions for and treatment of prisoners. They report their findings for prisons and Young Offender Institutions across England and Wales to Ministry of Justice (MOJ) and HM Prison and Probation Service (HMPPS). In response to the report HMPPS / MOJ are required to draft a robust and timely action plan to address the recommendations. The action plan confirms whether recommendations are agreed, partly agreed or not agreed (see categorisations below). Where a recommendation is agreed or partly agreed, the action plans provides specific steps and actions to address these. Actions are clear, measurable, achievable and relevant with the owner and timescale of each step clearly identified. Action plans are sent to HMIP and published on the HMPPS web based Prison Finder. Progress against the implementation and delivery of the action plans will also be monitored and reported on.

Term	Definition	Additional comment
Agreed	All of the recommendation is agreed with, can be achieved and is affordable.	The response should clearly explain how the recommendation will be achieved along with timescales. Actions should be as SMART (Specific, Measureable, Achievable, Realistic and Time-bound) as possible. Actions should be specific enough to be tracked for progress.
Partly Agreed	Only part of the recommendation is agreed with, is achievable, affordable and will be implemented. This might be because we cannot implement the whole recommendation because of commissioning, policy, operational or affordability reasons.	The response must state clearly which part of the recommendation will be implemented along with SMART actions and tracked for progress. There must be an explanation of why we cannot fully agree the recommendation - this must state clearly whether this is due to commissioning, policy, operational or affordability reasons.
Not Agreed	The recommendation is not agreed and will not be implemented. This might be because of commissioning, policy, operational or affordability reasons.	The response must clearly state the reasons why we have chosen this option. There must be an explanation of why we cannot agree the recommendation - this must state clearly whether this is due to commissioning, policy, operational or affordability reasons.



ACTION PLAN: HMCIP FINDINGS PAPER LIFE IN PRISON: LIVING CONDITIONS

1. Rec No	2. Recommendation	3. Agreed/Partly Agreed/Not Agreed	4. Response Action Taken/Planned	5. Function Responsible/Policy Lead	6. Target Date
1.65	HMPPS should review all current cells to assess those which do not meet the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment's (CPT) minimum standards and provide a plan for reducing the number of prisoners in crowded cells.	Not agreed	<ul style="list-style-type: none"> • The CPT does not regard its cell standards as absolute. A minor deviation from its minimum standards may not in itself amount to inhuman and degrading treatment of the prisoner concerned, such as, in particular, the fact that prisoners are able to spend a considerable amount of time each day outside their cells (in workshops, classes or other activities). • Some of the cells in older prisons - Victorian prisons, for example - fall just short of these recommended minimum standards. • HMPPS do not intend to carry out a review of current cells. The cost of this exercise would not be an effective use of resources. HMPPS is unable to remove any accommodation at this time due to population pressures. • All the single cells delivered in recent history meet the standard suggested by the CPT. Some modern double cells fall just short. However, Her Majesty's Prison and Probation Service (HMPPS) expects that prisoners in England and Wales will normally spend a significant part of their waking hours out of their cells engaged in useful activity. <p>Reducing overcrowding is a central aim of estate modernisation, and the new prisons delivered as part of the Prison Estate Transformation Programme (PETP) will be designed with this in firmly in mind.</p>	<p>Estates Directorate</p> <p>Prison Estate Transformation Programme</p>	
1.65	Cells being built as part of the future prisons programme should meet the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment's (CPT) minimum standards for living space per prisoner: <ul style="list-style-type: none"> • 6m² of living space for a single-occupancy cell plus sanitary facility; 	Not agreed	<ul style="list-style-type: none"> • The CPT standard is described within their standards as "Desirable and rule of thumb" • The PETP cell design does not quite meet the standard. Other factors such as the proportions of the cell, the higher ceiling, the larger (barless) window, better ventilation and improved lighting – together with the operational requirement for prisoners to be out of their cells for most of the day – will more than compensate for the very small shortfall on the standard. 	Prison Estate Transformation Programme	



	<ul style="list-style-type: none"> at least 2m between the walls of the cell; at least 2.5m between the floor; and the ceiling of the cell. <p>Multi-occupancy cells should be built to the following standards:</p> <ul style="list-style-type: none"> two prisoners: at least 10m² of living space plus sanitary annexe; three prisoners: at least 14m² of living space plus sanitary annexe; and four prisoners: at least 18m² of living space plus sanitary annexe. 				
AA1.66	All cells should be in good physical condition and contain appropriate facilities and equipment for day-to-day life.	Partly agreed	<ul style="list-style-type: none"> We acknowledge that some accommodation across the estate is not in a good state of repair. MoJ has a rolling programme of investment across the estate. Projects are assessed for inclusion in maintenance programmes. Individual projects are prioritised against a number of key factors, with investment targeted at fire safety, health and safety and operationally critical projects. The number of projects delivered is constrained by the availability of funding. We are robustly managing the FM contracts to ensure faults and repairs are responded to quickly and there is also a Contract Reset exercise underway to review how we can deliver a more responsive reactive maintenance services – the outcomes of which are currently being piloted. Where there are ongoing issues with performance we work with the contractors to address these or follow the appropriate contractual escalation process. Michael Spurr has commissioned a Change Programme to look at the future operating model for prison maintenance – the aim will be to ensure prison maintenance delivers clean, safe and decent living conditions. Work is underway to develop work packages for 10 targeted sites that can help to achieve this and reduce the backlogged maintenance requirements. 	Estates Directorate Facilities Management Custodial/HMPPS, Operational Contracts	Ongoing



			<ul style="list-style-type: none"> The Prison Act 1952 provides that cells must be certified on behalf of Secretary of State and that their size, lighting, heating, ventilation and fittings are adequate for health. All cells on the estate are inspected and approved as large enough for all day-to-day activities a prisoner would normally be expected to undertake when in them, for example, studying, reading and sleeping. 	Prison Estate Transformation Programme	
1.67	In-cell toilets should have lids and a floor-to-ceiling partition with a closable door to protect the privacy of prisoners sharing cells and also to reduce the transmission of bacteria within cells.	Not agreed	<ul style="list-style-type: none"> The current policy (PSI 17/2012) states that, "Prisoners must be able to use the WC "with some privacy". This is defined to mean body screening, when using the WC, from the fixed points of the cell i.e. the table(s) and beds. For crowded conditions, the WC area need not be ventilated separately." The provision of toilet seats is currently under review by the HMPPS safer custody team to determine the risk that toilet seats can present to prisoners potentially self-harming. HMPPS will then provide instruction to the estates department and establishments. There are some cells within the prison estate that are shared accommodation without a separate toilet area and these cannot be partitioned off with a closable door. Due to the prison population, it is not possible to reduce these cells to single accommodation. 	Estates Directorate HMPPS Safer Custody Team	
1.68	Prisoners should spend at least 10 hours out of their cells and have access to a wide range of stimulating in-cell activities	Not agreed.	<ul style="list-style-type: none"> In accordance with PSI 75/2011, Residential Services, the current policy is to move away from central prescription. This provides greater local flexibility for Governors and recognises that a one size fits all approach is not appropriate in this area. In line with this approach, previous guidance on standard core day delivery has therefore been withdrawn. There will no longer be a central mandate for core day timings or regimes and there is the flexibility for Public Sector Governors to agree appropriate regimes that meet the needs of the establishment's population within available resources as part of the Service Level Agreement (SLA) /contract discussions. It is therefore down to local discretion to decide on issues such as timing, length and frequency of association, work and other activities within each establishment approved through normal line management arrangements. The HMPPS Agency Board does not expect significant changes or curtailment in existing regimes given that evening association is generally necessary to maintain access to 'domestics' and to provide appropriate time out of cell to maintain well-being, support social interaction and avoid risk of disorder. However, a minority of establishments do not provide evening association and this is acceptable as long as the regime remains compliant with the specification, and has been approved through the SLA process. 	Offender Reform and Commissioning Group	Completed and Ongoing



Recommendations	
Agreed	0
Partially Agreed	1
Not Agreed	4
Total	5

